

TOWN OF KIAWAH ISLAND

ORDINANCE 2021-08

**AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KIAWAH ISLAND REGARDING
FACE COVERINGS AND RESTRICTIONS ON RESTAURANTS**

The Town Council of the Town of Kiawah Island, South Carolina, duly assembled, hereby ordains that the following Ordinance be adopted:

WHEREAS, the Governor of South Carolina declared a State of Emergency on March 13, 2020, to enhance the State’s response to the COVID-19 virus’s impact on the State, and that State of Emergency remains in place; and

WHEREAS, the Mayor of the Town of Kiawah Island declared a State of Emergency within the Town on March 19, 2020, and his proclamation was adopted by Town Council on March 25, 2020, and that State of Emergency remains in place; and

WHEREAS, Town Council adopted several versions of a prior Emergency Ordinance in the past year, then adopted a “Permanent” Ordinance No. 2021-03 to expire at the end of the year or when the Governor’s State of Emergency was lifted; and

WHEREAS, Town Council wishes to rescind the Permanent Ordinance No. 2021-03 and adopt a simplified Emergency Ordinance in its place;

WHEREAS, in light of the foregoing, Town Council of the Town of Kiawah Island deems it proper and necessary to rescind in full Permanent Ordinance No. 2021-03 and adopt the following Emergency Ordinance pursuant to South Carolina Code § 5-7-250(d).

NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AS FOLLOWS:

1. The Mayor’s Proclamation of Emergency dated March 19, 2020, and Council’s confirmation of same remain in place.
2. The Mayor and City Administrator are authorized at their discretion to hold council meetings and committee and board meetings via teleconference. Such meeting will be Livestream. Measures will be taken to allow the public to submit comments prior to any meeting by emails, which will be included in the public record of the meeting.
3. The Mayor is authorized to take protective measures for protection of the public health.

MASK REQUIREMENT

4. All persons in any indoor public place are required to wear a mask or other appropriate face covering.
5. The following persons are exempted from the Face Covering requirement:

- A. A child who is two (2) years old or younger or a child whose parent, guardian, or responsible adult has been unable to place the Face Covering safely on the child's face.
- B. A person who is seeking to communicate with someone who is hearing-impaired in a manner that requires the mouth to be visible.
- C. A person with a physical, mental, or behavioral health condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove a Face Covering without assistance) that prevents wearing a Face Covering, provided that a non-employee or visitor who represents that they cannot wear a Face Covering for one or more of these reasons should not be required to produce documentation or any other form of proof of such a condition.
- D. A person who is actively engaged in eating or drinking or obtaining a service that requires access to or visibility of the face.
- E. A person who is engaging in strenuous exercise or physical activity.
- F. A person who is voting or assisting with the administration of an election, although wearing a Face Covering is strongly encouraged.
- G. A person who must remove a Face Covering for purposes of identification or security screening or surveillance.
- H. A person for whom wearing a Face Covering would create a risk to the health or safety of the person due to their occupation, job function, or work assignment where wearing a Face Covering would be inconsistent with industry safety standards or protocols or federal, state, or local regulations or guidelines.

RESTAURANT RESTRICTIONS

- 6. All restaurants shall comply with the following mandatory restrictions in addition to the above mask requirement:
 - A. Diners must be seated six (6) feet away from diners at other tables;
 - B. Restaurants must seat no more than 8 customers per table unless from the same family; and
 - C. Restaurants must not allow standing or congregating in the bar area of restaurant.

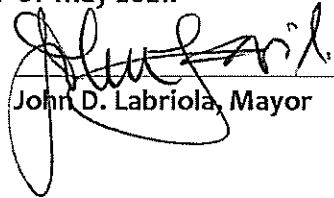
ENFORCEMENT

- 7. Violators of any other provision contained in this Ordinance will be subject to a civil fine of up to \$100.00 plus required statutory assessments. Each day of the infraction shall be considered a separate offense. In addition, any violation may be charged with any other relevant penalties contained in the Kiawah Island Municipal Code, or civil or criminal penalties under state law, or federal law, including violations of S.C. Code Section 16-7-10 (Illegal acts during state of emergency), and penalties authorized pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State.
- 8. All net fines (not including assessments or other payments directed elsewhere under State law) paid to the Town for violations of this Ordinance will be earmarked and donated to a nonprofit or charitable organization to be chosen at a later date.

9. This Emergency Ordinance shall become effective on June 1, 2021 and replace Permanent Ordinance No. 2021-03.

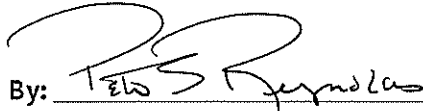
10. As provided by S.C. Code § 5-7-250(d), this Ordinance must be adopted by affirmative vote of at least two-thirds of the members of council present and shall expire automatically on July 4, 2021 (the “Emergency Term”). Notwithstanding the foregoing, however, Council may rescind or extend the Emergency Term by emergency ordinance for one or more additional terms, each of no more than sixty-one days.

MOVED, APPROVED AND ADOPTED THIS 4th DAY OF May 2021.



John D. Labriola, Mayor

ATTEST:


By: _____
Petra S. Reynolds, Town Clerk

1st Reading: May 4, 2021

2ND Reading: Not required per S.C. Code § 5-7-250(d)