



COUNTY COUNCIL OF TALBOT COUNTY

COURTHOUSE

11 NORTH WASHINGTON STREET
EASTON, MARYLAND 21601

PHONE: 410-770-8001

FAX: 410-770-8007

www.talbotcountymd.gov

COREY W. PACK, President
CHUCK F. CALLAHAN, Vice President

FRANK DIVILIO
PETE LESHER
LAURA E. PRICE

EMERGENCY RESOLUTION

COVID-19 ENFORCEMENT

REQUIRING COMPLIANCE WITH CERTAIN EXECUTIVE ORDERS ISSUED BY GOVERNOR HOGAN TO PREVENT THE SPREAD OF COVID-19; ESTABLISHING CIVIL MONETARY FINES FOR VIOLATIONS OF THIS EMERGENCY RESOLUTION; AUTHORIZING THE TALBOT COUNTY HEALTH DEPARTMENT AND THE TALBOT COUNTY OFFICE OF CODE ENFORCEMENT TO ENFORCE THE REGULATIONS HEREIN; AND, RECOMMENDING CERTAIN PROCEDURES FOR ENFORCEMENT

RECITALS

WHEREAS, the State of Maryland and Talbot County are seeing an alarming increase in the number of COVID-19 cases; and,

WHEREAS, in a letter dated July 14, 2020, Governor Hogan called on all local jurisdictions to step up enforcement efforts, particularly in reference to bars and restaurants, in order to help prevent the spread of COVID-19. A copy of the Governor's letter is attached hereto as Exhibit "A" and incorporated by reference herein; and,

WHEREAS, at the Governor's request, and based on the recommendation of the Talbot County Health Officer, Dr. Fredia Wadley, who explained the need for greater enforcement efforts at the Council's July 21st meeting, the County Council desires to adopt emergency rules and regulations related to enforcement as set forth herein in order to help prevent the spread of COVID-19.

NOW THEREFORE, BE IT RESOLVED, PROCLAIMED, AND ORDERED, by the County Council of Talbot County, Maryland that, in accordance with the authority granted by the Charter and Laws of Talbot County, Maryland, and pursuant to any and all authority vested to the Council by the Maryland Constitution and the Laws of Maryland, including but not limited to § 3-202 of the Health-General Article; §§ 10-202 and 10-328 of the Local Government Article; and, § 14-113 of the Public Safety Article:

1. **Recitals.** The above recitals are hereby incorporated as if fully set forth herein.

2. **Compliance with Governor's Orders Required.** All persons in Talbot County shall comply with the following Executive Orders issued by Governor Hogan to prevent the spread of COVID-19:

- a. Executive Order No. 20-04-15-01 (Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures).
- b. Executive Order No. 20-06-10-01 (Amending and Restating the Order of June 3, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local Regulation).

3. **Abatement Orders and Civil Monetary Fines.** Violations of this Emergency Resolution are subject to the issuance of abatement orders and civil monetary fines of up to \$1,000 per violation. Such remedies are in addition to, and not in lieu of, any other remedies available under applicable laws, rules, regulations, and orders.

4. **Enforcement Officers.** In addition to any other agencies or officials authorized by law to enforce this Emergency Resolution or the Governor's Executive Orders, the Talbot County Health Department and the Talbot County Office of Code Compliance, and their officials and employees, shall be and are hereby authorized to enforce the terms of this Emergency Resolution, including, without limitation, through the issuance of abatement orders and civil monetary fines.

5. **Recommended Procedure for Enforcement.** Violations of this Emergency Resolution should be handled as follows:

- a. First Offense – Warning.
- b. Second Offense – Civil fine.
- c. Third Offense – If the violator holds a liquor license issued by the Talbot County Liquor Board, proceeding before the Liquor Board seeking suspension of the license and/or imposition of a civil fine.
- d. Fourth Offense – If the violator holds a foodservice license, proceeding by Health Department seeking suspension of foodservice license.

6. **Prosecutable as Municipal Infraction.** In addition to other remedies, violations of this Resolution may be prosecuted as municipal infractions. In that event, all penalties, procedures for enforcement and other provisions concerning enforcement, violations and penalties shall be as specified by Local Government Article § 6-103 *et seq.*, Maryland Annotated Code, as amended from time to time.

7. **Further Amendments.** This Emergency Resolution may be amended from time to time in the discretion of the Talbot County Council.

8. **Supersedes Inconsistent Local Law.** This Emergency Resolution shall supersede any conflicting local laws, rules, regulations, or orders.

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9. **Supersedes Inconsistent Local Law.** This Emergency Resolution shall supersede any conflicting local laws, rules, regulations, or orders.
10. **Severability.** If any provision of this Emergency Resolution or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Resolution shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Resolution are severable.

THIS EMERGENCY RESOLUTION IS HEREBY EFFECTIVE IMMEDIATELY
this Twenty-Eighth day of July in 2020.

GIVEN UNDER OUR HANDS AND THE GREAT
SEAL OF TALBOT COUNTY, THIS 28th DAY OF
JULY IN THE YEAR 2020.

**COUNTY COUNCIL OF TALBOT
COUNTY, MARYLAND**

ATTEST:

Susan W. Moran

Name: Susan Moran
Title: Clerk

Corey W. Paek
Corey W. Paek, President

Chuck F. Callahan
Chuck F. Callahan, Vice President

Frank Divilio
Frank Divilio

Nay

Pete Leshner

Laura E. Price
Laura E. Price



LARRY HOGAN
GOVERNOR

STATE OF MARYLAND
OFFICE OF THE GOVERNOR

July 14, 2020

Dear County Leaders:

While states across the country and in our region are experiencing spikes and outbreaks, Maryland's key COVID-19 health metrics continue to decline. However, we are closely monitoring some concerning trends, including increasing infection rates among young people. The positivity rate among Marylanders under the age of 35 is now 84% higher than Marylanders 35 and older.

An increasing number of COVID-19 cases have been connected to non-compliance with public health requirements, particularly in bars and restaurants. Businesses that fail to comply with the state's orders put their customers and employees at grave risk, and jeopardize our safe, effective, and gradual recovery.


At least 12 states have already moved to re-close bars and restaurants—we do not want to be forced to take the same action here in Maryland. Under Executive Order 20-06-10-01, which was issued on June 10, and the accompanying directives from the Maryland Department of Health:

- Bars and restaurants are open for seated service only with physical distancing and capacity restrictions. Customers must be seated at least six feet apart from other guests. Standing and congregating in bar areas is strictly prohibited.
- All staff must wear a face covering while working and interacting with customers.
- For facilities with booths, every other booth must be closed.
- No more than six people may sit at a table.

The vast majority of bars and restaurants in our state are in compliance, but some are flagrantly violating the law and endangering public health. You have the responsibility to enforce these laws. Violators should be warned, fined, have actions taken regarding their licenses, or closed if necessary. Local health departments, local liquor boards and inspectors, and local law enforcement agencies must work together to ensure public health is protected.

Our continued economic health and recovery depend on the active and aggressive local enforcement of these critical public health measures. We cannot allow a small segment of willful violators to squander the collective efforts of the overwhelming majority of Maryland citizens and businesses.

Thank you for your prompt attention to this matter.

Sincerely,

Larry Hogan
Governor

cc: Local Health Officers
Local Liquor Boards
Local Law Enforcement Agencies
Maryland Association of Counties