

**CITY OF CLEMSON ORDINANCE CC-2020-16**

**A TEMPORARY EMERGENCY ORDINANCE OF THE CITY OF CLEMSON, SOUTH CAROLINA, TO REQUIRE THE WEARING OF FACE COVERINGS IN PUBLIC PLACES TO REDUCE THE RISK OF TRANSMISSION OF THE COVID-19 VIRUS.**

**WHEREAS**, the COVID-19 virus has continued to sharply and aggressively spread in our State - in the past 10 days, there have been 8577 new positive test results; and,

**WHEREAS**, testing of the City's wastewater indicates elevated levels of virus in the community similar to levels in other cities in which an outbreak of the virus was about to occur or was well underway; and,

**WHEREAS**, certain local businesses have had to close down as the result of infections suffered by employees; and,

**WHEREAS**, there currently is no vaccine for COVID-19, and public health physicians and authorities have uniformly indicated that the only current way to slow infection rates is to limit exposure; and,

**WHEREAS**, taking measures to try to reduce infection rates is intended to minimize risk to the public health, reduce pressure on healthcare providers and pharmaceutical supplies, lower the rates of illness and absenteeism for providers of public and essential goods and services, and increase the number of available beds for intensive medical treatment for all types of illnesses and injuries; and,

**WHEREAS**, public health physicians and authorities, including, but not limited to, the Centers for Disease Control and Prevention (CDC) <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> and the South Carolina Department of Health and Environmental Control (DHEC) <https://www.scdhec.gov/infectious-diseases/viruses/coronavirus-disease-2019-covid-19/protect-yourself-those-around-you-covid-19>, recommend the wearing of face coverings in public places; and,

**WHEREAS**, South Carolina Code §5-7-250 empowers Council to enact certain temporary emergency ordinances affecting life, health, and safety; and,

**WHEREAS**, in order to protect, preserve, and promote, the health, safety, welfare, peace, and order for the citizens and visitors to the City of Clemson community, Council deems it necessary and proper to adopt this temporary emergency ordinance; and,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Clemson, in Council duly assembled and with a quorum present, that:

- 1. Wearing of Face Coverings.** In order to reduce the rate of COVID-19 transmission in public places in the City of Clemson, every person is required to wear a face covering in accordance with this ordinance. We further recommend using CDC guidelines. For the protection of employees and other customers, and subject to the requirements of the

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Americans with Disabilities Act of 1990, as amended, (ADA), businesses must require their employees to wear face coverings while at work. For example, face coverings or masks are required:

- a. Inside any building open to the public, such as, but not limited to, grocery stores, pharmacies, business locations, home improvement stores, retail stores, service establishments, and medical and dental treatment facilities;
- b. Inside all City of Clemson buildings;
- c. On all transport and transit vehicles, including, but not limited to, CATbus, Senior Solutions, rideshare (such as Uber or Lyft), taxi, and shuttle vehicles;
- d. While waiting to enter any building open to the public, any City of Clemson building, or waiting to board any transport or transit vehicle, unless a distance of at least six feet is consistently maintained from any person who is not that person's family or household member;
- e. When coming into contact with any person who is not that person's family or household member, whether indoors or outdoors, including, but not limited to, contact during gatherings, curbside pickup, drive-thru and food truck purchases, deliveries, and service calls; and,
- f. While working in all jobs that entail coming into contact with any member of the public, including, but not limited to, all jobs involving the preparation or packaging of food and/or beverage unless separated by a physical barrier between the employee and the public.

Parents and guardians are responsible for the safety of their minor children, and are urged to follow CDC guidelines regarding face coverings with respect to children younger than 12. Minor children 12 years and older are expected to wear face coverings in accordance with this ordinance, unless exempt as set forth herein.

