

Sponsor(s) : County Council
Reading and Adoption : November 10, 2020
Effective Date : November 10, 2020

EMERGENCY ORDINANCE NO. 20-O-11

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN PUBLIC IN THE CITY OF WALTERBORO AND THE UNINCORPORATED AREAS OF COLLETON COUNTY DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY.]

WHEREAS:

1. It is well recognized that SARS-CoV-2 the virus that causes the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and
2. On March 11, 2020, the World Health Organization declared a world-wide pandemic; and
3. On March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories to reduce the spread of the virus; and
4. 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
5. S.C. Code Ann. §4-9-130 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and
6. 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 significantly high risk of exposure and infection creating an extreme public health risk; and,
7. As of November 3, 2020, there were 170,862 confirmed cases throughout the State of South Carolina, 1,247 cases in Colleton County, 3,715 deaths statewide, and 48 deaths in Colleton County; and
8. Colleton County is located on the I-95 corridor and as such is exposed to visitors from across our country and is particularly vulnerable to infection; and
9. The number of cases is growing rapidly and if COVID-19 continues to spread in the County, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and
10. It is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and

11. The Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19; and
12. SCDHEC data shows that the use of face coverings and masks have proven successful in slowing the spread of Covid-19; and
13. On August, 12, 2020, SCDHEC released data showing that jurisdictions that have mask requirements in place have shown a 46.3% greater decrease in the total number of cases during the four (4) weeks after the mask requirements were implemented compared to jurisdictions that do not have mask requirements; and
14. On September 18, 2020 SCDHEC published an analysis that continues to show the effectiveness of mask use indicating that jurisdictions with mask ordinances experience as much as a 66.5% greater decrease in cases one month after their ordinance initiation; and
15. Taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the County’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and
16. In order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the County, the County is taking steps to try to protect the citizens and employees of the County from increased risk of exposure; and
17. In light of the foregoing, County Council deems it proper and necessary to adopt this emergency Ordinance; and

NOW, THEREFORE, BE IT ENACTED BY THE COLLETON COUNTY COUNCIL AS AN EMERGENCY ORDINANCE THAT:

This 10th day of November 2020 that facial coverings or masks shall be required in public places and public buildings within the County to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. All persons entering a commercial establishment in the County must wear a face covering while inside the establishment. This paragraph does not apply to religious establishments. However, the use of face coverings is recommended during religious activities as well.
2. All restaurants, retail stores, salons, grocery stores, and pharmacies in the County must require their employees to wear a face covering at all times while having face to face interaction with the public.
3. 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 the assistance of others is exempt from this Ordinance.
4. Face coverings are not required in the following circumstances:
 - a) Children under age 2.


- b) Anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
 - c) In personal vehicles.
 - d) When a person is alone in enclosed spaces.
 - e) During outdoor physical activity, provided the active person maintains a minimum distance of six (6) feet from other people at all times.
 - f) When a person is alone or only with other household members.
 - g) While actively drinking, eating, or smoking.
 - h) When wearing a face covering causes or aggravates a health condition.
 - i) When wearing a face covering would prevent the receipt of personal services.
5. A person who fails to comply with Paragraph 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 Paragraph 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. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the County by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Paragraph 2 of this Ordinance, "person" shall be defined as any individual associated with the business who has the control or authority and ability to enforce the social distancing requirements of the Ordinance within the business, such as an owner, manager or supervisor. "Person" may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc., but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.
 7. Should any provision, 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, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.
 8. This Ordinance is effective as of 6:00 a.m., Wednesday, November 11, 2020.
 9. This Emergency Ordinance may be terminated by the enactment of another ordinance terminating same; and if not terminated sooner shall expire automatically as of the sixty-first day following the date of enactment.

ATTEST:


 Ruth Mayer, Council Clerk

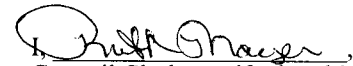
SIGNED:


 Steven D. Murdaugh, Chairman


 Approved as to Form
 Sean P. Thornton, County Attorney

COUNCIL VOTE: Unanimous
 OPPOSED:

Sponsor(s) : County Council
 First Reading : September 1, 2020
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Second Reading : October 6, 2020
 Public Hearing : November 10, 2020
 Third Reading : November 10, 2020
 Effective Date : Immediately


 Council Clerk, certify that this Ordinance was advertised for Public Hearing on 11-10-20-20

ORDINANCE NO. 20-O-08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Approve Designation of the Colleton County Planning Commission as the Official Planning Commission for the Town of Lodge.]

