

PROPOSED ORDINANCE 2021-02 EMERGENCY ORDINANCE 2021-01

AN EMERGENCY ORDINANCE TO REQUIRE INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND LOCATIONS IN THE MUNICIPAL LIMITS OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, on March 16, 2020, Mayor John J. McCann , under the authority of § 7-7-20, *Municipal Code of the Town of Hilton Head Island* (1983), declared that a State of Emergency exists throughout the Town as a result of impacts arising from the COVID-19 pandemic; and

WHEREAS, as of January 13, 2021 the State of Emergency still exists in the Town of Hilton Head Island; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and South Carolina Department of Health and Environmental Control (“SCDHEC”) advise the use of cloth or other types face coverings to slow the spread of COVID-19 in our communities and reduce the demand on the local health care delivery system; and

WHEREAS, there are large numbers of visitors and residents who patronize grocery stores, pharmacies, restaurants, retail establishments and other establishments within the municipal limits of the Town; and

WHEREAS, on August 2, 2020 South Carolina Governor Henry McMaster issued *Executive Order 2020-50*, urging counties and municipalities to adopt and implement mask ordinances to combat the spread of COVID-19; and

WHEREAS, on January 7, 2021, Governor McMaster issued *Executive Order 2021-03*, further extending the provisions from all prior *Executive Orders issued*; and

WHEREAS, the Town Council finds that it is in the best interest of the Town that an Emergency Ordinance be adopted requiring the wearing of cloth or other types of face coverings in certain circumstances, and that the Emergency Ordinance be put into immediate effect; and

WHEREAS, Town Council may, by two thirds majority vote of those members present, adopt emergency ordinances authorized and limited by S. C. Code Ann. §5-7-250(d) (Supp. 2019) during a State of Emergency.

NOW, THEREFORE, BE IT ORDERED, AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL, AS FOLLOWS:

1. As used in this Ordinance, “Face Covering” means a cloth or other type of masking device that covers the wearer’s nose and mouth, and which remains in place without use of the wearer’s hands.

- 2.** As used in this Ordinance, “Commercial Business Establishment” means any establishment located in a closed building or other indoor environment that primarily sells or provides goods or services, or a combination of them, to the general public, including but not limited to, grocery stores, restaurants, lobbies and public spaces in hotels, motels, and timeshare complexes, pharmacies, bars, salons, retail stores, medical and dental offices.
- 3.** Subject only to the exemptions and exceptions stated in Section 6 of this Ordinance, any person entering any Commercial Business Establishment in the municipal limits of the Town must wear a Face Covering while inside the Commercial Business Establishment.
- 4.** Commercial Business Establishments shall post conspicuous signage at all entrances to the establishment informing its patrons of the requirements of Section (3) of this Ordinance.
- 5.** All Commercial Business Establishments in the municipal limits of the Town shall require all employees to wear a Face Covering at all times that the employees are in any area where the general public is allowed, or when the employees must be in close proximity to one another.
- 6.** The following persons are exempt from the requirements of this Ordinance:
 - (i) Any person who is unable to safely wear a Face Covering due to age, an underlying health condition, or who is unable to don or remove the Face Covering without the assistance of others is exempt from the requirements of this ordinance
 - (ii) Persons eating or consuming food and beverages
 - (iii) Persons receiving medical care or treatment
- 7.** Any person found to have violated any mandatory provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to the penalties set forth in Section 1-5-10, Municipal Code of the Town of Hilton Head Island (1983).
- 8.** Any Commercial Business Establishment that is subject to this Ordinance at which three more violations of this Ordinance occur is hereby declared a nuisance. To abate the nuisance, the Town may:
 - (i) Seek a restraining order, preliminary injunction, permanent injunction, or any other means authorized under the Laws of the State of South Carolina to abate the nuisance; and,
 - (ii) Seek suspension or revocation of the business license issued by the Town, under the authority of Section 10-1-150 and Section 10-1-160, Municipal Code of the Town of Hilton Head Island (1983).

9. Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

10. This Ordinance shall become effective immediately following the adoption by the Town Council for The Town of Hilton Head Island, South Carolina, , and will expire on the sixty first day following adoption or the end of the State of Emergency in The Town of Hilton Head Island, South Carolina, whichever occurs first.

MOVED, APPROVED, AND ADOPTED THIS _____ DAY OF JANUARY, 2021.

John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____