



# TOWN OF NORWAY

PO Box 127

8403 Savannah Highway

Norway, South Carolina 29113

Phone: (803) 263-4300 / Fax: (803) 263-4114

July 3, 2020

The Honorable Tracie M. Clemons  
Mayor of Norway  
PO Box 127  
Norway, SC 29113

County of Orangeburg  
P.O. Drawer 9000  
Orangeburg, SC 29116-9000

Re: Adoption of the County of Organeburg Ordinance Number 2020-07-02

Dear County Administrator Harold Young:

The Norway Town Council administered an emergency meeting on July 3, 2020 at 10:41 a.m. via a teleconference call live on Face Book. Per this meeting, the Norway Town Council has adopted and approved the County of Orangeburg Ordinance Number 2020-07-02, "An Emergency Ordinance Requiring Use of Face Coverings in Certain Situations; and Matters Related Thereto" by at least two-thirds of the Councilmembers present at the meeting.

Attached is the "Town of Norway Resolution 2020-003, " A Resolution to adopt the Orangeburg County Emergency Ordinance Requiring Use of Face Coverings in Certain Situations, and Matters Related to COVID-19"

The Town of Norway strongly desires to protect the citizens and our health care system and we are committed to adhere to all safety guidelines, mandates and/or ordinances that have been rendered on all national, regional and local levels.

Thank you,

TRACIE M. CLEMONS  
MAYOR

STATE OF SOUTH CAROLINA                     )  
   )  
COUNTY OF ORANGEBURG                     )       **ORDINANCE NUMBER 2020-07-02-\_\_**

**An Emergency Ordinance  
Requiring Use of Face Coverings in Certain Situations; and Matters Related  
Thereto**

**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 World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020;

**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, which began on March 1, 2020;

**WHEREAS**, also 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 the 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), and 2020-40 (June 11) and 2020-42 (June 26);

**WHEREAS**, the State is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of July 1, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting that there have been 37,809 confirmed COVID-19 cases and 759 confirmed COVID-19 deaths in the State and, in addition, other State and local statistics support the conclusion that there has been a recent dramatic increase in cases which statistics are attached to this Ordinance and incorporated herein.

**WHEREAS**, the CDC and DHEC predict that confirmed COVID-19 cases will continue



to increase in the State and in the County of Orangeburg (the "County") in the immediate future unless certain protections are immediately observed;

**WHEREAS**, that prediction means there will be an increase in deaths from COVID-19 and, in addition, the demand for medical, pharmaceutical, personal, and general cleaning supplies may overwhelm sources of supply; the private and public sector work force may be negatively impacted by absenteeism; and the demand for medical facilities may exceed locally 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; and

**WHEREAS**, the South Carolina Attorney General, on June 25, 2020, found it within the police powers of local South Carolina governments to enact face covering requirements as a means of preventing the spread of COVID-19;

**WHEREAS**, S.C. Code § 4-9-130 provides that "[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment.";

**WHEREAS**, County Council ("Council") hereby declares that an emergency exists as described in the previous Wherefore paragraphs of this ordinance;

**WHEREAS**, Council 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 County's police powers under Home Rule and S.C. Code § 4-9-25 to require that individuals wear face coverings in certain situations and locations within the unincorporated areas of the County;

**WHEREAS**, this Ordinance has been approved by at least two-thirds of the Councilmembers present at the meeting in which it was considered;

**Now, therefore, be it enacted by Council, the following ordinance:**

**Section 1. Definitions.** As used herein, the terms below shall have the following

meanings:

- 1) "Dining" means the actual transfer of food or beverage to the mouth.
- 2) "Establishment" means a Foodservice Establishment or Retail Establishment.
- 3) "Face Covering" means a uniform piece of cloth, fabric, or other material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided that they are worn such that they securely cover the person's nose and mouth.
- 4) "Foodservice Establishment" means any establishment that sells prepared food on a dine-in, delivery, carry-out, or drive-through basis.
- 5) "Responsible Person," with respect to an Establishment, means any individual associated with the Establishment who has the authority and ability to enforce the requirements of the Ordinance within the Establishment, such as an owner, manager, or supervisor. "Responsible Person" may also include an employee or other designee who is present at the Establishment but does not have the title of manager or supervisor, but who has the temporary or designated authority and ability to ensure that the requirements of this Ordinance are met while the Establishment is open to the public.
- 6) "Retail Establishment" means any retail business, organization, establishment, or facility open to the public, including without limitation:
  - a) grocery stores, convenience stores, and any other establishment engaged in the retail sale of non-prepared food;
  - b) commercial stores engaged in the retail sale of goods or services to the public including without limitation sporting goods stores; furniture and home-furnishings stores; clothing, shoe, and clothing-accessory stores; jewelry, luggage, and leather goods stores; department stores; hardware and home-improvement stores; book, craft, and music stores; florists and flower stores; and all other stores that sell supplies for household consumption or use;
  - c) pharmacies and other stores that sell medications or medical supplies;
  - d) alcoholic beverage stores; and
  - e) laundromats.

