



COUNTY COUNCIL OF TALBOT COUNTY
COURTHOUSE

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THIRD EMERGENCY RESOLUTION

COVID-19 ENFORCEMENT

SUPERSEDING AND REPLACING THE EMERGENCY RESOLUTION ON COVID-19 ENFORCEMENT ADOPTED BY THE TALBOT COUNTY COUNCIL ON AUGUST 11, 2020; REQUIRING ALL PERSONS IN TALBOT COUNTY TO COMPLY WITH THE GOVERNOR'S EXECUTIVE ORDER ON FACE COVERINGS AND RETAIL ESTABLISHMENTS ISSUED ON JULY 29, 2020, EXCEPT THAT IN TALBOT COUNTY THE USE OF FACE SHIELDS SHALL NOT BE SUFFICIENT TO SATISFY THE FACE COVERING REQUIREMENT IN THE GOVERNOR'S ORDER; PROHIBITING CONGREGATING IN BAR AREAS AND RECOMMENDING TEMPERATURE CHECKS; REQUIRING THE SUBMISSION AND REVIEW OF A COVID-19 SAFETY PLAN FOR CERTAIN LARGE OUTDOOR GATHERINGS; ESTABLISHING CIVIL MONETARY FINES FOR VIOLATIONS OF THIS THIRD EMERGENCY RESOLUTION; AND, AUTHORIZING THE TALBOT COUNTY HEALTH DEPARTMENT AND THE TALBOT COUNTY OFFICE OF CODE ENFORCEMENT TO ENFORCE THE REQUIREMENTS HEREIN

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, the Talbot County Health Officer, Dr. Fredia Wadley, has recommended the imposition of civil fines and restrictions on large gatherings to help prevent the spread of COVID-19; and,

WHEREAS, on July 28, 2020, the County Council adopted an emergency resolution on COVID-19 enforcement requiring all persons in Talbot County to comply with Governor Hogan’s executive orders on face coverings and retail establishments; and,

WHEREAS, on July 29, 2020, Governor Hogan issued an expanded executive order on face coverings, Executive Order No. 20-07-29-01, superseding and replacing his previous orders on face coverings and retail establishments; and,

WHEREAS, the Talbot County Health Officer has reviewed the Governor’s July 29 order. The order includes face shields as a permitted type of face covering. The Health Officer, however, does not believe that face shields are sufficiently effective and, therefore, discourages their use as a substitute for face masks; and,

WHEREAS, on August 3, 2020, Governor Hogan issued a revised version of his July 29th executive order, Executive Order No. 20-08-03-01, which clarified that local governments may not adopt stricter orders with respect to the operation of schools, but made no substantive changes to the face covering and retail establishment requirements; and,

WHEREAS, upon further consideration of the effect of prohibiting the service of alcohol in bar areas on local businesses, the County Council desires to eliminate this restriction while preserving the prohibition on congregating in bar areas and recommending temperature checks.

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, Governor Hogan’s Executive Order No. 20-08-03-01; § 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. **Supersedes and Replaces Previous Emergency Resolution**. This Third Emergency Resolution supersedes and replaces in its entirety the Emergency Resolution on COVID-19 Enforcement issued by the Talbot County Council on August 11, 2020.

3. **Compliance with Governor’s Executive Order**. All persons in Talbot County shall comply with Governor Hogan’s executive order issued on August 3, 2020 , Executive Order No. 20-08-03-01, Amending and Restating the Order of July 29, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local Regulation, and Generally Requiring Use of Face Coverings, as such Executive Order may be amended from time to time, except that in Talbot County, the use of a face shield shall not be sufficient to meet the requirement for wearing a “face covering” as set forth in the Governor’s order.

4. **Prohibition Congregating in Bar Areas**.

- a. No congregating shall occur in the bar area of establishments holding a Talbot County liquor license.

