REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 26, 2021

Agenda Item: 2C	Prepared for: Mike Mahaney, City Manager
Agenda Section: Business: Ordinance. First Reading	Date: March 24, 2021
Subject: Amending Ordinance #20-31 regarding face coverings	Division: Administration

Background:
On October 19, 2020, City Council passed Emergency Ordinance 20-31, requiring individuals to wear face coverings in certain circumstances. On March 5, 2021, Governor McMaster issued Executive Order No. 2021-12 which narrowed the guidelines for face coverings in restaurants. To remain consistent with state law, we are proposing to amend Ordinance 20-31 by striking the word "restaurants" from Section 1, paragraph number two. All other portions of Ordinance 20-31 shall remain unchanged and be enforceable, as such.

Recommended Action:
Approve the proposed ordinance on first reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney

Council Action:
Motion By_____ 2nd By_____ To_____

AN ORDINANCE

REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES, AND MATTERS RELATED THERETO

WHEREAS, according to the Centers for Disease Control (CDC) Novel Coronavirus Disease 2019 ("COVID-19") is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

WHEREAS, on March 13, 2020, the governor of the State of South Carolina, Henry McMaster, declared a state of emergency for the State of South Carolina; and

WHEREAS, COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control ("SCDHEC") confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significant risk of exposure and infection and creating an extreme public health risk; and

WHEREAS, City Council finds that COVID-19 continues to present an increasing danger to the health, safety and welfare of the public; and

WHEREAS, the CDC and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19, and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the City's residents, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, the CDC advises that a significant portion of individuals with coronavirus lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("pre- symptomatic") can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity – for example, speaking, coughing, or sneezing – even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain in order to slow the spread of the virus; and

WHEREAS, Governor McMaster issued Executive Order 2020-50 on August 3, 2020 specifically outlining directives and protocol for wearing face coverings to prevent the spread of COVID-19; and

WHEREAS, City Council finds it is in the best interest of public health, safety and the welfare of residents, workers, and visitors to North Myrtle Beach to require suitable face coverings in certain public locations to slow the spread of COVID-19; and

WHEREAS, Governor McMaster issued Executive Order #2021-12 encouraging the use of face coverings in restaurants, but not requiring them; and

WHEREAS, state law supersedes municipal statute.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA:

SECTION 1. Findings. The above recitals are adopted by City Council as legislative findings.

1. All persons entering any retail business, including but not limited to grocery stores and pharmacies and any business where personal services are dispensed including but not limited to hair and/or nail salons, barber shops and tattoo parlors in the City must wear a face covering while inside the establishment. In the event that the face covering interferes with the personal service provided, such as a haircut, the face covering can be removed while the personal service is being dispensed. The business shall not have responsibility for enforcing this requirement but shall post conspicuous signage at all entrances informing its patrons of the requirements of this section.

2. All ~~restaurants~~; retail establishments including but not limited to, grocery stores pharmacies; businesses providing personal services including but not limited to hair and nail salons, barber shops and tattoo parlors; all government offices in the City must require their employees to wear a face covering at all times while having face to face interaction with the public.

3. Exemptions from this Ordinance: Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without assistance of others; any person whose religious beliefs prevents them from wearing a face covering.

4. This Ordinance shall be enforced by a City code compliance official or law enforcement officer.

5. A person who fails to comply with Section 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than $25.00.

6. A person who fails to comply with Section 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than $100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

7. The City recommends that all restaurants within the City participate in the Palmetto Priority program established by the SC Restaurant and Lodging Association to provide a clean and safe environment for their staff and customers.

8. ~~That Emergency Ordinance 20-24 shall remain in effect until second reading of Ordinance 20-31 at which time it shall expire~~.

9. That this ordinance shall take effect immediately upon passage of the second reading but may be terminated by the issuance of a resolution or shall automatically expire upon termination or expiration of the Emergency Declaration and Ordinance regarding COVID-19 in the City of North Myrtle Beach, whichever date is earlier.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF_____, 2020.

_____
Mayor Marilyn Hatley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

FIRST READING: __3-26-2021__
SECOND READING: _____

REVIEWED:

_____
City Manager

ORDINANCE: ___21-15_____