**Section 2. Use of Face Coverings.** Effective as of 6:00 AM on Friday, July 3, 2020, within the unincorporated areas of the County:

- 1) all customers are required to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice Establishment;
- 2) all Retail 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 in which social distancing of at least six feet cannot be observed;



- 3) All restaurants, retail stores, salons, grocery stores, and pharmacies in the County must require their employees to wear a face covering at all times while having face to face interaction with the public;
- 4) all Foodservice Establishments shall require staff who interact with customers (including, without limitation, delivery personnel) to wear, and those staff shall wear, Face Coverings while working;
- 5) All persons entering any building open to the public must wear a face covering while inside the building. This paragraph does not apply to religious establishments. However, the use of face coverings is recommended during religious activities as well;
- 6) While providing or utilizing public transportation, included, but not limited to buses, taxis, Uber or Lyft;
- 7) When participating in a permitted or allowable gathering; and
- 8) While interacting with people in outdoor spaces, including but not limited to curbside pickup, delivery and service calls.

**Section 3. Exemptions.** Face Coverings shall not be required:

- a) in outdoor or unenclosed areas appurtenant to Retail Establishments or Foodservice Establishments in which social distancing of at least six feet is possible and observed;
- b) for people whose religious beliefs prevent them from wearing a Face Covering;
- c) for those who cannot wear a Face Covering due to a medical or behavioral condition or 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 the assistance of others, anyone who has trouble breathing, or is unconscious, or incapacitated;
- d) for children under the age of ten (10) years old, provided that adults accompanying children age two (2) through nine (9) years of age shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice Establishment;
- e) In personal vehicles;
- f) for patrons of Foodservice Establishments while they are dining, seated or socially distanced consuming food and/or beverage;
- g) in private, individual offices and for employees where they are separated from other employees and customers by a plexiglass shield;
- h) when complying with directions of law enforcement officers;
- i) 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;
- j) while exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area; and
- k) During outdoor physical activity, provided the active person maintains a minimum distance of six (6) feet from other people at all times.



**Section 4. Individual Violations: Civil Infraction.** Any person violating the provisions of this Ordinance by failing to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of not more than \$25.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

**Section 5. Responsible Person Violations: Civil Infraction.** Any Responsible Person violating the provisions of this Ordinance by failing to require employees of the Establishment to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

**Section 6. Responsible Person Violations: Revocation of Permits and Licenses.** In addition to the penalties established by Section 5 hereof, repeated violations of this Ordinance by a Responsible Person by failing to require employees of the Establishment to wear a Face Covering may, subject to all procedural protections set forth in the County Code of Ordinances, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred.

**Section 7. Responsible Person Violations: Public Nuisance.** In addition to the penalties established by Section 5 hereof, repeated violations of this Ordinance by a Responsible Person by failing to require employees of the Establishment to wear a Face Covering are additionally hereby declared to be a public nuisance, which may be abated by the County by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring Establishments into voluntary compliance with the terms of this Ordinance prior to the commencement of any enforcement action.

**Section 8. Duties of Establishments and Responsible Persons.** Establishments and Responsible Persons shall have a duty to enforce the provisions of this Ordinance only against employees of the Establishment. Without limiting the generality of the foregoing, no Establishment or Responsible Person shall have any duty to require that customers, visitors, or other members of the general public wear Face Coverings.

**Section 9. Suspension of Contrary Local Provisions.** During the Emergency Term (as defined in Section 12 below), any ordinance, resolution, policy, or bylaw of the County that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

**Section 10. Expiration of Ordinance; Extension of Emergency Term.** As provided by S.C. Code § 4-9-130, this Ordinance shall expire automatically as of the sixty-first day following the date of enactment (the "Emergency Term"). Notwithstanding the foregoing, however, Council may extend the Emergency Term by emergency ordinance

for one or more additional terms, each of no more than sixty days, provided that the total duration of the Emergency Term shall not exceed six months without enacting an ordinance in the ordinary course.

