TOWN OF BOONSBORO, MARYLAND
ORDINANCE No. 2020-04

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF BOONSBORO TO ADOPT A NEW ORDINANCE, *CIVIL EMERGENCY* WHICH ESTABLISHES PROCEDURES TO RESPOND TO LARGESCALE EMERGENCIES OR DISASTERS THE AFFECT THE TOWN

RECITALS

WHEREAS, the Mayor and Council have a responsibility to protect the health, safety, and welfare of the Citizens of the Town of Boonsboro ("Town"); and

WHEREAS, the Mayor and Council have the authority to adopt ordinances to regulate and protect the health, safety, and welfare of the Citizens of the Town; and

WHEREAS, on March 5, 2020 the Governor of the State of Maryland declared a state of emergency and a catastrophic health emergency and renewed these declarations on March 17, 2020 to control and prevent the spread of COVID-19 within Maryland and the state of emergency and catastrophic health emergency still exist; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe, and has been confirmed in nearly all Maryland counties, including Washington county; and

WHEREAS, the currently known and available scientific evidence and best practices support limitations on gathering and social distancing to prevent exposures and prevent transmission and reduce the threat to especially vulnerable populations, especially the elderly and those with preexisting conditions; and

WHEREAS, to reduce the threat to human health caused by transmission of COVID-19 in the Town of Boonsboro, it is necessary and desirable for the Town of Boonsboro to have procedures to respond quickly during a state of emergency and catastrophic health emergency; and

WHEREAS, a state of emergency and catastrophic health emergency is in existence currently, it is necessary for the Town to enact an ordinance immediately and emergently to establish procedures to respond during a state of emergency and catastrophic health emergency; and

WHEREAS, the Town Charter, Section 210 provides the procedure for adopting ordinances; and

WHEREAS, Section 210 authorizes and enables the Town Council to enact an emergency ordinance by suspending the normal timeframe between introducing and adopting an ordinance and enables the Town Council to introduce and adopt the ordinance at the same meeting; and

WHEREAS, the Town Charter authorizes the Town Council to make an emergency ordinance effective immediately upon approval by the Mayor; and

WHEREAS, the Mayor and Council find it in the best interests of the citizens to adopt a new ordinance, No. 2020-04, *Civil Emergency*, as hereafter described;

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the Town of Boonsboro, Maryland, as its duly constituted legislative body, as follows:

1. The aforegoing recitals be and are incorporated herein as if restated verbatim.

2. The Code of the Town of Boonsboro is hereby amended by adding thereto a new ordinance, No. 2020-04, *Civil Emergency,* to read as follows:

   (See Attached)

3. That it is necessary to enact this ordinance as an emergency ordinance and, pursuant to the Town Charter, Section 210, this ordinance shall be introduced and adopted on the same date.

4. This amendment to the Code of the Town of Boonsboro shall become effective immediately upon the effective date of this Emergency Enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Emergency Enacting Ordinance shall become effective immediately following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
TOWN OF BOONSBORO, MARYLAND

_____
Heather Slough, Town Clerk

_____
Howard Long, Mayor

Date of Introduction: September 14, 2020
Date of Passage: September 14, 2020
Effective Date: September 14, 2020

PREPARED BY
SALVATORE & MORTON, LLC
TOWN ATTORNEY

Town of Boonsboro
Ordinance No. 2020-04

AN ORDINANCE ENACTING THE CIVIL EMERGENCY PLAN OF THE TOWN OF BOONSBORO.

Section 1 - Purpose.

This Civil Emergency Plan has been developed to provide procedures for the Town of Boonsboro to respond to various types of largescale emergencies or disasters that affect the community.

Section 2 - Definitions.

CIVIL EMERGENCY — A riot and disorderly picketing or demonstrating or unlawful assembly, characterized by the use of actual force or violence or any threat to use force, if accompanied by immediate power to execute the same by two or more persons acting together without authority of law, or any natural disaster or man-made calamity, including flood, conflagration, cyclone, earthquake, tornado, explosion, widespread infectious disease or complete electrical blackout within the corporate limits of Boonsboro, resulting in the death, sickness or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public safety and welfare.

CURFEW — The prohibition against any person or persons walking, running, loitering, standing, remaining or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Town of Boonsboro, except persons officially designated to duty with reference to said civil emergency.

Section 3 - Proclamation.

When, in the judgment of the Mayor or, in his absence, the judgment of the majority of the Council, a civil emergency as defined herein is deemed to exist, he or they shall forthwith proclaim, in writing, the existence of the same.

All executive orders issuing the proclamation must state:

1. The nature of the emergency;
2. The areas threatened; and
3. The conditions that brought it about or make termination possible

A proclamation is to be terminated by executive order, and no state of emergency is to last longer than 30 days unless the Mayor renews the declaration. By majority vote, the Town Council may also terminate the state of civil emergency at any time, and the Mayor must then issue an executive order to terminate the proclamation.

Section 4 - General Curfew.

After the proclamation of a civil emergency by the Mayor or a majority of the Council, he or they may order a general curfew applicable to such geographical areas of the Town or to the Town as a whole as he or they may deem advisable and applicable during such hours of the day or night as he or they may deem necessary in the interest of the public safety and welfare.

Section 5 - Orders Authorized.

After a proclamation of a civil emergency as aforesaid, the Mayor or a majority of the Council, as the case may be, may also in the interest of public safety and welfare make any or all of the following orders:

A. Order the closing of all retail liquor stores.

B. Order the closing of all beer taverns.

C. Order the closing of all private clubs or such portions thereof within which the consumption of intoxicating liquor and/or beer is permitted.

D. Order the discontinuance of the sale of beer.

E. Order the discontinuance of the selling, distributing or giving away of gasoline or any liquid products, flammable or combustible, in any container other than the gasoline tank properly affixed to a motor vehicle.

F. Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid products, flammable or combustible.

G. Order the discontinuance of the selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever and provide for their safekeeping.

H. Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

I. Order the temporary closing of any and all streets, alleys and other public ways in the Town of Boonsboro.

J. Issue such other orders as are deemed necessary for the protection of life and property. Orders may include, but not limited to, the following:

1. The expenditure of funds;
2. The deployment/use of resources;
3. The use/distribution of supplies, equipment, materials, and facilities;
4. The suspension of the effect of statutes/regulations;
5. The implementation of protective actions;
6. The suspension and waivers of some Town regulations;
7. The streamlining of state administrative procedures, such as procurement requirements; and
8. The ability for the Town to access many state and federal resources.

Section 6 - Notice of Proclamation and Orders.

Should the Mayor or the majority of the Council deem it necessary to invoke any or all of the provisions, inclusive with this Civil Emergency Ordinance, he/she or they shall give notice of the same by means of a written proclamation publicly posted in Town Hall and issued to the news media for immediate dissemination to the public.

Section 7 - Violations and Penalties.

Any persons violating the provisions of is Civil Emergency Ordinance, or an executive order issued pursuant thereto, shall be guilty of an offense against the Town of Boonsboro and shall be punishable by a fine of up to $1,000. Each day any violation of any provision of this Ordinance shall continue shall constitute a separate offense.