RESOLUTION COMMITTING THE CITY OF DARLINGTON TO PROVIDING A LOCAL MATCH FOR A MUNICIPAL ASSOCIATION OF SOUTH CAROLINA HOMETOWN ECONOMIC DEVELOPMENT GRANT AND FOLLOWING ITS PROCUREMENT POLICY WHEN SECURING SERVICES AND PRODUCTS WITH GRANT FUNDS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DARLINGTON, here assembled on this ___ day of _____, 2020, that the Darlington City Council hereby commits to provide a local cash\in-kind match of at least $2,500, which equals the minimum 10-percent local match required by the Municipal Association of South Carolina, to support the City of Darlington's application for a $25,000 Hometown Economic Development Grant. These grant and local matching funds will be used for development of the **Downtown Parklet Project**.

BE IT FURTHER RESOLVED that the Council will follow its procurement policy adopted in accordance with SC Code of Laws Section 11-35-50 when securing all services and products purchased with funds awarded from a Hometown Economic Development Grant. This resolution is made in regard to the submission of an application for Hometown Economic Development Grants funds to the Municipal Association of South Carolina on or before September 25, 2020.

_____

Curtis Boyd

Mayor, City of Darlington

ATTEST:

_____

Gloria Pridgen, Clerk to Council

City of Darlington South Carolina

STATE OF SOUTH CAROLINA

CITY OF DARLINGTON

ORDINANCE NO. 2020-13

ZONING DESIGNATION FOR 201 EAST BROAD STREET

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DARLINGTON, SOUTH CAROLINA, assembled _____ day of _____, 20___:

SECTION 1. The following described property, to-wit:

Parcel #1: All that certain piece, parcel or lot of land lying, being and situate in the City of Darlington, County of Darlington, State of South Carolina, being known and designated as Lot No. 1 as shown on plat of two (2) lots surveyed for James O. Tyner Sr. and Darlington Grain & Cotton Co. by Ervin Engineering Co. dated August 13, 2002, and recorded in the office of the Darlington County Clerk of Court in plat book 194, at page 167, and being generally bounded and described as follows, to wit: on the South by East Broad Street on which it fronts and measures 49.91 feet; on the West by Tax Parcel No. 165-03-02-008 on which it measures 293.93 feet; on the North by Siskron Street on which it measures 49.96 feet; and on the East by Lot No. 2 on which it measures 293.95 feet, all as shown on plat referred to above.

Parcel #2: All that certain piece parcel of lot of land, together with all improvements thereon, situate, lying and being in the City of Darlington, County of Darlington, State of South Carolina, fronting 120 feet on East Broad Street and being bounded according to a plat made by J.E. Tucker Jr., Registered Surveyor, dated September 16, 1976, as follows: on the North by Siskron Street for a distance of 114.6 feet; on the East by Planters Warehouse of Darlington Inc. for a distance of 300 feet; on the South by said East Broad Street; and on the West by Russell Street for a distance of 300 feet.

These being the same parcels conveyed to James O. Tyner Jr. and Bertha Lynn Tyner Gehrke by deed of distribution from the estate of James OP. Tyner Sr. dated December 8, 2011, and recorded in the office of the Darlington County Clerk of Court in deed book 1064 at page 3023 on December 9, 2011.

And designated as Tax Map No. 165-03-02-017 and 165-03-02-008, is hereby zoned **OR, Office & Residential District**, as requested by the property owner and recommended by the City Planning Commission.

SECTION 2. This ordinance shall become effective upon its final adoption.

DONE AND RATIFIED in City Council assembled this _____ day of _____, 20_____.

Tuesday, August 11, 2020 First Reading	_____ Mayor
Tuesday, September 1, 2020 Public Hearing	
Tuesday, September 1, 2020 Second Reading	
ATTEST:	
_____ Clerk/Treasurer	
AS TO FORM:	
_____ Town Attorney	

STATE OF SOUTH CAROLINA
CITY OF DARLINGTON

ORDINANCE NO. 2020-14
ZONING DESIGNATION FOR 115 SISKRON STREET

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DARLINGTON, SOUTH CAROLINA, assembled _____ day of _____, 20___:

SECTION 1. The following described property, to-wit:

All that certain piece, parcel or lot of land, with the improvements thereon, in the City and County of Darlington, State of South Carolina, containing 0.24 acres and shown on a Plat by Reid D. Huggins, PLS dated October 26, 2017, a copy of which is recorded in the office of the Clerk of Court for Darlington County in Plat Book 216 at page 231. Be reference to this Plat the property is bounded on the North by land of Darlington County, on which it measures 80 feet; on the East by land of Darlington County, on which it measures 33.87 feet, and land of Sherry B. Ralley, on which it measures 100 feet; on the South by Siskron Street, on which it fronts and measures 80 feet; and on the West by land now or formerly of W. Lee Flowers & Company Inc., on which it measures 133.87 feet.