**Section 11. Severability.** 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.

**Section 12. Effective Date and Time.** This emergency Ordinance shall take effect at 6:00 AM on Friday, July 3, 2020.

**Section 13. Jurisdiction/Enforcement.**

- a) The County hereby accepts jurisdiction from any municipality in the County to enforce this Ordinance within the municipality's boundaries as long as the following occurs:
  - 1) The municipality notifies the County in writing that it has voted to transfer jurisdiction to the County to enforce the Ordinance within the municipality's corporate boundaries; and
  - 2) The County Administrator countersigns the municipality's written notice accepting said enforcement jurisdiction.
- b) The Magistrates Courts of the County shall collect the fines due for any infraction of the provisions of this Ordinance.
- c) All Code enforcement personnel of the County and Law Enforcement Deputies of the County Sheriff shall have the power to enforce the provisions of this Ordinance by issuing an Uniform Ordinance Summons.

ADOPTED and APPROVED in meeting duly assembled this 2nd day of July, 2020.

ORANGEBURG COUNTY COUNCIL

By: \_\_\_\_\_  
Johnnie Wright, Sr., Chairman

ATTEST

By: \_\_\_\_\_  
Connie N. Portee, Clerk to Council



## County and State Trends for COVID-19

06/29/2020

### Introduction

Over the past four months, COVID-19 has had a significant impact throughout the United States. At the beginning of this pandemic, many businesses and organizations closed their doors in order to comply with State and Federal regulations, which were put in place to keep workers and citizens safe. In South Carolina, many businesses have reopened, while some still remain closed. Since summer began, there has been an increase in the daily cases for South Carolina and throughout the United States. Current Federal guidelines suggest re-opening when there is a "downward trajectory of documented cases within a 14-day period" (Whitehouse.gov). I have analyzed data from our 6 county region, as well as State-wide data to determine trend patterns.

### Methodology

In order to determine what trends exist with COVID-19 cases, I analyzed daily reported case frequencies for Aiken, Allendale, Bamberg, Barnwell, Calhoun, and Orangeburg Counties, the combined daily reported cases for each county, and daily reported cases for the state of South Carolina. Because daily case frequencies fluctuate so frequently, 7-day moving averages were used to smooth out data, so it can be represented more efficiently. Daily deaths for the state of South Carolina were also analyzed using a 7-day moving average. The percentage of daily cases was also analyzed as well.

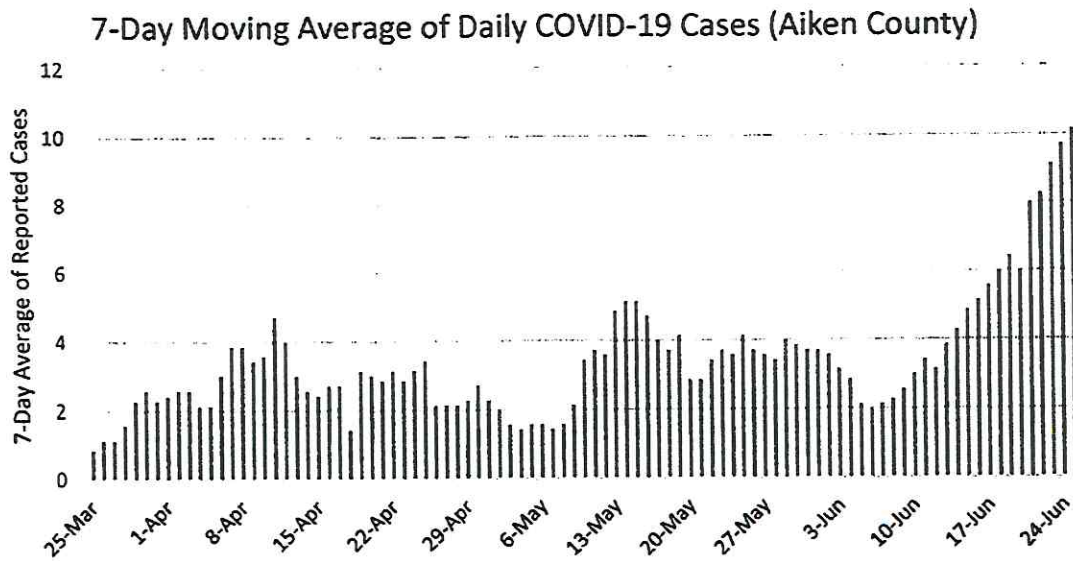
Data as of 6/28/2020

Region	Total # of Reported Cases	Rate (per 100K)	Total # of Reported Deaths
Aiken	345	201.91	9
Allendale	48	552.49	3
Bamberg	91	646.95	0
Barnwell	75	359.44	1
Calhoun	82	563.46	1
Orangeburg	670	777.49	8
6 County Total	1,311	338.23	25
South Carolina	33,221	678.51	712

