

Introduced – September 9 2020

Passed – September 9 2020

Effective – September 9 2020

## ORDINANCE NO. 517

**AN EMERGENCY ORDINANCE DECLARING A SIXTH EXTENSION OF THE STATE OF EMERGENCY IN THE TOWN OF ST. MICHAELS AS A RESULT OF COVID-19 INITIALLY DECLARED PURSUANT TO EMERGENCY ORDINANCE NO. 506 AND EXTENDED PURSUANT TO ORDINANCE NOS. 507, 509, 511, 514, AND 516; PROVIDED THAT THE TITLE OF THIS EMERGENCY ORDINANCE SHALL BE DEEMED A FAIR SUMMARY, AND GENERALLY RELATING TO A CONTINUING STATE OF EMERGENCY IN THE TOWN OF ST. MICHAELS.**

WHEREAS, pursuant to Md. Code Ann., Public Safety § 14-111, the principal executive officer of a political subdivision may declare a local state of emergency; and

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, on March 18, 2020, the Town Commissioners passed Ordinance No. 506, entitled "An Emergency Ordinance to Declare a State of Emergency in the Town of St. Michaels as a Result of COVID-19" ("Emergency Ordinance No. 506") pursuant to the foregoing authority, the Declaration of State of Emergency and Existence of a Catastrophic Health Emergency declared by the Governor of Maryland on March 5, 2020, and the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19)

Outbreak issued by the President of the United States on March 13, 2020; and

**WHEREAS**, on April 14, 2020, the Town Commissioners passed Ordinance No. 507, entitled “An Emergency Ordinance Declaring an Extension of the State of Emergency in the Town of St. Michaels as a Result of COVID-19 Initially Declared as a Result of Ordinance No. 506” (“Emergency Ordinance No. 507”); and

**WHEREAS**, on May 12, 2020, the Town Commissioners passed Ordinance No. 509, entitled “An Emergency Ordinance Declaring a Second Extension of the State of Emergency in the Town of St. Michaels as a Result of COVID-19 Initially Declared as a Result of Ordinance No. 506 and Extended Pursuant to Ordinance No. 507” (“Emergency Ordinance No. 509”); and

**WHEREAS**, on June 9, 2020, the Town Commissioners passed Ordinance No. 511, entitled “An Emergency Ordinance Declaring a Third Extension of the State of Emergency in the Town of St. Michaels as a Result of COVID-19 Initially Declared as a Result of Ordinance No. 506 and Extended Pursuant to Ordinance Nos. 507 and 509” (“Emergency Ordinance No. 511”); and

**WHEREAS**, on July 14, 2020, the Town Commissioners passed Ordinance No. 514, entitled “An Emergency Ordinance Declaring a Fourth Extension of the State of Emergency in the Town of St. Michaels as a Result of COVID-19 Initially Declared as a Result of Ordinance No. 506 and Extended Pursuant to Ordinance Nos. 507, 509, and 511” (“Emergency Ordinance No. 514”); and

**WHEREAS**, on August 12, 2020, the Town Commissioners passed Ordinance No. 516, entitled “An Emergency Ordinance Declaring a Fifth Extension of the State of Emergency in the Town of St. Michaels as a Result of COVID-19 Initially Declared as a Result of Ordinance No. 506 and Extended Pursuant to Ordinance Nos. 507, 509, 511, and 514” (“Emergency Ordinance No. 516”); and

**WHEREAS**, Emergency Ordinance Nos. 506, 507, 509, 511, 514, and 516 took effect immediately upon passage pursuant to § C-15 of the Charter; and

**WHEREAS**, pursuant to Md. Code Ann., Public Safety § 14-111(b)(1), a local state of emergency declared by the principal executive officer of a political subdivision may not continue or be renewed for longer than 30 days except with the consent of the governing body of the political subdivision; and

**WHEREAS**, on August 10, 2020, the Governor of Maryland issued a Proclamation entitled “Renewal of Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19” declaring that a state of emergency continues to exist within the entire State of Maryland as a result of the COVID-19 outbreak; and

**WHEREAS**, as of September 3, 2020, there are 478 confirmed cases of COVID-19 in Talbot County, 21 of which have been in the Town; and

**WHEREAS**, the public health catastrophe and public safety emergency created by the COVID-19 outbreak will persist beyond the expiration date of Emergency Ordinance No. 516; and

**WHEREAS**, on September 1, 2020, the Governor of Maryland issued Executive Order No. 20-09-01-01 entitled “Amending and Restating the Order of August 3, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local Regulation, and Generally Requiring Use of Face Coverings” (the “September 1<sup>st</sup> Executive Order”), which, in part, authorizes political subdivisions to enact local orders requiring any businesses, organizations, establishments, or facilities (except schools) to close or modify their operations and/or requiring individuals to remain indoors or to refrain from congregating that are more restrictive than Executive Orders issued by the Governor upon a determination that doing so is necessary and reasonable to save lives or prevent exposure to COVID-19 ; 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 extending the current state of emergency and to take the actions as described herein, which the Town Commissioners also deem necessary and reasonable to limit exposure to, and the spread of, COVID-19 within the corporate limits of the Town.