The property was conveyed to the grantor by the Deed of William Richard Byrd Jr. recorded February 24, 1997, in the office of the Clerk of Court for Darlington County in Book D155 at page 198 and Dead of Rose Anne B. Robinson and William Richard Byrd Jr. recorded December 21, 2004, in said Clerk's office in Book 1036 at page 5947;

And designated as Tax Map No. 165-03-02-068 and 165-03-02-070, is hereby zoned **OR, Office & Residential District**, as requested by the property owner and recommended by the City Planning Commission.

SECTION 2. This ordinance shall become effective upon its final adoption.

DONE AND RATIFIED in City Council assembled this _____ day of _____, 20_____.

Tuesday, August 11, 2020 First Reading	_____ Mayor
Tuesday, September 1, 2020 Public Hearing	
Tuesday, September 1, 2020 Second Reading	
ATTEST:	
_____ Clerk/Treasurer	
AS TO FORM:	
_____ Town Attorney	

STATE OF SOUTH CAROLINA
CITY OF DARLINGTON

ORDINANCE NO. 2020-15
ZONING CHANGE REQUEST FEE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DARLINGTON, SOUTH CAROLINA, assembled _____ day of _____, 20___, that based on the Darlington City Planning Commission's recommendation, APPENDIX B of the City of Darlington, South Carolina, City Code of Ordinances is hereby amended to add the following under ADDITIONAL FEES:

$100	Zoning Change Request
$65	Application for Certificate of Appropriateness

This ordinance shall become effective upon its final adoption.

DONE AND RATIFIED in City Council assembled this _____ day of _____, 20_____.

Tuesday, August 11, 2020 First Reading	_____ Mayor
Tuesday, September 1, 2020 Public Hearing	
Tuesday, September 1, 2020 Second Reading	
ATTEST:	
_____ Clerk/Treasurer	
AS TO FORM:	
_____ City Attorney	

STATE OF SOUTH CAROLINA

CITY OF DARLINGTON

ORDINANCE NO. 2020-17

ORDINANCE TO ENTER INTO INCENTIVE AGREEMENT WITH HDCC LLC

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DARLINGTON, SOUTH CAROLINA, assembled _____ day of _____, 20___:

SECTION 1. The City of Darlington, hereafter referred to as THE CITY, will enter into an Economic Development Agreement with HDCC LLC, hereafter referred to as THE DEVELOPMENT,

Whereas

I. The Development is located at 125 Country Club Road, Darlington, SC;
II. The Development began construction in February 2020, including a renovation of the exterior and interior, and plans to be fully operational by the end of 2021;
III. The Development plans to exist at this location through January 2031;
IV. The Development intends to invest $3.279 million in capital expenses;
V. The Development intends to hire at least 10 full-time employees;
VI. The Development intends to hire with a preference for those living in Darlington County; and
VII. The combined investment of the Development, including a credit of $50,000 per job created, exceeds $4.3 million.

In return for this investment, the development is requesting the City provide the following:

I. Reimbursement of 100 percent of building permit fees during the construction phase following approval of this ordinance.
II. Reimbursement of business license taxes in the following manner:
    a. One hundred percent for 2021;
    b. Eighty percent for 2022; and
    c. Sixty-six percent for 2023; and
    d. Forty percent for 2024; and
    e. Twenty percent for 2025; and
    f. Zero percent for each taxable year of operation thereafter.
III. Reimbursement of local hospitality taxes, at a rate of 50 percent for a period of 12 months. Such funds received through this incentive are to be spent only for purposes that are related to tourism, pursuant to S.C. Code 6-1-730.
IV. Reimbursement of local accommodations taxes, at a rate of 50 percent for a period of 12 months from the initial collection of such taxes. Such funds received through this incentive are to be spent only for purposes that are related to tourism, pursuant to S.C. Code 6-1-530.

SECTION 2. The City of Darlington affirms that, based upon any acquisition costs for the subject property, along with good-faith estimates for the costs of physical improvements and the number of

jobs created, the Development will meet or exceed the minimum investment requirements of subsection 22-105(a)(4); specifically, through

I. Anticipated business license fees of $1,078.00 annually;
II. Additional property tax revenue of $2,459.82 annually;
III. Utilities revenue of $4,178.00 annually; and
IV. Job investment credit of $500,000 based on 10 employees

Additionally, the Development will improve the quality of life; attract industry leaders to sell our community as a place to live, work, and play, which in turn generates additional revenue for the City; and to enhance the overall appeal of the community to potential residents, visitors, and businesses.