- b. For purposes of this Emergency Resolution:
 - i. “Bar area” means space dedicated to the preparation and service of alcoholic beverages to customers, including, without limitation, bar stools and seating, countertops, and adjacent areas where, absent COVID-19, customers would normally congregate.
 - ii. “Congregating” means standing, assembling, or staying near other individuals in or around a particular location.
- c. The prohibition on congregating in bar areas shall apply in all parts of Talbot County wherever the licensed establishment is located.
- d. It is recommended, but not required, that establishments holding a Talbot County liquor license conduct temperature checks on customers seated in bar areas.
- e. Seating in bar areas shall be at least six (6) apart.
- f. As required by Governor Hogan’s August 3rd executive order, Executive Order No. 20-08-03-01, customers seated in bar areas shall wear face coverings at all times, subject to the exceptions set forth in the Executive Order.

5. COVID-19 Safety Plan Required for Certain Large Gatherings.

- a. For purposes of this Section, “Large Outdoor Gathering” means a gathering of more than fifty (50) people held outdoors in the unincorporated area of Talbot County for social, community, recreational, or leisure purposes. For the avoidance of doubt, this Section does not apply to spiritual or religious services.
- b. The requirements of this Section apply to Large Outdoor Gatherings involving at least one of the following criteria:
 - i. Contractual entertainment;
 - ii. Open to the public;
 - iii. Paid admission;
 - iv. Professional catering, food truck(s), or other food service; and/or,
 - v. Temporary restrooms.
- c. Large Outdoor Gatherings involving one or more of the criteria set forth above shall be subject to the following requirements:

- i. The organizer of the Large Outdoor Gathering or the owner of the property where the Gathering is located shall obtain a temporary use certificate pursuant to Talbot County Code §§ 190-34 and 190-59. Large Outdoor Gatherings shall be processed under the “carnivals, weddings, and other temporary events” category.
 - ii. As a part of the application for a temporary use certificate, the organizer or owner shall submit a COVID-19 Safety Plan that addresses, at a minimum, the following elements:
 - (a) Social distancing;
 - (b) Face coverings;
 - (c) Sanitizing facilities;
 - (d) Temperature checks; and,
 - (e) Crowd monitoring.
 - d. Applications for temporary use certificates submitted pursuant to this Local Order, including the COVID-19 Safety Plan, shall be reviewed by the Talbot County Health Department for compliance with Health Department requirements.
 - e. The Talbot County Planning Director may deny issuance of the temporary use certificate or impose conditions necessary to ensure that the Large Outdoor Gathering satisfies the requirements of the Talbot County Code and adequately addresses safety protocols designed to prevent the spread of COVID-19.
 - f. The requirements set forth in this Local Order shall be in addition to, and not in lieu of, the any applicable requirements in the Talbot County Code, as amended from time to time.
 - g. Indoor uses and events shall comply with all applicable Executive Orders issued by Governor Hogan, including without limitation, Executive Order No. 20-08-03-01, as amended from time to time.
6. **Abatement Orders and Civil Monetary Fines.** Violations of this Third 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.

7. **Enforcement Officers.** In addition to any other agencies or officials authorized by law to enforce this Third 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.

8. **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.

9. **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.

10. **Emergency Resolution Constitutes “Local Order.”** This Third Emergency Resolution constitutes a “local order” as that term is used in Govern Hogan’s Executive Order No. 20-08-03-01, Paragraph I. (e).

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

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

13. **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 ____ day of August in 2020.

GIVEN UNDER OUR HANDS AND THE GREAT
 SEAL OF TALBOT COUNTY, THIS ____
 DAY OF AUGUST IN THE YEAR 2020

**COUNTY COUNCIL OF TALBOT
COUNTY, MARYLAND**

ATTEST:

Name: Susan W. Moran
Title: Clerk

Corey W. Pack, President

Chuck F. Callahan, Vice President

Frank Divilio

Pete Leshner

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,

A handwritten signature in blue ink that reads "Larry Hogan".

Larry Hogan
Governor

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