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SECOND EMERGENCY RESOLUTION

COVID-19 ENFORCEMENT

SUPERSEDING AND REPLACING THE EMERGENCY RESOLUTION ON COVID-19 ENFORCEMENT ADOPTED BY THE TALBOT COUNTY COUNCIL ON JULY 28, 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 SERVICE AND CONGREGATING IN BAR AREAS; REQUIRING THE SUBMISSION AND REVIEW OF A COVID-19 SAFETY PLAN FOR CERTAIN LARGE OUTDOOR GATHERINGS; ESTABLISHING CIVIL MONETARY FINES FOR VIOLATIONS OF THIS SECOND 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, in light of the Governor's expanded executive order of July 29, the County Council desires to update the Council's emergency resolution on COVID-19 enforcement.

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. 20-07-29-01; § 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 Second Emergency Resolution supersedes and replaces in its entirety the Emergency Resolution on COVID-19 Enforcement issued by the Talbot County Council on July 28, 2020.
3. **Compliance with Governor's Executive Order**. All persons in Talbot County shall comply with Governor Hogan's executive order issued on July 29, 2020, Executive Order No. 20-07-29-01, Amending and Restating the Order of June 10, 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 on Service and Congregating in Bar Areas**.
 - a. No service for on-premises consumption and 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. "Service" means all aspects of the transaction to consummate the sale or distribution of alcohol to customers, including, without limitation, ordering a drink, paying for it, and picking it up.

iii. “Congregating” means standing, assembling, or staying near other individuals in or around a particular location.

c. The prohibition on service and congregating in bar areas shall apply in all parts of Talbot County wherever the licensed establishment is located.

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.

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. 20-07-29-01, as amended from time to time.
6. **Abatement Orders and Civil Monetary Fines.** Violations of this Second 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 Second 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 Second Emergency Resolution constitutes a "local order" as that term is used in Govern Hogan's Executive Order No. 20-07-29-01, Paragraph I. (e).
11. **Further Amendments.** This Second Emergency Resolution may be amended from time to time in the discretion of the Talbot County Council.
12. **Supersedes Inconsistent Local Law.** This Second 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 11th day of August in 2020.

GIVEN UNDER OUR HANDS AND THE GREAT
SEAL OF TALBOT COUNTY, THIS 11TH
DAY OF AUGUST IN THE YEAR 2020.

**COUNTY COUNCIL OF TALBOT
COUNTY, MARYLAND**

ATTEST:



Name: Susan Moran
Title: Clerk



Corey W. Pack, President

Nay

Chuck F. Callahan, Vice President



Frank Divilio



Pete Leshner

Nay

Laura E. Price