Source: SC DHEC

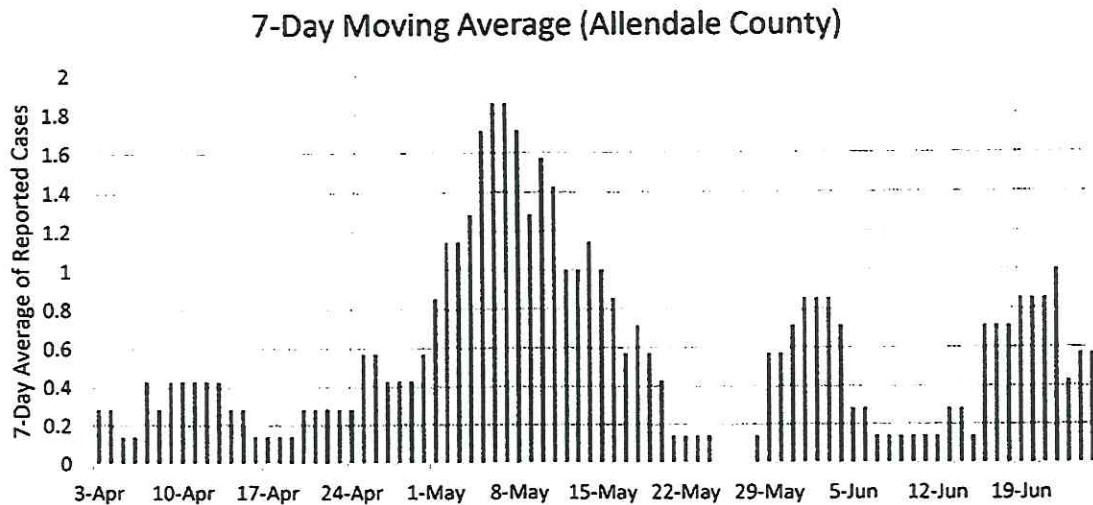


**Aiken County**



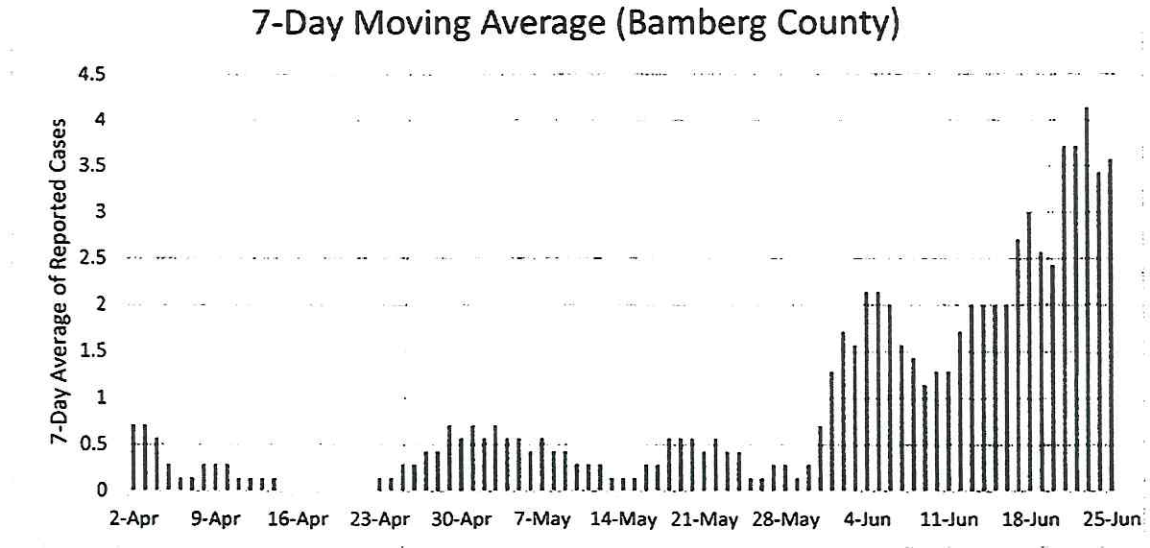
*7-day moving average of reported daily COVID-19 cases for Aiken County.*