### 2. Definitions.

- a. **"Business"** includes all commercial, retail, wholesale, professional, and service establishments, whether for profit or not for profit, if members of the public, guests, clients, customers, and/or persons who are not family or household members may enter or otherwise come into contact with owners, operators, or employees.
- b. **"Face covering"** means a clean cloth, fabric, or other soft or permeable material, without holes, that covers both the mouth and nose, including, but not limited to surgical masks, respirators, face shields, handmade or homemade masks, bandanas, neck gaiters, scarves, or wraps made up of tightly woven fabric such as denim or cotton.
- c. **"Household"** means all persons living in the same dwelling unit. It does not include the residents of separate dwelling units at the same location, such as may be the case at a dormitory, apartment complex, or other multi-unit residence.
- d. **"In contact"** means coming within 6 feet.
- e. **"Person or persons"** includes all persons not exempted from wearing face coverings or masks in this ordinance. The term includes business employees, as well as customers, visitors, guests, clients, and invitees.

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- f. **“Public places”** includes publicly owned property, but also includes business properties to which members of the public and/or customers, clients, or guests are allowed or invited.
  - g. **CDC guidelines** <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html> currently set forth that face coverings:
    - **Cover the mouth AND nose; and,**
    - **Fit snugly against the sides of the face,**
    - **Be secure under the chin; and,**
    - **Not be removed, or lowered to the neck or the forehead.**
3. **Location exemptions.** The wearing of face coverings may be advisable, but is **not** required:
- a. In personal vehicles and private homes;
  - b. In privately owned business locations, at times when members of the public, clients, customers, guests, or other invitees are not present, or as long as there is a distance of at least six feet is maintained from persons who are not family or household members;
  - c. While participating in recreational physical activities, whether outdoor or indoor, as long as a distance of at least six feet is consistently maintained from persons who are not family or household members;
  - d. While eating, drinking, or smoking (in locations where smoking is permitted), as long as a distance of at least six feet is maintained from other customers and guests; and,
  - e. While with family members and/or members of the same household.
4. **Persons not required to wear face covering:**
- a. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
  - b. Persons whose religious beliefs prevent them from wearing a face covering;
  - c. Persons who are hearing impaired, or who are communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
  - d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
  - e. Persons who are obtaining a service or treatment involving the nose or face or a medical procedure for which temporary removal of the face covering is necessary to perform the service;
  - f. Persons who are seated at a restaurant or other establishment that offers food or beverage service. There must be six feet between groups and each group can contain no more than 6 unrelated people.
  - g. Persons complying with instructions from law enforcement or other first responders.

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As they are able, persons exempted from wearing face coverings are encouraged to socially distance. If unable to social distance, such persons are encouraged to use safe alternative means of protection.

**5. Enforcement.** Law enforcement and other public safety and emergency management personnel are encouraged and expected to educate and encourage voluntary compliance with this order. However, any person found to have violated any mandatory provision of this ordinance shall be found guilty of a civil infraction, punishable by a fine of not more than \$25. Any business found not requiring their employees to comply with this ordinance shall be found guilty of a civil infraction, punishable by a fine of not more than \$100. Each day of a continuing violation of this ordinance shall be considered a separate and distinct offense.

In addition to these enforcement measures, repeated violations by a person or business are hereby declared to be a public nuisance, which may be abated by the City via restraining order, injunction, or other equitable or legal means.

**6. Severability.** If any subsection, sentence, clause, phrase, or word of this ordinance or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such holding shall not affect the validity of the remaining portions or applications of this ordinance.

**7. Effective date.** This emergency ordinance shall take effect Thursday, June 25, 2020, and shall remain in effect until terminated by the issuance of another ordinance expressly stating that it is terminated or extended, or it shall automatically expire on the 61st day after enactment of this ordinance, whichever date is earlier.

**IT IS SO ORDAINED.**

**SIGNED, SEALED AND DELIVERED THIS 24<sup>th</sup> DAY OF JUNE 2020.**



J.C. Cook, III, Mayor

**ATTEST:**



Beverly Coleman, City Clerk