

Introduced – July 27 2020 – Windon, Glackin, Bibb

Passed – July 27 2020

Effective – August 17 2020

## **ORDINANCE NO. 515**

**AN EMERGENCY ORDINANCE AMENDING EMERGENCY ORDINANCE NO. 510 FOR THE PURPOSE OF PROVIDING THAT ANY PERSON OVER THE AGE OF 18 WHO FAILS TO WEAR A FACE COVERING AS SET FORTH THEREIN SHALL BE GUILTY OF A MUNICIPAL INFRACTION, THE PENALTY FOR WHICH SHALL BE A \$50.00 (FIFTY DOLLAR) FINE; PROVIDED THAT THE TITLE OF THIS EMERGENCY ORDINANCE SHALL BE DEEMED A FAIR SUMMARY, AND GENERALLY RELATING TO THE WEARING OF FACE COVERINGS IN THE TOWN OF ST. MICHAELS.**

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't § 5-202 and § C-19(A) of the Charter of the Town of St. Michaels, The Commissioners of St. Michaels (the "Town Commissioners") are authorized and empowered to pass ordinances which are not contrary to the Constitution or laws of the State of Maryland or to the provisions of the Charter for the preservation of peace and order, for securing persons and property from violence, danger, or destruction, and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the Town of St. Michaels (the "Town"); and

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't § 5-209(c) and §§ C-19(B)(27) and (46) of the Charter, the Town Commissioners are authorized and empowered to pass ordinances to protect and preserve the health of the Town and its inhabitants, to prevent the introduction of contagious diseases into the Town, to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases, subject to the powers and duties of the State Department of Health and Mental Hygiene, the County Board of Health, or any public general or local law relating to the subject of health, and to establish quarantine regulations in the interests of public health; and

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't § 6-102(a) and § C-21(B) of the Charter, the Town Commissioners are authorized and empowered to provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance; and

**WHEREAS**, on April 15, 2020, the Governor of Maryland issued Executive Order No. 20-04-15-01, entitled "Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures" (the "April 15<sup>th</sup> Executive Order"), which, in part, requires the use of Face Coverings on public transportation and in Retail Establishments and Foodservice Establishments and implements physical distancing measures for

Retail Establishments; and

**WHEREAS**, on May 13, 2020, the Governor of Maryland issued Executive Order No. 20-05-13-01, entitled “Amending and Restating the Order of May 6, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local Regulations” (the “May 13<sup>th</sup> Executive Order”), which, in part, authorized the reopening of certain businesses, organizations, establishments, and facilities at 5:00 p.m. on May 15, 2020, subject to certain conditions and in compliance with orders of political subdivisions; and

**WHEREAS**, on May 15, 2020, pursuant to the authority set forth in the April 15<sup>th</sup> and May 13<sup>th</sup> Executive Orders, the Town Commissioners passed Emergency Ordinance No. 510 which, in part, provides that any business, organization, establishment, or facility in the Town whose customers, visitors, and/or staff are not required to wear a Face Covering under any Executive Order of the Governor of Maryland is nonetheless required to enforce the wearing of Face Coverings for all customers and visitors over the age of two and all staff; and

**WHEREAS**, on June 10, 2020, the Governor of Maryland issued Executive Order No. 20-06-10-01, entitled “Amending and Restating the Order of June 3, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local Regulation” (the “June 10<sup>th</sup> Executive Order”), which, in part, expanded the businesses, organizations, establishments, and facilities that may be open, subject to certain restrictions; and

**WHEREAS**, the currently known and available scientific evidence and best practices support the wearing of Face Coverings to slow the spread of COVID-19; and

**WHEREAS**, the Town Commissioners deem the wearing of Face Coverings a matter of public health, safety, and welfare necessary to slow or even prevent the spread of COVID-19 in the Town; and

**WHEREAS**, the Town Commissioners are desirous of amending Emergency No. 510 for the purpose of providing that any person over the age of 18 who fails to wear a face covering as set forth therein shall be guilty of a municipal infraction, the penalty for which shall be a \$50.00 fine; and

**WHEREAS**, the Town Commissioners deem it in the interest of the public health, welfare, and safety of the citizens of the Town, and for the good government of the Town, to enact this Emergency Ordinance and to take the actions as described herein.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS** that Emergency Ordinance No. 510 is hereby

amended as follows:

1. **Authority.** Subject to the limitations set forth in Section 2 herein, the Town Clerk/Manager or their designee is authorized to issue a permit temporarily relaxing or waiving certain provisions and requirements of the Town Code regarding the following:

- a. Parking;
- b. Bulk area and land usage;
- c. Seating;
- d. Capacity;
- e. Sidewalks; and
- f. Signage.