**Allendale County**



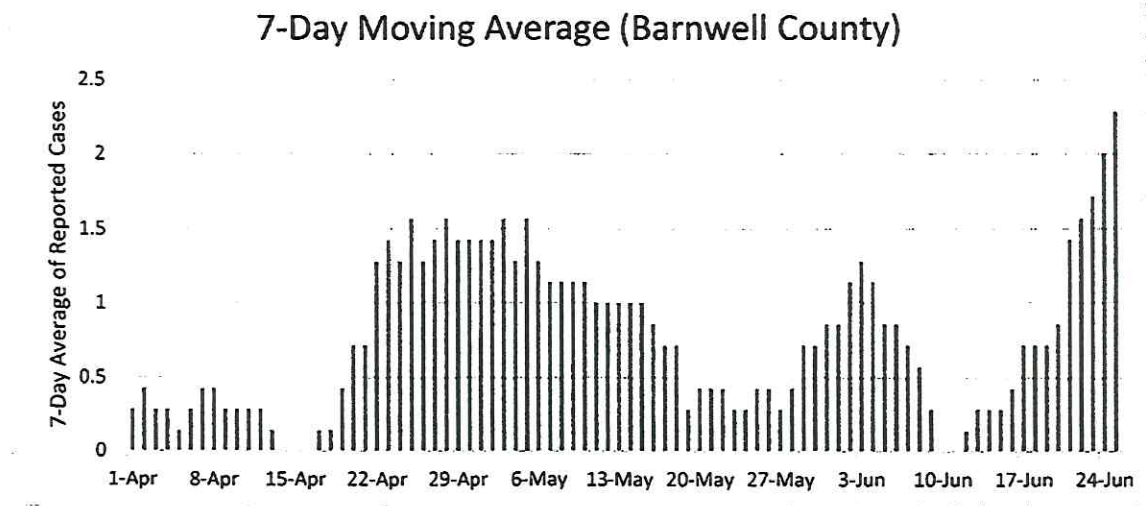
*7-day moving average of reported daily COVID-19 cases for Allendale County.*

