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SECOND AMENDED EMERGENCY DECLARATION

AMENDING AND RESTATING THE FIRST AMENDED EMERGENCY DECLARATION OF MARCH 31, 2020, DECLARING A STATE OF EMERGENCY IN TALBOT COUNTY FOR A PERIOD OF 30 DAYS, ORDERING THE TEMPORARY CLOSURE OF CERTAIN BUILDINGS AND THE SUSPENSION OF CERTAIN MEETINGS, AND ORDERING TEMPORARY CLOSURE OF SHORT-TERM RENTALS AND BED AND BREAKFASTS, SUBJECT TO CERTAIN EXCEPTIONS, IN ORDER TO PREVENT THE SPREAD OF COVID-19

WHEREAS, the County Council of Talbot County, Maryland, has been advised by the Director of Emergency Management for Talbot County and the local Health Officer that COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and a public safety emergency; and

WHEREAS, on March 5, 2020, a Declaration of State of Emergency and Existence of a Catastrophic Health Emergency was declared by the Governor of the State of Maryland; and

WHEREAS, on March 13, 2020, a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak was issued by the President of the United States; and

WHEREAS, on March 16, 2020, the Talbot County Council adopted an Emergency Declaration declaring a state of emergency in the County for a period of 30 days and ordering the temporary closure of certain buildings and the suspension of certain meetings in order to prevent the spread of COVID-19; and,

WHEREAS, on March 30, 2020, Governor Hogan issued a revised order titled "Order of the Governor of the State of Maryland Number 20-03-30-01 Amending and Restating the Order of March 23, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and All Non-Essential Businesses and Other Establishments, and Additionally Requiring All Persons to Stay at Home", which, among other things, orders all persons living in the State of Maryland, effective as of 8:00 p.m. on March 30, 2020, to stay in their homes or places of residence, with limited exceptions; prohibits gatherings of more than 10 people, with certain exceptions; and, closing all non-essential businesses, organizations, establishments, and facilities that are not part

of the critical infrastructure sectors identified by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA); and,

WHEREAS, on March 31, 2020, the Talbot County Council adopted an Amended Emergency Declaration declaring a state of emergency in the county for a period of an additional 30 days and ordering the continued temporary closure of certain buildings, the continued suspension of certain meetings, the extension of certain expiring licenses, and a prohibition on occupancies and reservations for short-term rentals and bed and breakfasts during the period of the Declaration in order to prevent the spread of COVID-19; and

WHEREAS, in the last three weeks the number of confirmed cases of COVID-19 in Talbot County has risen to 37 and the total number of reported cases in the United States has surged to over 1,002,498, more cases than any other country in the world, and assessments continue to indicate further increases in the number of cases before leveling off; and,

WHEREAS, Talbot County is and has long been a vacation destination, particularly for tourists and visitors coming from large metropolitan areas, such as Washington, D.C., Baltimore, Philadelphia, and New York, which are experiencing rapid escalation in the numbers of new COVID-19 cases; and,

WHEREAS, short-term rentals and bed and breakfasts are designed to facilitate tourism and leisure activities of the type now prohibited by Governor Hogan's COVID-19 executive orders, in particular the stay-at-home order, and, unlike hotels, motels, and inns, short-term rentals and bed and breakfasts are not considered by CISA to be "lodging" within the Commercial Services Sector of the nation's critical infrastructure; and,

WHEREAS, the Talbot County Council, in its executive capacity and sitting as the Talbot County Board of Health, finds that this Second Amended Emergency Declaration, and the orders hereunder are necessary to mitigate the COVID-19 disease and to protect the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDERED, PROCLAIMED, AND DECLARED, 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 § 14-111 of the Public Safety Article of the Annotated Code of Maryland and § 3-502 of the Health-General Article, **THAT A STATE OF EMERGENCY AND CATASTROPHIC HEALTH EMERGENCY EXISTS IN TALBOT COUNTY, MARYLAND, AND**

IT IS FURTHER ORDERED THAT:

1. **<u>Publication and Duration</u>:**

    a. This Second Amended Emergency Declaration shall be promptly publicized.

    b. A copy of this Second Amended Emergency Declaration be filed with the chief local records-keeping agency.

c. This Second Amended Emergency Declaration is effective for a period of 30 days beginning on May 1, 2020 and expiring at midnight on May 31, 2020. It is possible, however, that the state of emergency will continue for more than 30 days. In the event that an extension of this Declaration is necessary, the County Council, sitting as the governing body of the County, may consent to and extend such Declaration for additional periods of time as the Council deems necessary in accordance with Public Safety Article § 14-111.

2. **Federal and State Aid.** The County hereby requests and authorizes the receipt of all available Federal and State aid, resources, and assistance to protect the public health, safety, and welfare of the citizens of Talbot County pursuant to Title 14 of the Public Safety Article, Md. Code Ann., and in accordance with all applicable State and local emergency plans.

3. **Emergency Powers and Appropriations; Emergency Operations.** All emergency powers of the County Council and the County Manager under the Talbot County Charter and State law are hereby enabled, including but not limited to Section 617 of the Talbot County Charter related to emergency appropriations. As stated in Talbot County's 2014 Emergency Operations Plan, during a declared local state of emergency, the Talbot County Emergency Services Director will oversee all coordination efforts related to the COVID-19 pandemic through the emergency operations center in support of the public health officer and other agencies and organizations. The Emergency Operations Center, with representation from the Talbot County Health Department and other agencies, will facilitate regular coordination efforts with various departments, agencies, organizations, and with the private sector to address existing and emerging public safety threats during the period of declared emergency.

4. **Procurement.** All procurements and purchases needed to respond to the COVID-19 outbreak may be authorized in accordance with § IV of the Talbot County Procurement Policy, titled "Emergency Purchases."