2. **Limitations and Conflicts.**

a. Any permit temporarily relaxing or waiving any provision or requirement set forth in Sections 1(a) through (f) herein shall be subject to, and comply with, the following:

i. Prior consultation with, and any directives or orders issued by, the Talbot County Department of Health;

ii. The provisions of any Executive Order of the Governor of Maryland related to the COVID-19 pandemic;

iii. Applicable directives of the Maryland Secretary of Health;

iv. Applicable social distancing guidance published by the Centers for Disease Control and the Maryland Department of Health;

v. Applicable federal, State and Talbot County permits and licenses;  
and

vi. Any conditions or limitations that the Town Commissioners or Town Clerk/Manager may require.

b. In the event of a conflict between any permit issued hereunder and any provision of Sections 2(a)(i) through (vi) above, the latter shall be deemed to control.

c. To assist the Town Clerk/Manager in reviewing and approving permit applications the Town Commissioners may appoint an ad hoc advisory committee and the Town Clerk/Manager may develop streamlined forms and procedures.

3. **Eligibility.** Only those businesses, organizations, establishments, and facilities that are permitted to reopen under the May 13<sup>th</sup> Executive Order, as may be amended, are eligible to apply for a permit temporarily relaxing or waiving any provision or requirement set forth in Sections 1(a) through (f) herein.

4. **Face Coverings.** Any business, organization, establishment, or facility in the Town whose customers, visitors, and/or staff are not required to wear a Face Covering (as defined in the April 15<sup>th</sup> Executive Order, as may be amended) under any Executive Order of the Governor of Maryland is nonetheless required to enforce the wearing of Face Coverings for all customers and visitors over the age of two and all staff as specified in the April 15<sup>th</sup> Executive Order. Any business, organization, establishment, or facility requiring the wearing of Face Coverings shall post signage at each entrance providing notice of such requirement.

5. **Physical Distancing.** Any business, organization, establishment, or facility not required to comply with the physical distancing measures set forth in the April 15<sup>th</sup> Executive Order, as may be amended, are nonetheless required to comply with such measures to the maximum extent practicable. When outdoors and in public spaces, all persons are expected to maintain the minimum six-foot physical distancing recommended in the April 15<sup>th</sup> Executive Order and to wear face coverings when and where such physical separation is impracticable and/or unsustainable.

6. **Expiration and Revocation.**

a. All permits issued hereunder shall expire immediately upon the expiration of the May 13<sup>th</sup> Executive Order, as may be amended. The holder of any permit issued hereunder shall then have thirty days to become compliant with the provision(s) or requirement(s) of the Town Code that was temporarily relaxed or waived.

b. The Town Clerk/Manager and/or the Town Commissioners may revoke a permit issued hereunder where the business, organization, establishment, or facility to which the permit has been issued fails to comply with any of the provisions of this Emergency Ordinance or when, in the discretion of the Town Clerk/Manager and/or the Town Commissioners, such revocation is necessary to protect the public health, safety, and welfare.

7. ***Violations and Penalties. Any person over the age of 18 who fails to wear a Face Covering as set forth in Section 4 herein shall be guilty of a municipal infraction, the penalty for which shall be a \$50.00 fine. Municipal infractions hereunder shall be subject to the procedures set forth in Md. Code Ann., Local Gov't § 6-101, et seq.***

8. **Further Amendments.** This Emergency Ordinance may be revised or amended from time to time as needed in the discretion of the Town Commissioners.

**SECTION 2.** The recitals to this Emergency Ordinance are incorporated herein and deemed a substantive part hereof.

**SECTION 3.** In Section 1 of this Emergency Ordinance, new or added language is in

bold, italicized type and deleted language is crossed out with a single strikethrough.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this Emergency Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Emergency Ordinance, it being the intent of the Commissioners of St. Michaels that this Emergency Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION 5.** All ordinances or parts of ordinances inconsistent with the provisions of this Emergency Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.** The title of this Emergency Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Emergency Ordinance for publication and all other purposes.

**AND BE IT FURTHER ORDAINED AND ENACTED,** that this Emergency Ordinance is not intended to become a part of the Town Code, and shall take effect immediately upon passage, having been read at one (1) meeting of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels.

\_\_\_\_\_(SEAL)  
Jean R. Weisman  
Town Clerk\Manager

HAVING BEEN READ for the first time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Hearing of The Commissioners of St. Michaels held on this 27<sup>th</sup> day of July, 2020, in the meeting room of the Town Office, St. Michaels, Maryland.

Boos	-	yea
Bibb	-	yea
Harrod	-	yea
Winton	-	yea
Glackin	-	yea

I HEREBY CERTIFY that this Emergency Ordinance was passed by a yea and nay vote of The Commissioners of St. Michaels on the 27<sup>th</sup> day of July, 2020.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

\_\_\_\_\_  
Jean R. Weisman, Town Clerk/Manager

BY: \_\_\_\_\_(SEAL)  
William E. Boos, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the 28<sup>th</sup> day of July, 2020, at 8:30 o'clock a.m. to the 16<sup>th</sup> day of August, 2020, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the above Ordinance, the date of its passage, its effective date, and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: \_\_\_\_\_, 2020

\_\_\_\_\_(SEAL)  
Jean R. Weisman, Town Clerk\Manager