### **Bamberg County**



*7-day moving average of reported daily COVID-19 cases for Bamberg County.*

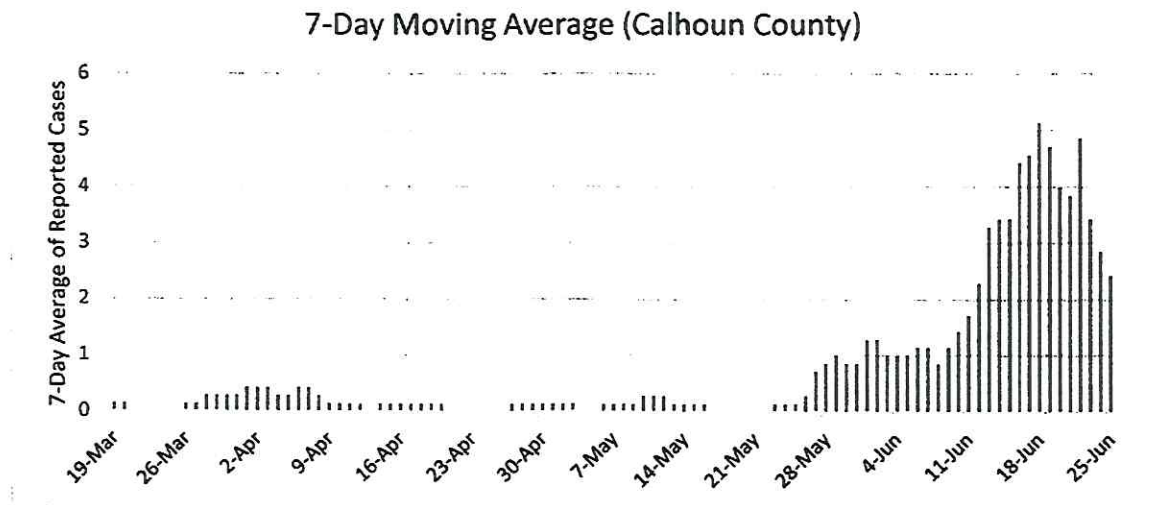
### **Barnwell County**



*7-day moving average of reported daily COVID-19 cases for Barnwell County.*

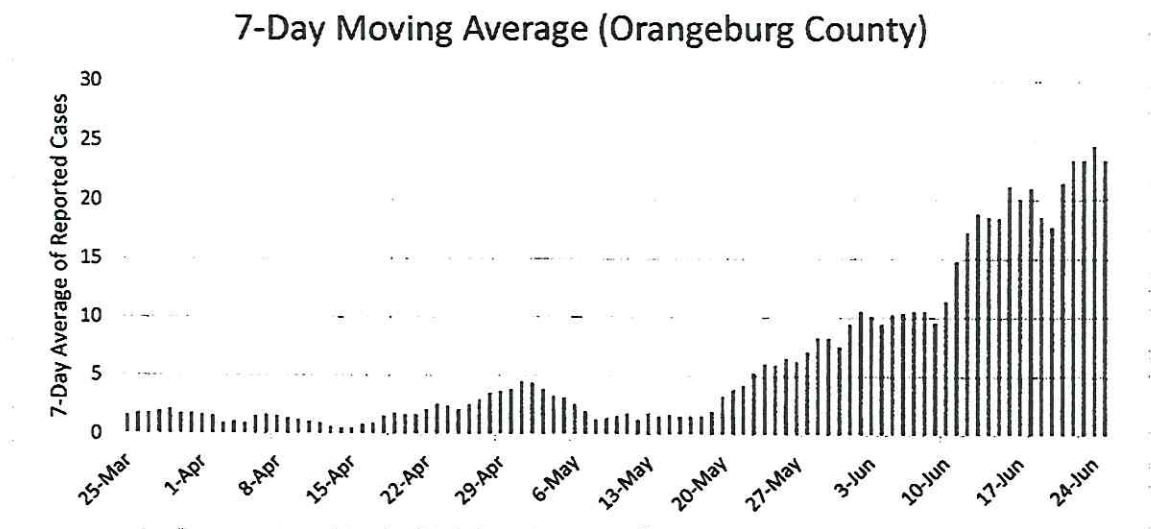


### Calhoun County



7-day moving average of reported daily COVID-19 cases for Calhoun County.

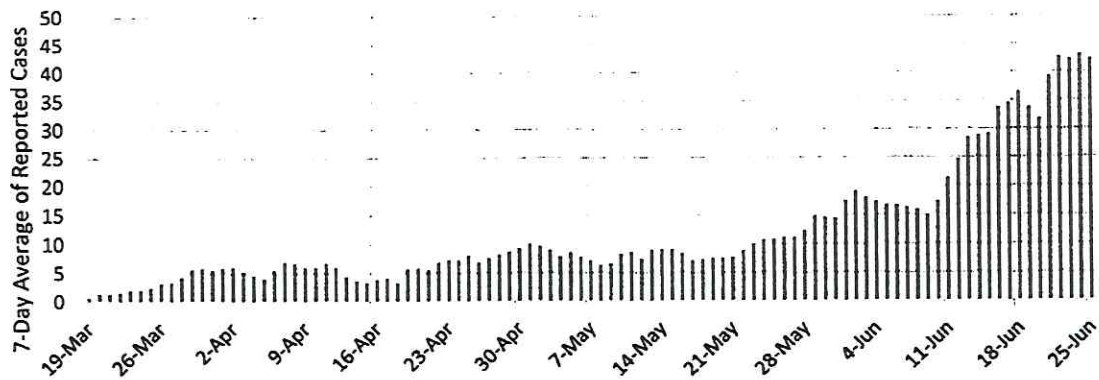
### Orangeburg County



7-day moving average of reported daily COVID-19 cases for Orangeburg County.

### 6 County Total

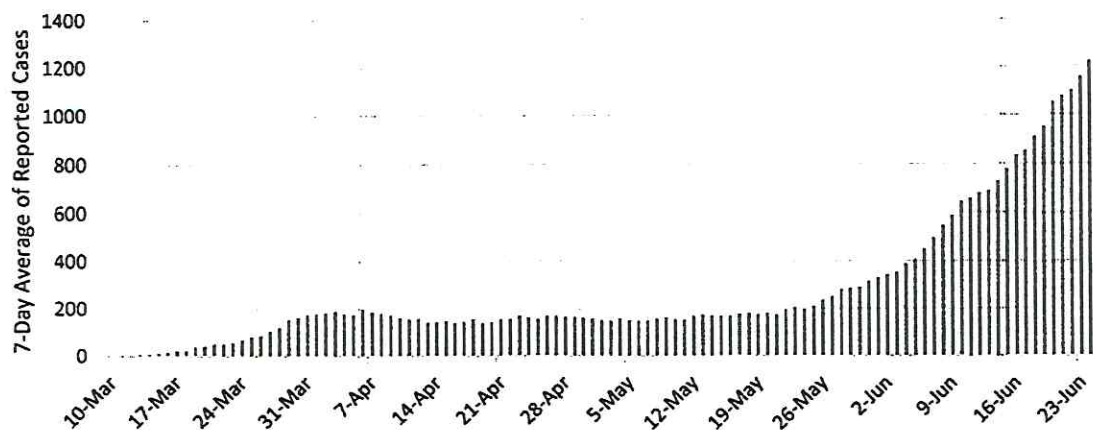
7-Day Moving Average of Daily COVID-19 Cases (6 County Total)



7-day moving average of reported daily COVID-19 cases for the 6 counties served.