The amount of incentives granted to the Development shall not exceed the value of the direct and indirect benefits of the Development to the City.

SECTION 3. Certification, commencement, and continuation of incentives.

No incentive shall commence or be given until such time as the Development has been issued a certificate of occupancy and/or a business license as well as a certificate that all terms and benchmarks included within the applicable incentive agreement, including without limitation benchmarks for capital investment, property valuation, and job creation (the "benchmarks"), have been fully achieved or otherwise completed.

Where benchmarks, such as the number of jobs created, are to be met continuously over a period of time, the incentive recipient shall provide to the city, on an annual basis, sufficient proof that the Development has continuously achieved or otherwise complied with such benchmarks. A **Request for Incentive Repayment** must be submitted by July 31 of each year to the City Manager's Office. Failure to do so may result in reduction or forfeiture of incentives.

If, at any time after completion of a Development or at any time within the period of time during which a Development is granted incentives, a Development fails to achieve or otherwise comply with a benchmark, the council may, at its discretion and on a case-by-case basis:

(1) declare the incentive agreement null and void and refuse to grant any future incentives; or
(2) decrease the amount of the incentives based upon the actual direct and indirect benefits of the Development to the City and its citizens.

SECTION 4. This ordinance shall become effective upon its final adoption.

DONE AND RATIFIED in City Council assembled this _____ day of _____, 20_____.

Tuesday, August 11, 2020 First Reading	_____ Mayor
Tuesday, September 1, 2020 Public Hearing	

Tuesday, September 1, 2020 Second Reading	
ATTEST:	
_____ Clerk/Treasurer	
AS TO FORM:	_____ City Attorney

THE STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON
CITY OF DARLINGTON

ORDINANCE 2020-19

REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN RETAIL AND FOODSERVICE ESTABLISHMENTS, 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);

WHEREAS, the State is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of June 25, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting that there have been 27,842 confirmed COVID-19 cases and 683 confirmed COVID-19 deaths in the State;

WHEREAS, if COVID–19 cases continue to increase in the State and in the **City of Darlington**, 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, S.C. Code § 5-7-250(d) provides that "[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances … 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, the **City** Council of the **City of Darlington** 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 **City's** police powers under Home Rule and S.C. Code § 5-7-60 to require that individuals wear face coverings in certain situations and locations;

WHEREAS, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by State law;

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 ordained by the Darlington City Council of the **City of Darlington** as follows:

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

1) "Establishment" means a Foodservice Establishment or Retail Establishment.
2) "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.
3) "Foodservice Establishment" means any establishment within the **City of Darlington** that sells prepared food on a dine-in, delivery, carry-out, or drive-through basis.
4) "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 that 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.

5) "Retail Establishment" means any retail business, organization, establishment, or facility open to the public within the **City of Darlington,** 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 7 a.m. on Friday, October 9, 2020:

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; and
3) 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.

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;
d) for children younger than 12 years old, provided that adults accompanying children age two through 12 shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice;
e) for patrons of Foodservice Establishments while they are dining;
f) in private, individual offices;
g) when complying with directions of law enforcement officers;
h) 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;
i) 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.

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 $100. 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 not more than $100. 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 **City of Darlington** Code, 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 **City of Darlington** 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 **City of Darlington** that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

Section 10. Expiration of Ordinance. This ordinance automatically terminates when there is no longer a statewide emergency declaration.

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 Ordinance shall take effect at 7 a.m. on Friday, October 9, 2020.

DONE AND RATIFIED in Council assembled this _____ day of _____, 2020.

Tuesday, September 1, 2020 First Reading	_____ Mayor
Tuesday, October 6, 2020 Public Hearing	
Tuesday, October 6, 2020 Second Reading	
ATTEST:	
_____ Clerk/Treasurer	
AS TO FORM:	
_____ Town Attorney	

THE STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON
CITY OF DARLINGTON

ORDINANCE 2020-XX

REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN RETAIL AND FOODSERVICE ESTABLISHMENTS, 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);

WHEREAS, the State is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of June 25, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting that there have been 27,842 confirmed COVID-19 cases and 683 confirmed COVID-19 deaths in the State;

WHEREAS, if COVID–19 cases continue to increase in the State and in the **City of Darlington**, 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, S.C. Code § 5-7-250(d) provides that "[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances … 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, the **City** Council of the **City of Darlington** 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 **City's** police powers under Home Rule and S.C. Code § 5-7-60 to require that individuals wear face coverings in certain situations and locations;

WHEREAS, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by State law;

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 ordained by the Darlington City Council of the **City of Darlington** as follows:

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

1) "Establishment" means a Foodservice Establishment or Retail Establishment.
2) "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.
3) "Foodservice Establishment" means any establishment within the **City of Darlington** that sells prepared food on a dine-in, delivery, carry-out, or drive-through basis.
4) "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 that 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.

