

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
CITY OF CAYCE)

EMERGENCY ORDINANCE 2021-19
REQUIRING INDIVIDUALS TO
WEAR FACE COVERINGS IN
CERTAIN CIRCUMSTANCES, AND
MATTERS RELATED THERETO

WHEREAS, it is well recognized that the Delta variant of COVID-19 causes more infections, spreads faster and presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, South Carolina has some of the worst COVID-19 case rates in the United States; and

WHEREAS, current hospitalization rates for Lexington County are 1,038 and across the state are 26,289; and

WHEREAS, the Delta variant has spread across the State with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of the Delta variant of COVID–19 in South Carolina, which indicates a significantly risk of exposure and infection and creating an extreme public health risk; and

WHEREAS, as of September 3, 2021, the total number of confirmed cases in South Carolina is approximately 608,946 and the number of confirmed deaths is 9,434, with the number of reported cases in Lexington County is 34,595, the number of estimated cases per 100,000 is 11,579, and the number of possible cases is 11,049; and

WHEREAS, the number of cases is growing rapidly and if COVID–19 continues to spread in the City, the number of persons relying on medical and pharmaceutical supplies will increase, the private and public sector work forces will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, 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

WHEREAS, 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

WHEREAS, the City’s nearest hospital, Lexington Medical Center, issued a letter indicating its ability to provide the best health care services is in peril due to overwhelming number of COVID-related hospitalizations; and that the impact of this is that certain medical services have been halted or reduced; and the Lexington Medical Center further requested that the City reinstate mask mandates as they “help prevent the spread of this disease” (full letter attached); and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the City’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, 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 the citizens and employees of the City from increased risk of exposure; and

WHEREAS, the City Council believes, finds, and declares that a public emergency, within the meaning of S.C. Code section 5-7-250(d), exists affecting the health and safety of the citizens of the City; and

WHEREAS, in light of the foregoing, City Council deems it proper and necessary to adopt this Emergency Ordinance to require (a) persons entering buildings or structures open to the public as described below to wear face coverings while inside the building or structure, and (b) all employees of restaurants, retail stores and other establishments as described below, to wear face coverings at any time there is face to face interaction with the public and in other circumstances,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

1. A public emergency exists in the City of Cayce affecting the public health and safety of its citizens and those who work and visit in the City by reason of the infection rate and transmission characteristics of COVID-19 and the Delta variant, as well as the creation of a strain on capacities for treatment by medical centers and hospitals. Based on the recommendations of health authorities, including SCDHEC and the CDC, as to appropriate measures to combat the spread of COVID-19 and the Delta variant, the City Council has determined that the widespread use of face coverings should be implemented.
2. All persons over the age of two (2) years entering a building or structure in the City open to the general public, including but not limited to, restaurants, retail stores, salons, barber shops, grocery stores, convenience stores, medical and dental offices, and pharmacies, and including fitness centers and studios while such persons are not engaging in exercise, must wear a Face Covering while inside the building or structure, excluding restaurants while seated. The business shall have responsibility for posting conspicuous signage at all entrances informing its patrons of the requirements of this section. A public school is not a "building or structure in the City open to the general public" or a "business" for purposes

of this section.

3. All students (two years old or older), faculty, staff and visitors shall wear a Face Covering while on a daycare transportation vehicle or within daycare facilities.
 - Those younger than two years old; and
 - A person with a disability who cannot wear a Face Covering, or cannot safely wear a Face Covering, for reasons related to the disability.
4. All restaurants, retail stores, salons, barber shops, grocery stores, daycares, medical and dental offices, fitness centers and studios, and pharmacies, and all businesses engaged in food preparation, in the City must require their employees to wear a Face Covering at all times while having face to face interaction with the public, or with other staff, when social distancing of at least six (6) feet cannot be observed. Alternatively, they may provide a separating barrier between the employee and the public. This section does not apply to public schools.
5. Any person who is unable to safely wear a Face Covering due to a disability; or cannot safely wear a Face Covering, for reasons related to the disability; or anyone younger than two (2) years old is exempt from this Ordinance.
6. For purposes of this Ordinance, "Face Covering" shall be defined to mean masks of a uniform piece of cloth, fabric, synthetic or other permeable material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands or plastic face shield. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, gaiters, and face shields worn to cover the person's nose and mouth.
7. A person (except a daycare student) who fails to comply with Section 2 or Section 3 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00. Each day of violation of this Ordinance shall be considered a separate and distinct offense. The foregoing notwithstanding, reasonable effort shall be made to bring the individual into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation.
8. A person who fails to comply with Section 4 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of violation of this Ordinance shall be considered a separate and distinct offense.
9. In addition to the fines established by this section, repeated violations of this Ordinance by a person who owns, manages, operates or otherwise controls a business subject to this Ordinance may, subject to all procedural protections set forth in the City Code, result in the suspension or revocation of any occupancy permit or business license issued to the business in which the repeated violations occurred. The word "business" as used in this section does not include a public school. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be

abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, reasonable 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 this section 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 who does not have the title of manager or supervisor but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.

10. Should any provision, section, 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, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.
11. This Emergency Ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the sixty-first day after enactment of this Ordinance, whichever date is earlier.

This Ordinance shall become effective at 6:00 a.m. on Friday, September 10, 2021, to continue until the earlier of repeal of this Ordinance or the automatic expiration of this Ordinance on the 61st day after enactment of this Ordinance.

DONE IN MEETING DULY ASSEMBLED, this 7th day of September 2021.



Elise Partin, Mayor

Attest:



Mendy Corder, CMC, Municipal Clerk

First Reading and Adoption: Sept. 7, 2021

Approved as to form:



Danny C. Crowe, City Attorney



August 27, 2021

Mayor Elise Partin
P.O. Box 2004
Cayce, South Carolina 29033

Dear Mayor Partin:

Thank you for all that you do to support Lexington Medical Center and our surrounding communities. Providing access to the best health care remains our number one objective. We are reaching out to you today to let you know that this objective is in peril. We are overwhelmed with the latest surge of Covid-19 patients. Our ICU has reached maximum capacity, to include ventilator use, on many days. We have sharply curtailed nonemergent surgical procedures. Every day we have redeployed staff to cover the surging Covid patient census. Yet our Emergency Department continues to fill with patients needing emergency care. This care is greatly inhibited by our current situation.

For example, our situation on Tuesday, August 24th was dire. Our hospital beds were full and we were holding patients in our Emergency Department that would have traditionally already been in a bed upstairs. We had 192 Covid-19 patients who were in isolation. 49 of these patients were in an ICU level of care and 43 were on ventilators because they could not breathe. These patients are critically ill. Their family members could not visit them because they were in isolation. Our nurses and doctors serve as their caregivers and family while they are hospitalized. In between providing life-saving care, our nurses take time daily to call each patient's family to communicate, either good or bad news. About 90% of all Covid-19 patient admissions are **UNVACCINATED**.

As a result of this latest surge, we have had to reallocate our staff and resources in certain areas. This change has resulted in halted or reduced services in some areas:

- Rationing of surgeries that result in an inpatient admission,
- Rationing of patient care that requires critical care beds,
- Screening services for cancer,
- Rehabilitation services,
- Interventional Radiology services for biopsy and treatment,
- Closure of our LMC-Irmo Ambulatory Surgery Center to repurpose staff for critical care needs


We reach out to you today to help us with tomorrow. We believe strongly that mask mandates help prevent the spread of this dreaded disease. We can tell you that those with vaccinations are much less likely to get Covid 19. We can tell you that if you do get Covid 19 and you have been vaccinated, you are much less likely to have a severe illness.

We are respectfully asking you to reinstate mask mandates in your jurisdictions. We are asking you to encourage vaccinations for your general populations. We are asking that you reduce any barriers to the implementation of these recommendations.

As a State, we have tried to rely on a strategy to "trust that individuals will be responsible and make the right decision for themselves". Based on current rates of vaccinations, deaths, hospitalizations, & infections, we are failing.

Thank you for doing your part to protect and preserve public health.

Respectfully,


Tod Augsburger
President & CEO


Dr. Brent Powers
Chief Medical Officer


Dr Mac Nowell
Chief of Staff