

## A PROCLAMATION

### **AN EMERGENCY PROCLAMATION OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN RETAIL AND COMMERCIAL ESTABLISHMENTS OPEN TO THE PUBLIC**

**WHEREAS**, the 2019 Novel Coronavirus ("COVID-19") is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

**WHEREAS**, the Centers for Disease Control and Prevention (the "CDC") has warned of the high public health threat posed by COVID-19 globally and in the United States;

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

**WHEREAS**, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency;

**WHEREAS**, on March 13, 2020, the Governor of the State of South Carolina (the "State") issued Executive Order 2020-08, declaring a State of Emergency based on a determination that COVID-19 poses an actual or imminent public health emergency for the State;

**WHEREAS**, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), 2020-40 (June 11); 2020-42 (June 26); 2020-44 (July 11); 2020-48 (July 26); 2020-50 (August 2); 2020-53 (August 10); 2020-56 (August 25); 2020-59 (September 9); 2020-62 (September 24); 2020-63 (October 2); 2020-65 (October 9); and, 2020-67 (October 24);

**WHEREAS**, Goose Creek is experiencing a moderate increase in the number of identified new COVID-19 cases, and as of September 2, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting that there have been 121,696 confirmed COVID-19 cases, 8,006 confirmed hospitalizations and 2,807 confirmed COVID-19 deaths in the State;

**WHEREAS**, Berkeley County is experiencing a moderate increase in the number of identified new COVID-19 cases, and as of September 2, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting that there have been 4,830 confirmed COVID-19 cases in Berkeley County;

**WHEREAS**, the State of South Carolina is experiencing a drastic increase in the number of hospitalized individuals with COVID-19, and as of September 3, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting COVID-19 patients hospitalized: 8,423; 1,127 in ICU; 520 ventilated in the State;

**WHEREAS**, a South Carolina DHEC analysis of the local mask ordinance shows that as of this week, about two million South Carolinians live in cities or counties that have local mask mandates in place;

**WHEREAS**, when analysts compared areas with mask requirements with those that don't have an ordinance in the place, the jurisdictions with mask mandates have shown a 46.3% greater decrease in the total number of cases during the four weeks after the requirements were implemented;

**WHEREAS**, the data also shows that counties and cities with mask requirements saw a 15.1% decrease in cases four weeks after the requirements after mask mandates were in place. It is an overall decrease of 34.6 cases per 100,000 people;

**WHEREAS**, if COVID-19 cases continue to increase in the State, in Berkeley County, and in the City of Goose Creek, the demand for medical, pharmaceutical, personal, and general cleaning supplies may overwhelm sources of supply; the private and public sector workforce may be negatively impacted by absenteeism; and the demand for medical facilities may exceed available resources;

**WHEREAS**, health authorities, including the CDC, the Surgeon General of the United States and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19;

**WHEREAS**, the Mayor of the City of Goose Creek has determined, based on the recommendations of public health experts and responsive to a serious threat to the public health, safety, and welfare of its citizens, that it would serve the public interest and be within the City of Goose Creek's police powers under Home Rule and S.C. Code § 5-7-60 to require that individuals wear face coverings in certain situations and locations;



**WHEREAS**, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by State law;

**NOW, THEREFORE**, be it proclaimed by the Mayor of Goose Creek as follows:

**Section 1: Use of Face Coverings:**

- 1) All individuals within the City of Goose Creek are required to wear face coverings while inside the enclosed area of any retail or commercial establishment that is open to the public or where employees are required to interact with the public;
- 2) All retail or commercial establishments shall require staff to wear, and those staff shall wear, face coverings while working in areas open to the general public and areas in which interactions with other staff are likely, and social distancing of at least six feet cannot be observed;
- 3) Businesses subject to this Emergency Proclamation are required to post appropriate signage at each public entrance to the building informing anyone entering the building of these requirements, and the operator of the business shall ensure that all people entering the building are in compliance.
- 4) In situations where social distancing (maintaining six feet separation) is not possible within the City of Goose Creek municipal boundaries the wearing of a mask or face covering is strongly encouraged.

**Exemptions: Face Coverings shall not be required ...**

- 1) In outdoor or unenclosed areas in which social distancing of at least six feet is possible and observed;
- 2) For people whose religious beliefs prevent them from wearing a face covering;
- 3) For those who cannot wear a face covering due to a medical or behavioral condition;
- 4) For children under the age of 10 years old, provided that adults accompanying children age two through 10 shall use reasonable efforts to cause those children to wear face coverings while inside the enclosed area of any retail or commercial establishment;
- 5) In private, individual offices;
- 6) When complying with directions of law enforcement officers;
- 7) In settings where it is not practical or feasible to wear a face covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming, or while eating or drinking at a socially distanced restaurant table.

**Section 2: Suspension of Contrary Local Provisions**

During the Emergency Term (as defined below), any Ordinance, Resolution, Policy, or Bylaw of the City of Goose Creek that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

**Section 3: Expiration of Emergency Proclamation; Extension of Emergency Term**

As provided by S.C. Code § 5-7-250(d), this Emergency Proclamation shall expire automatically as of the 61st day following the date of enactment (the "Emergency Term"). Notwithstanding the foregoing, however, the Mayor or City Council may extend the Emergency Term by Emergency Ordinance for one or more additional terms, each of no more than 60 days, provided that the total duration of the Emergency Term shall not exceed six months without enacting an ordinance in the ordinary course.

**Section 4: Severability**

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

**Section 5: Effective Date and Time**

This Emergency Proclamation shall take effect immediately upon the date of the signature affixed below. Approved and enacted this 11<sup>th</sup> day of November 2020.



Gregory Habib  
Mayor



Kelly Lovette, MMC  
City Clerk

