

STATE OF SOUTH CAROLINA)  
COUNTY OF Horry )  
TOWN OF ATLANTIC BEACH)

**AN EMERGENCY ORDINANCE  
AMENDMENT TO ORDINANCE NO. 15-2020  
REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES, AND  
MATTERS RELATED THERETO**

**WHEREAS**, according to the Centers for Disease Control (the “CDC”), Novel Coronavirus Disease 2019 (“COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

**WHEREAS**, 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 declared a world-wide pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

**WHEREAS**, on March 13, 2020, the governor of the State of South Carolina, Henry McMaster, declared a state of emergency for the State of South Carolina; and

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

**WHEREAS**, Town Council finds that COVID-19 continues to present an increasing danger to the health, safety and welfare of the public; and

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

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

**WHEREAS**, the CDC advises that a significant portion of individuals with coronavirus lack symptoms (“asymptomatic”) and that even those who eventually develop symptoms (“pre-symptomatic”) can transmit the virus to other before showing symptoms. This means that the virus can spread between people interacting in close proximity – for example, speaking, coughing, or sneezing – even if those people are not exhibiting symptoms; and

**WHEREAS**, the CDC recommends wearing cloth face covering in public settings where other social distancing measures are difficult to maintain in order to slow the spread of the virus; and

**WHEREAS**, the CDC recommends simple cloth face coverings for the general population and not surgical masks or N-95 respirators because these are critical supplies that must continue to be reserved for healthcare workers and other medical first responders; and

**WHEREAS**, Town Council finds it is in the best interest of public health, safety and the welfare of residents, workers, and visitors to Atlantic Beach to require suitable face coverings in certain public locations to slow the spread of COVID-19; and

**WHEREAS**, Town Council finds the inconvenience of an ordinance requiring the use of cloth face coverings or other suitable face coverings is minimal compared to the risk to the health, safety and welfare of the community were no such rule imposed; and

**WHEREAS**, Town Council finds implementation of this ordinance is necessary for the preservation of the health, safety and welfare of the community; and

**WHEREAS**, in light of the foregoing, Town Council deems it proper and necessary to adopt this Emergency Ordinance to require (a) patrons of all retail businesses, including but not limited to grocery stores and pharmacies; and businesses where personal services are dispensed including but not limited to hair and/or nail salons, barber shops and tattoo parlors, to wear face coverings while inside the above referenced establishments and to require (b) the employees of all restaurants; retail establishments, including but not limited to grocery stores and pharmacies; and any business where person services are being dispensed including but not limited to hair and/or nail salons, barber shops and tattoo parlors, to wear face coverings at all times while having face to face interaction with the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE MANYOR AND TOWN COUNCIL OF THE TOWN OF ATLANTIC BEACH SOUTH CAROLINA:**

**SECTION 1.** Findings. The above recitals are adopted by Town Council as legislative findings.

1. All persons entering any retail business, including but not limited to grocery stores and pharmacies and any business where personal services are dispensed including but not limited to hair and/or nail salons, barber shops and tattoo parlors in the Town must wear a face covering while inside the establishment. In the event that the face covering interferes with the personal service provided, such as a haircut, the face covering can be removed while the personal service is being dispensed. The business shall not have responsibility for enforcing this requirement, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this section.
2. All restaurants; retail establishments including but not limited to, grocery stores pharmacies; businesses providing personal services including but not limited to hair and nail salons, barber shops and tattoo parlors; all government offices in the Town must require their employees to wear a face covering at all times while having face to face interaction with the public.
3. Exemptions from this Ordinance: Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without assistance of others; any person whose religious beliefs prevents them from wearing a face covering.
4. This Ordinance shall be enforced by a Town code compliance official or law enforcement officer.

5. A person who fails to comply with Section 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00.
6. A person who fails to comply with Section 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.
7. The Town recommends that all restaurants within the Town participate in the Palmetto Priority program established by the SC Restaurant and Lodging Association to provide a clean and safe environment or their staff and customers.
8. This Emergency Ordinance shall take effect at 12:00 pm on March 1, 2021 and may be terminated on June 1, 2021 by the issuance of another ordinance or shall automatically expire on the 61<sup>st</sup> day after enactment, whichever date is earlier.

**DONE AND ENACTED IN COUNCIL DULY ASSEMBLED THIS 1<sup>ST</sup> DAY OF MARCH, 2021.**

\_\_\_\_\_  
Mayor Jake Evans

  
\_\_\_\_\_  
Josephine Isom, Council Member

  
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Jacqueline Gore, Council Member

  
\_\_\_\_\_  
Glenda Williams, Council Member

  
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Lenearl Evans, Council Member

ATTEST:

  
\_\_\_\_\_  
Town Clerk

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Town Manager