**NOW THEREFORE, BE IT ORDERED, PROCLAIMED, AND DECLARED**, by The Commissioners of St. Michaels that, in accordance with the authority granted by the laws of the State of Maryland and the Charter of the Town of St. Michaels, and pursuant to any and all authority vested to The Commissioners of St. Michaels, including but not limited to § 14-111 of the Public Safety Article of the Annotated Code of Maryland, **THAT A STATE OF EMERGENCY AND CATASTROPHIC HEALTH EMERGENCY EXISTS IN THE TOWN OF ST. MICHAELS.**

**AND BE IT FURTHER ORDERED, PROCLAIMED, AND DECLARED that:**

**1. Publication and Duration:**

- a. This Emergency Ordinance shall be promptly publicized.
- b. A copy of this Emergency Ordinance be filed with the chief local records-keeping agency.
- c. This Emergency Ordinance is effective for a period of 60 days following its passage. It is possible, however, that the state of emergency declared hereunder will continue for more than 60 days, in which case the Town Commissioners, sitting as the governing body of the Town, may consent to and extend such emergency for additional periods of time as they deem necessary in accordance with § 14-111 of the Public Safety Article of the Annotated Code of Maryland.

**2. Federal and State Aid:** The Town Commissioners hereby request and authorize the receipt of all available Federal, State, and County aid, resources, and assistance to protect the public health, safety, and welfare of the citizens of the Town pursuant to Title 14 (Emergency Management) of the Public Safety Article of the Annotated Code of Maryland, and in accordance with all applicable State and local emergency plans.

**3. Emergency Powers and Appropriations:** All emergency powers of the Town Commissioners and the Town Manager under the Charter and State law are hereby enabled.

**4. Procurement:** All procurements and purchases needed to respond to the COVID-19 outbreak may be authorized in accordance with Article V of the Charter.

**5. Closure of Public Buildings:** Effective March 18, 2020, all Town government buildings shall be closed to the public while this Emergency Ordinance is in effect.

**6. Extension of Licenses:** The expiration date of all licenses and permits issued by the Town that would otherwise:

- a. Expire by the later of (i) October 31, 2020 or (ii) the termination of the Governor's state of emergency; and
- b. Be renewable during such period noted in Paragraph 6.a. under applicable laws and regulations

are hereby extended to the later of (i) November 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 or Postponement of Deadlines:** The Town Commissioners are hereby authorized, upon a finding that the suspension or postponement will not endanger the public health, welfare, or safety, and upon recommendation of the Town Manager, suspend indefinitely or postpone to a date certain 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 the Town Commissioners administer. At the discretion of the Town Commissioners, any such suspension or postponement hereunder shall not be for a period of more than 30 days 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 Town board and commission meetings may be held, subject to the following conditions:
  - a. The board or commission may hold a meeting conducted virtually via teleconference, live streaming, or any other available technology that will allow, in the view of the Town Attorney's Office, the necessary parties to participate and the public to observe in real time to the extent required by law; or
  - b. The board or commission may hold a meeting conducted in person, provided that:
    - i. The meeting is held outdoors;
    - ii. The necessary parties are allowed to participate in, and the public is allowed to observe, the meeting to the extent required by law;
    - iii. The physical distancing measures set forth in the September 1<sup>st</sup> Executive Order, as may be amended, and any directives or orders issued by the Talbot County Department of Health, are complied with; and
    - iv. For necessary parties and members of the public who do not wish to attend in person, the meeting is publicly accessible via live streaming or any other available technology that will allow the necessary parties to participate and the public to observe in real time to the extent required by law.
  - c. 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 Town Attorney's Office and subject to available technology allowing the body to communicate virtually in real time.
  
9. **Town Commissioner Meetings:** All Town Commissioner meetings shall be held subject to the following conditions:
  - a. The Town Commissioners may hold a meeting conducted virtually via teleconference, live streaming, or any other available technology that will allow, in the view of the Town Attorney's Office, the necessary parties to participate and the public to observe in real

time to the extent required by law; or

- b. The Town Commissioners may hold a meeting conducted in person, provided that:
  - i. The necessary parties are allowed to participate in, and the public is allowed to observe the meeting virtually, to the extent required by law;
  - ii. The physical distancing measures set forth in the September 1<sup>st</sup> Executive Order, as may be amended, and any directives or orders issued by the Talbot County Department of Health, are complied with; and
  - iii. For necessary parties and members of the public who cannot attend in person, the meeting is publicly accessible via live streaming or any other available technology that will allow the necessary parties to participate and the public to observe in real time to the extent required by law.

10. **Executive Orders**: During the pendency of the state of emergency declared hereunder, the Town Commissioners may reopen public buildings or public spaces under the Town's jurisdiction and control in accordance with any Executive Order issued by the Governor of Maryland without further revisions or amendments to this Emergency Ordinance.

11. **Supersedes Inconsistent Local Law**: This Emergency Ordinance and the orders herein shall supersede any inconsistent or conflicting local law, rule, or regulation.

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

**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 9<sup>th</sup> day of September, 2020, at 6 o'clock p.m., in the meeting room of the Town Office, St. Michaels, Maryland.

Bibb - \_yea\_  
Breimhurst - \_yea\_  
duPont - \_yea\_  
Harrod - \_yea\_  
Windon - \_yea\_

I HEREBY CERTIFY that this Emergency Ordinance was passed by a yea and nay vote of The Commissioners of St. Michaels on the 9<sup>th</sup> day of September, 2020.

ATTEST: THE COMMISSIONERS OF ST. MICHAELS

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

BY: \_\_\_\_\_(SEAL)  
Michael E. Bibb, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the \_\_\_10<sup>th</sup>\_\_\_ day of September, 2020, at 8:30 o'clock a.m. to the 29<sup>th</sup> day of September, 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