

AS INTRODUCED ON JULY 28, 2020



COUNTY COUNCIL OF TALBOT COUNTY

COURTHOUSE

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EMERGENCY RESOLUTION

COVID-19 ENFORCEMENT

ADOPTING CERTAIN REQUIREMENTS RELATED TO THE OPERATION OF BARS AND RESTAURANTS IN TALBOT COUNTY, NAMELY A PROHIBITION ON SERVICE AND CONGREGATING IN BAR AREAS IN ORDER TO PREVENT THE SPREAD OF COVID-19; ESTABLISHING CERTAIN LIMITS ON INDOOR AND OUTDOOR LARGE GATHERINGS; ESTABLISHING CIVIL MONETARY FINES FOR VIOLATIONS OF THIS 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. Talbot County had a positivity rate of [REDACTED]%, as of [REDACTED], the highest in the State; 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, at the Governor's request, and based on the recommendation of the Talbot County Health Officer, Dr. Fredia Wadley, who explained the need for greater enforcement efforts at the Council's July 21st meeting, the County Council desires to adopt emergency rules and regulations related to enforcement as set forth herein in order to help prevent the spread of COVID-19.

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. 20-06-10-01; § 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. **Limits on Large Gatherings**.
 - a. Gatherings of [REDACTED] or more individuals indoors or [REDACTED] outdoors are hereby prohibited, subject to the following exceptions:
 - i. Religious services, excluding weddings with guests other than family members in attendance;
 - ii. Organized demonstrations or marches to express views on matters of public concern;
 - iii. Government meetings;
 - iv. Attendance at sporting events as authorized by the Maryland Secretary of Health; and,
 - v. Attendance at school or in the work place.
 - b. For purposes of this Emergency Resolution, "gathering" means the assembly of individuals in the same location or on the same premises with a common purpose for a limited duration.
 - c. The organizer of a gathering that does not fall into one of the exceptions listed above may apply to the Talbot County Health Department for permission to hold the gathering. The organizer shall provide any information required by the Health Department to allow the Department to assess whether the gathering can reasonably comply with U.S. Centers for Disease Control and Prevention and Maryland Department of Health guidelines on social distancing and current best practices aimed at reducing the spread of COVID-19. The application shall be submitted to the Health Department at least two weeks prior to the gathering to allow adequate time for review. The Health Department's decision on whether to allow the gathering is final and not subject to appeal.
 - d. Whether a gathering is permitted of right, falls into one of the exceptions listed above, or is approved specially by the Health Department, the gathering and its organizers must comply with all other applicable laws, rules, regulations, and orders, including without limitation, obtaining temporary use certificates or special event permits, as applicable.
 - e. The limitation on large gatherings as set forth in this Paragraph 2 applies only in the unincorporated areas of Talbot County.

3. **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.

4. **Face Coverings and Social Distancing.**

- a. All persons in Talbot County shall comply with Governor Hogan’s Executive Order No. 20-04-15-01, requiring the use of face coverings under certain circumstances and requiring implementation of certain physical distancing measures.
- b. The Governor’s Executive Order applies throughout the entire State; however, the County requirement that all persons comply with the Governor’s Order, as set forth in the preceding paragraph, shall only apply in the unincorporated area of Talbot County.

5. **Abatement Orders and Civil Monetary Fines.** Violations of this 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.

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

7. **Emergency Resolution Constitutes “Local Order.”** This Emergency Resolution constitutes a “local order” as that term is used in Govern Hogan’s Executive Order No. 20-06-10-01, Paragraph I. (d).

8. **Further Amendments.** This Emergency Resolution may be amended from time to time in the discretion of the Talbot County Council.
9. **Supersedes Inconsistent Local Law.** This Emergency Resolution shall supersede any conflicting local laws, rules, regulations, or orders.
10. **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 Twenty-Eighth day of July in 2020.

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

**COUNTY COUNCIL OF TALBOT
COUNTY, MARYLAND**

ATTEST:

Name: Susan Moran
Title: Clerk

Corey W. Pack, President

Chuck F. Callahan, Vice President

Frank Divilio

Pete Leshner

Laura E. Price