### State of South Carolina

7-Day Moving Average of Daily COVID-19 Cases (South Carolina)

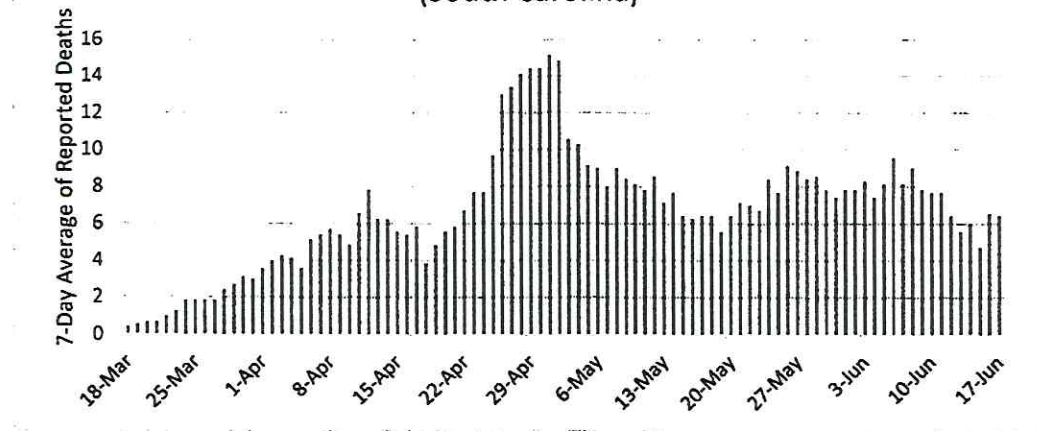


7-day moving average of reported daily COVID-19 cases for the state of South Carolina.

South Carolina Data on COVID-19 Related Deaths

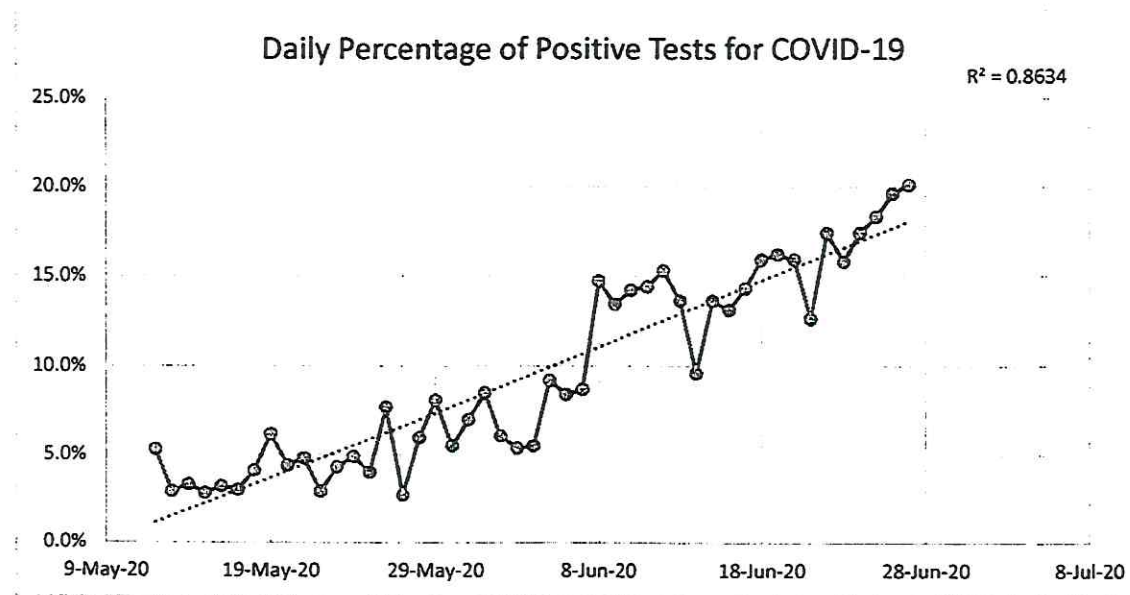


**7-Day Moving Average: Daily Reported COVID-19 Deaths  
(South Carolina)**



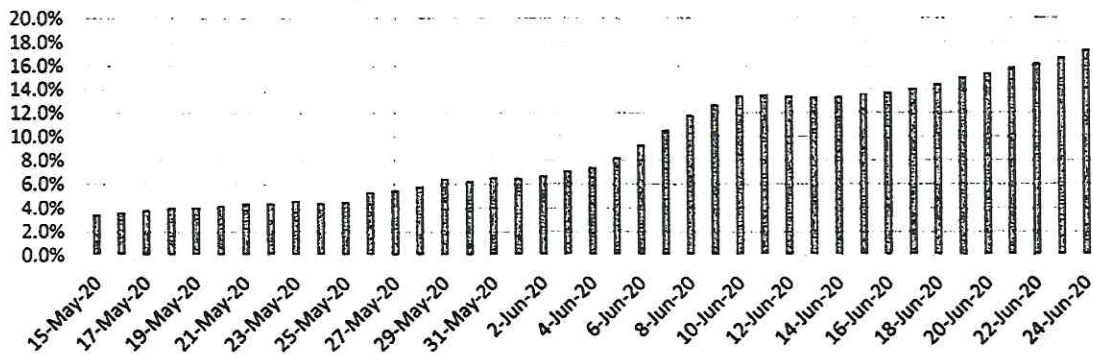
*7-day moving average of reported daily COVID-19 deaths for the state of South Carolina.*