5. **Closure of Public Buildings.** Effective Tuesday, March 17, 2020, all Talbot County government buildings shall be closed to the public while this Declaration is in effect.

6. **Extension of Licenses.** The expiration date of any licenses, permits, registrations and professional licenses issued by Talbot County that would otherwise:

   a. Expire by the later of (i) April 30, 2020 or (ii) otherwise during the Governor's state of emergency; and

   b. Be renewable during such period noted in Paragraph 6.a. under applicable laws and regulations

   is hereby extended to the later of (i) June 30, 2020, or (ii) within 30 days after the date by which the Governor's state of emergency is terminated and the catastrophic health emergency is rescinded.

7. **Suspension of Deadlines.** The County Manager is hereby authorized, upon a finding that the suspension will not endanger the public health, welfare or safety, and after notification to the County Council, suspend the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time or other time of an act or event described within any local statute, rule or regulation that Talbot County administers. Such suspension may, at the discretion of the County Manager, continue until no later than the 30th day after the date by which the Governor's state of emergency is terminated and the catastrophic health emergency is rescinded.

8. **Board and Commission Meetings.** All Talbot County board and commission meetings are hereby suspended, subject to the following:

    a. For any agenda item deemed critical by agreement of the board or commission chair and the County Manager and subject to available technology, the board or commission may hold a meeting to address such critical item, provided that the meeting shall be conducted virtually via teleconference, live streaming, or any other available technology that will allow, in the view of the County Attorney's Office, the necessary parties to participate and the public to observe in real time to the extent required by law.

    b. To the extent a board's or commission's rules of procedure require the presence of a physical quorum of the body to conduct business, such rule may be suspended upon concurrence by the County Attorney's Office and subject to available technology allowing the body to communicate virtually in real time.

9. **County Council Meetings.** All Talbot County Council meetings are hereby suspended, subject to the following:

    a. For any future agenda item deemed critical by agreement of the Council chair and the County Manager and subject to available technology, the Council may hold a meeting to address such critical item, provided that the meeting shall be conducted virtually via teleconference, live streaming, or any other available technology that will allow, in the view of the County Attorney's Office, the necessary parties to participate and the public to observe in real time to the extent required by law.

    b. In the event that a physical quorum is not possible or advisable for such meeting, the requirement in the County Council Rules of Procedure for the presence of a physical quorum of the body to conduct business may be suspended by a four-fifths vote of the Council at such virtual meeting, upon concurrence by the County Attorney's Office and subject to available technology allowing the body to communicate virtually in real time.

10. **Short-Term Rentals and Bed and Breakfasts.** Effective as of the date of the First Amended Emergency Declaration, all short-term rentals and bed and breakfasts licensed by Talbot County pursuant to Chapter 190 of the Talbot County Code shall be and are hereby subject to the following additional terms, conditions, and limitations:

a. No new reservations for the period from March 31 to May 31, 2020, shall be made until the expiration of this Second Amended Declaration or further amendment by Council.

b. No occupancies of short-term rental or bed and breakfast properties may begin after March 31, 2020 until the expiration of this Second Amended Declaration or further amendment by Council.

c. Notwithstanding the foregoing:

   i. Guests who were occupying short-term rentals or bed and breakfasts on March 31, 2020 may continue to remain through the end of their current booking and may extend their stay for such additional periods as may be permitted by the owner and applicable law, provided that (i) the owner has provided the Talbot County Department of Planning and Zoning the name of all such guests and the dates by which all current guests will be vacating the premises, and (ii) that the owner and all guests comply with Governor Hogan's executive orders, namely prohibition on large gatherings and the stay-at-home order, as well as complying with all other laws, rules, and regulations governing short-term rentals and bed and breakfasts; and,

   ii. New reservations may be made to allow occupancy for guests who are deemed by federal, State, or local governmental authorities as essential personnel needed to help respond to the spread of COVID-19 in Talbot County, including without limitation, doctors, nurses, emergency first responders, law enforcement, and fire fighters, provided that the owner provides the Talbot County Department of Planning and Zoning the names of all such guests, their status as essential personnel, and the dates by which they will be vacating the premises.

d. Violations of the terms, conditions, and limitations above shall be punishable to the full extent permitted by law, including, without limitation, criminal sanctions arising from violations of the Governor's executive orders and civil sanctions arising under Chapter 58 and Chapter 190 of the Talbot County Code. Pursuant to Chapter 58, violations of these requirements may result in suspension of licenses to operate a short term rental or a bed and breakfast in Talbot County for a minimum of thirty days, in the discretion of the Talbot County Planning Director.

11. <u>Supersedes Inconsistent Local Law; Severability</u>. This Second Amended Emergency Declaration and the orders herein shall supersede and replace the First Amended Emergency Declaration issued by the Talbot County Council on March 31, 2020, at the time of the expiration of the First Amended Declaration and shall supersede any inconsistent or conflicting local law, rule, or regulation. If any provision of this Second Amended Emergency Declaration is held invalid in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Second Amended Emergency Declaration which can be given effect without the invalid provision or application, and for this purpose the provisions of this Second Amended Emergency Declaration are declared severable.

12. **Further Amendments.** This Emergency Declaration may be revised or amended from time to time as needed in the discretion of the County Council.

THIS SECOND AMENDED EMERGENCY DECLARATION AND THE ORDERS HEREIN ARE HEREBY EFFECTIVE the 1st day of May in 2020.

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

Corey W. Pack, President

Chuck F. Callahan, Vice President

Frank Divilio

Pete Lesher

Laura E. Price

ADOPTED:

By the Council: April 28, 2020

Susan Moran, Clerk of Council