5) "Retail Establishment" means any retail business, organization, establishment, or facility open to the public within the **City of Darlington,** 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 7 a.m. on Tuesday, September 8, 2020:

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; and
3) 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.

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;
d) for children younger than 12 years old, provided that adults accompanying children age two through 12 shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice;
e) for patrons of Foodservice Establishments while they are dining;
f) in private, individual offices;
g) when complying with directions of law enforcement officers;
h) 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;
i) 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.

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 $100. 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 not more than $100. 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 **City of Darlington** Code, 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 **City of Darlington** 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 **City of Darlington** 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 § 5-7-250(d), 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 (60) 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 7 a.m. on Tuesday, September 8, 2020.

DONE AND RATIFIED in Council assembled this _____ day of _____, 2020.

	_____ Mayor
ATTEST:	
_____ Clerk/Treasurer	
AS TO FORM:	
_____ Town Attorney	

THE STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON
CITY OF DARLINGTON

ORDINANCE NO. 2020-XX

ANNEXATION OF 325 NORTH MAIN STREET

An ordinance to amend the corporate limits of the City of Darlington, South Carolina, (Section 1-3049, as set forth in Appendix 1).

The corporate limits of the City of Darlington are defined, pursuant to Section 1-3049 of the Ordinances of the City of Darlington, in Appendix 1, incorporated in and made a part of said Section by reference. Proper petition has now been submitted to the City Council by the owner of that certain parcel or lot of land adjoining the corporate limits of the City of Darlington as provided in Section 5-3-150 of the South Carolina Code of Laws, 1976, The City Council desires to accept this petition and annex the property described therein.

BE IT ORDERED AND ORDAINED by the City Council of the City of Darlington in Council assembled this ___ day of _____, 2020:

1. That the Appendix 1, defining the corporate limits of the City of Darlington be, and the same hereby as, amended by adding at the end thereof the following:

   Also, the following described property annexed by this Ordinance pursuant to the provisions as Section 5-3-150, South Carolina Code of Laws, 1976:

   All that certain piece, parcel or lot of land, with the improvements thereon, near to and just north of the corporate limits of the City of Darlington, in the County of Darlington, State of South Carolina, containing 0.59 acres, more or less, and designated as Lot D on plat made by T. E. Wilson, C.E., dated June 12, 1935, and revised on November 30, 1947, a blueprint copy of which is recorded in the office of the Clerk of Court for Darlington County in plat book 14 at page 115, whereon said lot is more particularly shown to front 75 feet on U.S. Highway 52 leading from Darlington to Dovesville, and to be bounded now or formerly as follows: on the northwest by Lot C on the aforementioned plat, along which it extends for a distance of 354 feet; on the northeast by said U.S. Highway 52; on the southeast by Lot E shown

on said plat along which it extends for a distance of 333 feet; and on the southwest by right-of-way of Seaboard Air Line Railway, along which it extends for a distance of 77 feet.

This being the same property conveyed to Jamie Howle by deed of David R. Campbell Jr. and Samantha J. Campbell, dated March 1, 2019, and recorded in the office of the Darlington County Clerk of Court in deed book 1088 at page 5245 on same.

Tax Map No. 164-10-01-068.

2. This Ordinance shall become effective upon its adoption.

DONE AND RATIFIED in Council assembled this _____ day of _____, 2020.

Tuesday, September 1, 2020 First Reading	_____ Mayor
Tuesday, October 6, 2020 Public Hearing	
Tuesday, October 6, 2020 Second Reading	
ATTEST:	
_____ Clerk/Treasurer	
AS TO FORM:	
_____ Town Attorney	

STATE OF SOUTH CAROLINA

CITY OF DARLINGTON

ORDINANCE NO. 2020-XX

ZONING DESIGNATION FOR 325 N. MAIN ST.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DARLINGTON, SOUTH CAROLINA, assembled _____ day of _____, 20___:

SECTION 1. That all that piece, parcel or lot of land, located at 325 N. Main St., designated as Tax Map No. 164-10-01-068, is hereby zoned **R-10, Low Density Residential District**, as requested by the property owner.

SECTION 2. This ordinance shall become effective upon its final adoption.

DONE AND RATIFIED in City Council assembled this _____ day of _____, 20_____.

Tuesday, September 1, 2020 First Reading	_____ Mayor
Tuesday, October 6, 2020 Public Hearing	
Tuesday, October 6, 2020 Second Reading	
ATTEST:	
_____ Clerk/Treasurer	
AS TO FORM:	
_____ Town Attorney	