**South Carolina Data on COVID-19 Testing**



*Daily percentage of reported positive COVID-19 tests for South Carolina*

### Moving Average: Daily Percentage of + Tests for COVID-19



*7-day moving average of reported positive COVID-19 tests for the state of South Carolina.*

#### Discussion

A 7-day moving average was used to analyze trends for Aiken, Allendale, Bamberg, Barnwell, Calhoun, and Orangeburg Counties. A 7-day moving average was also used to analyze trends for South Carolina's daily reported cases, COVID-19 deaths, and percentage of positive tests. At the time, it seems that there is insufficient evidence to suggest that our six county region is in a current state of decline for COVID-19 cases. The percentage of positive cases has continuously increased since mid-May throughout the state. Although the total number of cases has decreased, the total number of deaths in South Carolina has not increased.

#### Conclusion

It appears for Lower Savannah Council of Governments' six county region, the overall data do not provide enough evidence to suggest that we are currently seeing a downward trend in the daily or weekly number of reported COVID-19 cases.

After reviewing and analyzing current COVID-19 frequency data, I believe that, at this time, there is no evidence to suggest that we are seeing a downward trend in the daily and weekly cases of COVID-19. These trends should be monitored on a weekly basis to guide LSCOG moving forward. Because the data is weak when examining it on a county by county basis, I suggest using the combined data for the 6 counties. In order to comply with Federal guidelines, I would recommend not re-opening to the public for at least two weeks based on current trends from the combined 6 counties. This should be revisited again in 1 week to reanalyze the current trends to provide further guidance.

#### Limitations

Not everyone is being tested for COVID-19 and some individuals are asymptomatic. Therefore, SCDHEC does not know the actual number of COVID-19 cases. As more tests are administered on a daily basis,



this may create spikes in the number of reported cases. It is possible that the number of reported cases does not reflect the actual number of cases as a representative sample, which could cause trend data to be inaccurate. This should be taken into consideration when examining case data for COVID-19 and making decisions based on current case frequency data.

# TOWN OF NORWAY

## RESOLUTION 2020-003

A Resolution to adopt the Orangeburg County Emergency Ordinance Requiring Use of Face Coverings in Certain Situations; and Matters Related To COVID-19

**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;

**WHEREAS**, on March 13, 2020, the President of the United States declared that the COVID19 outbreak in the United States constitutes a national emergency;

**WHEREAS**, also on March 13, 2020, the Governor of the State of South Carolina issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID19 poses an actual or imminent public health emergency for the State;

**WHEREAS**, the Governor 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); and 2020-42 (June 26, 2020);

**WHEREAS**, the CDC and DHEC predict that confirmed COVID-19 cases will continue to increase in the State and in the County of Orangeburg (the "County") in the immediate future unless certain protections are immediately observed;

**WHEREAS**, the Town of Norway, South Carolina desires to protect the citizens and the health care system.

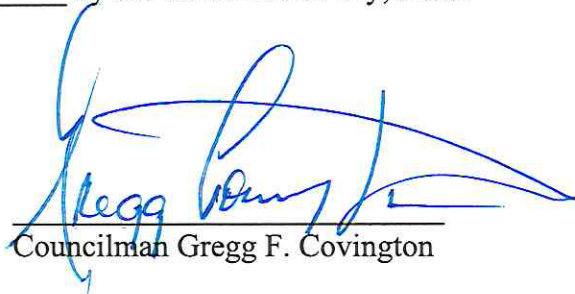
**NOW THEREFORE, BE IT RESOLVED**, the Town of Norway, South Carolina is committing to adopt the Orangeburg County Emergency Ordinance Number 2020-07-02, "An Emergency Ordinance Requiring Use of Face Coverings in Certain Situations; and Matters Related To COVID-19."

Adopted this 3<sup>RD</sup> of July by the Town of Norway, South Carolina.

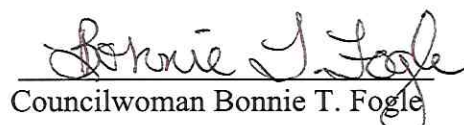
By:



Mayor Tracie M. Clemons

  
Councilman Gregg F. Covington

Attest:

  
Town Clerk Ellen Brundige  
Councilwoman Bonnie T. Fogle