WHEREAS:


1. The Town of Lodge has requested and Colleton County Council has agreed that the authority and jurisdiction over planning, zoning, subdivision, floodplain, and building code regulations within the limits of the Town of Lodge shall be assumed by the County; and
2. S.C. Code 6-29-330(B) requires that the Town of Lodge designate by ordinance that the Colleton County Planning Commission is the Commission for the Town and that it shall perform all planning functions in the area of jurisdiction of the town, including revision of the comprehensive plan; and
3. The County Council is required to accept and approve this designation by ordinance.

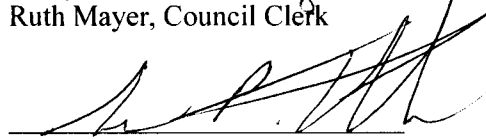
NOW THEREFORE BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. The designation of the Colleton County Planning Commission as the Planning Commission for the Town of Lodge is hereby approved.
2. Provisions in other County Ordinances, Resolutions, policies or by-laws in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.
4. This Ordinance shall become effective November 10, 2020, subject to completion of the requirements set forth in the Agreement by and between Colleton County and the Town of Lodge governing the granting of the power and jurisdiction over planning,


zoning, subdivision, floodplain, and building code regulations within the limits of the Town of Lodge to Colleton County.

ATTEST:


Ruth Mayer, Council Clerk


Approved as to Form
Sean Thornton, County Attorney

SIGNED:


Steven D. Murdaugh, Chairman

Council Vote: Unanimous
Opposed:

Sponsor(s)	: County Council	
First Reading	: February 4, 2020	I, Ruth Mayer
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on 11-10-2020.
Second Reading	: March 3, 2020	
Public Hearing	: November 10, 2020	
Third Reading	: November 10, 2020	
Effective Date	: Immediately	

ORDINANCE NO. 20-O-01

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law.]

WHEREAS:

1. Chapter 13, Section 13.04.010 of the Colleton County Code of Laws provides for the adoption of certain codes by reference; and
2. Updated Editions of said Codes have been issued, and in order to keep current with requirements of said Codes, it is necessary to adopt these editions.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:

1. Chapter 13, Section 13.04.010, Part A (1), is hereby amended to read as follows:

13.04.010 Adoption by reference.

- A. 1. The following Codes are adopted by reference as though they were copied herein fully:

International Building Code – 2018 Edition (IBC 2018), including Chapter 1;
International Fire Code – 2018 Edition (IFC 2018);
International Fuel Gas Code – 2018 Edition (IFGC 2018);
International Mechanical Code – 2018 Edition (IMC 2018);
International Plumbing Code – 2018 Edition (IPC 2018);
International Residential Code – 2018 Edition (IRC 2018);
International Swimming Pool & Spa Code – 2018 Edition; and
NFPA 70 – National Electric Code 2017
(These Codes include South Carolina amendments and Modifications enacted at the state level.)

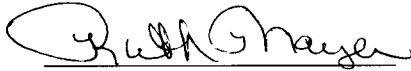
2. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

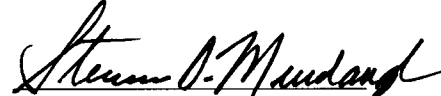
3. Conflict:

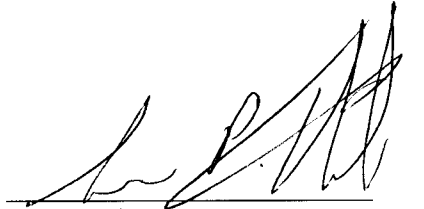
Provisions in other County Ordinances, Resolutions, policies or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:


Ruth Mayer, Council Clerk

SIGNED:


Steven D. Murdaugh, Chairman


Approved as to Form
Sean P. Thornton, County Attorney

COUNCIL VOTE: Unanimous
OPPOSED: