



# CITY OF FOLLY BEACH

1<sup>st</sup> Reading: September 14, 2021  
No Second Reading per S.C. Code § 5-7-250

Introduced by: Mayor Goodwin  
Date: September 14, 2021

## EMERGENCY ORDINANCE 028-21

**AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN MUNICIPAL BUILDINGS, MOVING ALL PUBLIC MEETINGS TO VIRTUAL ATTENDANCE, AND GRANTING THE ADMINISTRATION POWER TO CHANGE CITY OPERATIONS AND CANCEL CITY APPROVED SPECIAL EVENTS IN RESPONSE TO A SURGE IN COVID 19 INFECTIONS IN THE CHARLESTON AREA.**

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that the following Emergency Ordinance be adopted pursuant to South Carolina Code § 5-7-250(d):

**WHEREAS,** 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

**WHEREAS,** on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and

**WHEREAS,** prior state and local emergencies orders expired in June of 2021; and

**WHEREAS,** since the lifting of restrictions, the State, County, and City have seen a resurgence in the spread of COVID-19; and

**WHEREAS,** the Mayor of the City of Folly Beach wish to declare a State of Emergency within the City beginning on September 14, 2021.

**WHEREAS,** the South Carolina Department of Health and Environmental Control states that, as of August 23, 2021, there were 5,413 cases of COVID 19 in the State, that 82% of the State's hospital beds are occupied, and that there is a third surge of COVID across the State including in Charleston County; and

**WHEREAS,** the CDC and SCDHEC have repeatedly advised 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 visitors, and limits the spread of infection in our communities and within the healthcare delivery system; and

**WHEREAS,** sections 5-7-30 (the “Home Rule Statute”) and 5-7-250 of the South Carolina Code of Laws empower Council to enact emergency ordinances affecting life, health, or safety; and

**WHEREAS,** S.C. Code § 5-7-250(d) provides that “[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances ... by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;”

**WHEREAS,** in light of the foregoing and in order to protect, preserve, and promote the general health, safety, and welfare and the peace and order of the community, the City is taking steps to try to protect its citizens, employees, and visitors from increased risk of exposure, City Council of the City of Folly Beach deems it proper and necessary to adopt this emergency ordinance;

**NOW BE IT THEREFORE ORDAINED** that a State of Emergency is declared with the City and that the following emergency procedures are hereby adopted pursuant to S.C. Code § 5-7-250 and to remain in effect until [61 days from adoption], subject to termination or extension by Council:

1. Council and the Mayor formally declare a State of Emergency due to a resurgence in known cases of COVID-19 within the City and surrounding areas. Council also confirms that the Mayor, or the Mayor Pro Tempore in his absence, can exercise the specific emergency powers granted to the Mayor pursuant to as stated in the City of Folly Beach Ordinance § 35.05 (A) and (B) (1-8).

2. At the discretion of the Mayor, City Hall may be closed and moved to a virtual, phone, and dropbox operation if deemed necessary.

3. City Council members and staff will be authorized during this State of Emergency to attend meetings of Council, boards, and committees via teleconference at the Mayor’s discretion.

4. In person attendance by the public for the purpose of addressing Council, Board, or Committee meetings, or any other City meetings may be limited to allow for social distancing. Meetings will still be broadcast. Measures will be taken to allow the public to submit comments prior to any meeting by emails, which will be included the public record of the meeting.

5. The Mayor is authorized to develop and enact a plan in order to ensure continuity in the delivery of government services in light of the COVID-19 outbreak.

6. The Mayor is authorized to cancel and revoke any special events permits issued prior to the date of this ordinance for events taking place prior to 61 days.

**MASK PROVISIONS**

7. "Face Covering" or "mask" means a cloth, fabric, or other soft or permeable material, without holes, that securely covers both the mouth and nose and remains affixed in place without the use of one's hands. Face Coverings include, but are not limited to, medical masks, N-95 respirators, face shields, scarves, handmade masks, bandanas, and neckgaiters such that they securely cover the person's nose and mouth.

9. Every person entering any municipal building in the City of Folly beach must wear a face covering. Those persons who choose not to wear a face covering may be required to conduct public business virtually.

12. Any failure to comply with this Emergency Ordinance, including efforts to circumvent this ordinance, may be penalized as a civil infraction fine of \$100.00. Each day of a continuing violation shall be considered a separate and distinct offense. The City's code enforcement officers or public safety officers are authorized to issue municipal ordinance summons requiring appearing in the City's municipal court.

12. During the term of this Emergency Ordinance, any ordinance, resolution, policy, or bylaw of the City that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

14. Should any provision, section, paragraph, sentence or word of this Emergency 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 Emergency Ordinance as hereby adopted shall remain in full force and effect.

15. This Emergency Ordinance shall take effect immediately upon its adoption by City Council.

16. All measures taken herein are subject to modification, repeal, or additional restrictions as required by changes in the pandemic, including increased incidence, rate of spread in the Charleston region, and rate of compliance.

17. As provided by S.C. Code § 5-7-250(d), this Ordinance shall expire automatically as of the sixty-first day following the date of enactment (the "Emergency Term"). Notwithstanding the foregoing, however, Council may extend the Emergency Term by emergency ordinance for one or more additional terms, each of no more than sixty days

**AMENDED AND ADOPTED** this 14<sup>th</sup> day of SEP 2021, at Folly Beach, South Carolina.

Ayes: 7

Nays: 0

Abstains: 0

  
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Municipal Clerk

  
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Tim Goodwin, Mayor