

Ordinance #2021-005

AN EMERGENCY ORDINANCE TO EXTEND EMERGENCY ORDINANCE NO. 2021-02 IN ORDER TO REAUTHORIZE THE REQUIREMENT FOR FACE COVERINGS TO BE WORN IN THE CITY AND REAUTHORIZE THE AUTHORIZATION FOR ELECTRONIC MEETINGS; AND OTHER MATTERS RELATED THERETO

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08, as amended, extended, modified, or otherwise replaced since that time and as currently in effect (collectively, the “*Emergency Orders*”), related to 2019 Novel Coronavirus (“*COVID-19*”) and declared that a state of emergency exists in the State of South Carolina (the “*State*”); and

WHEREAS, on March 18, 2020, the Mayor of the City of Camden, South Carolina proclaimed a public state of emergency in the City due to COVID-19, which proclamation was subsequently ratified by the City Council of the City of Camden (the “*City Council*”), as the governing body of the City of Camden, South Carolina (the “*City*”) by emergency ordinance No. 2020-06 enacted on March 19, 2020, as amended and extended by emergency ordinance No. 2020-12 enacted on May 12, 2020, emergency ordinance No. 2020-017 enacted on June 30, 2020 (“*Emergency Ordinance 17*”), emergency ordinance 2020-21 dated August 25, 2020, emergency ordinance No. 2020-25 dated October 27, 2020, emergency ordinance No. 2020-27 dated December 8, 2020 (“*Emergency Ordinance 27*”), and emergency ordinance No. 2021-02 dated January 26, 2021 (collectively, the “*Prior Emergency Ordinance*”); and

WHEREAS, as of March 3, 2021, there were more than 446,169 confirmed cases of COVID-19 in the State, including more than 5,590 confirmed cases in Kershaw County, South Carolina (the “*County*”) and 106 confirmed deaths; and

WHEREAS, the City Council finds it vitally important that individuals work together to decrease the widespread proliferation of COVID-19 among citizens of the City; and

WHEREAS, if COVID-19 continues to spread in the City and the County at its current rate, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, absenteeism will negatively impact the private and public sector work force, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, the City is expressly empowered pursuant to Section 5-7-30 of the South Carolina Code of Laws 1976, as amended, to “enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of powers in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . . ”; and

WHEREAS, in consideration of the City’s Home Rule powers, and the preemption cases recited in the Prior Emergency Ordinance (which included a consideration of the provisions of Section 16-7-110 of the Code of Laws of South Carolina 1976, as amended), the South Carolina

Attorney General, Alan Wilson, released a public statement on June 24, 2020 regarding the legality and validity of municipal ordinances requiring the wearing of masks wherein he publicly stated that “yes, a city can pass this type of ordinance”; and

WHEREAS, pursuant the Emergency Orders, the Governor explicitly requested that counties and municipalities (like the City) “enact or implement appropriate and narrowly tailored emergency ordinances...requiring individuals to wear a Face Covering”; and

WHEREAS, in light of the foregoing, City Council finds it proper, necessary, and essential to enact this emergency ordinance (this “**Ordinance**”) to (i) extend certain provisions of the Prior Emergency Ordinance to continue the requirement for face coverings to be worn in the City (as generally described in Emergency Ordinance 17), and (ii) extend the authorization for public meetings to be held using electronic means (as generally described in Emergency Ordinance 27); and

WHEREAS, it is hereby determined that the continuation and spread of COVID-19 represents a public emergency affecting life, health, and safety, and therefore, it is proper, necessary, and essential to enact this Ordinance as an emergency ordinance.

NOW THEREFORE, be it hereby ordained in this meeting of the City Council, as follows:

Section 1. Recitals. Each finding or statement of fact set forth in the recitals hereinabove has been carefully examined and has been found to be in all respects true and correct. Moreover, the City Council explicitly ratifies and confirms the findings of fact recited in the Prior Emergency Ordinance.

Section 2. Extension of Emergency Ordinance 27. City Council hereby extends, ratifies and approves the provisions of Sections 2 and 4 of the Emergency Ordinance 27, governing (i) the requirement for face coverings and enforcement thereof and (2) the standards for electronic meetings, in their entirety until this Ordinance expires pursuant to Section 4 hereof.

Section 3. Suspension of Contrary Local Provisions. During the pendency of this Ordinance, any ordinance, resolution, policy, or bylaw of the City that conflicts with the provisions hereof shall be and is hereby suspended and superseded. However, this Ordinance shall be viewed and treated as an explicit reauthorization and extension of the Prior Emergency Ordinance, as applicable, governing the requirement for face coverings and the holding electronic meetings.

Section 4. Effective Date; Expiration. The provisions hereof shall be effective upon a single hearing and two-thirds vote of City Council and shall expire on the sixty-first day following the effective date hereof.

[Remainder of Page Intentionally Left Blank]

DONE AS AN EMERGENCY ORDINANCE and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the City Council present, this 9th day of March 2021.

**CITY OF CAMDEN,
SOUTH CAROLINA**

(SEAL)

Alfred Mae Drakeford, Mayor

ATTEST:

Brenda Davis, City Clerk