



# Town of Easton

MARYLAND

Robert C. Willey  
Mayor

**EXECUTIVE ORDER 2020-04**  
**ADOPTION OF ADDITIONAL EMERGENCY MEASURES**  
**RELATED TO OUTDOOR DINING DURING PREVIOUS**  
**STATE OF EMERGENCY DELCARATION FOR THE TOWN**  
**OF EASTON FOR**  
**COVID-19**

WHEREAS, the disease known as COVID-19 is a severe respiratory disease, that spreads easily from person to person and may result in serious illness or death;

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a global pandemic;

WHEREAS, a Declaration of State of Emergency and Existence of a Catastrophic Health Emergency was declared by Governor Hogan of the State of Maryland on March 5, 2020;

WHEREAS, a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus (COVID-19) Outbreak was issued by the President of the United States on March 13, 2020;

WHEREAS, the first confirmed case of COVID-19 in Talbot County was reported on March 15, 2020;

WHEREAS, the Talbot County Council issued an Emergency Declaration COVID-19 on March 16, 2020;

WHEREAS, as the COVID-19 outbreak and public safety emergency continues, it threatens the lives, health and property in the Town of Easton;

**EXECUTIVE ORDER 2020-03**

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WHEREAS, Section 14-111 of the Public Safety Article of the Maryland Annotated Code authorizes the chief executive officer of a political subdivision to declare a local state of emergency to activate the response and recovery aspects of any applicable local state of emergency plan and authorize the provision of aid and assistance under such plans;

WHEREAS, the Mayor of the Town of Easton previously issued Executive Order 2020-01 to declare a State of Emergency for the Town of Easton for COVID-19 on March 19, 2020 (“Executive Order 2020-01”), Executive Order 2020-02 to add to the Executive Order 2020-01 terms on March 23, 2020 (“Executive Order 2020-02”), and Executive Order 2020-03 to add additional and revised terms to the Executive Order 2020-01 on May 20, 2020 (“Executive Order 2020-03”);

WHEREAS, the Town Council adopted Resolution 6116 on April 6, 2020 to extend the Mayor’s Executive Order 2020-01 and Executive Order 2020-02 until the Mayor rescinds the Executive Orders;

WHEREAS, the Governor issued Executive Order No. 20-05-27-01, entitled “Amending and Restating the Order of May 13, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local Regulation”, enacted on May 27, 2020, which, in part, authorizes the reopening of certain businesses, organizations, establishments, and facilities at 5:00 p.m. on May 29, 2020, including foodservice establishments for outdoor dining, subject to certain conditions and in compliance with orders of political subdivisions (the “May 27<sup>th</sup> Governor’s Order”);

WHEREAS, the Mayor of the Town of Easton wishes to rescind Paragraph 7 from Executive Order 2020-01 related to the revocation of sidewalk café permits, and to add additional provisions related to sidewalk café permits in the Town of Easton; and

WHEREAS, the Mayor of the Town of Easton wishes to encourage and provide an expedited review process for foodservice establishments to operate outdoor dining areas on private property.

NOW, THEREFORE, I, ROBERT C. WILLEY, Mayor of the Town of Easton, pursuant to my authority under the Charter of the Town of Easton, Maryland and Section 14-111 of the Public Safety Article of the Maryland Annotated Code, do hereby issue this Adoption of Additional Emergency Measures Related to Outdoor Dining During Previous State of Emergency Declaration for the Town of Easton for COVID-19 (which, together with Executive Order 2020-

01, Executive Order 2020-02, and Executive Order 2020-03 shall be collectively referred to as the “Emergency Declaration”) and order the following:

- (1) **Recission of Revocation of Sidewalk Café Permits:** Paragraph 7 of Executive Order 2020-01 pertaining to the revocation of all previously issued sidewalk café permits is hereby rescinded, and all previously issued sidewalk café permits are reinstated.
- (2) **Extension of Sidewalk Café Permits.** All sidewalk café permits issued by the Town that will expire on June 30, 2020 are hereby extended to August 31, 2020.
- (3) **Modification of Sidewalk Café provisions in Town Code.** The provisions in the Town Code related to Sidewalk Cafes are hereby modified during the term of this Emergency Declaration as follows:
  - (a) A Sidewalk Café area may encroach upon the frontage of adjacent premises if the express written consent of the owner of the adjacent premises is provided to the Town and the Town approves the request;
  - (2) If the adjacent street and/or parking is temporarily closed, the Sidewalk Café area may be expanded onto additional sections of the sidewalk and the adjacent street/parking as approved by the Town;
  - (3) Exclusively carry-out transactions are permissible in the Sidewalk Café area.
- (4) **Outdoor dining on private property:** Restaurants and foodservice establishments are hereby encouraged to utilize private property for outdoor dining including sidewalks, parking areas, or other open areas on site. Any restaurants and foodservice establishments that wish to utilize outdoor dining on private property that it owns or controls shall submit an application to the Town of Easton Planning Office for such outdoor dining, which shall be expeditiously reviewed by Town staff. Such plan shall show the location of the outdoor dining on the property (including barriers or borders, the number and location of tables, chairs, serving equipment, tents, awnings, umbrellas, etc.) and include the safety provisions and measures that will be implemented by the restaurant or foodservice establishment, which at a minimum shall comply with all applicable state and local orders and laws and shall include provisions for customer and employee safety, social distancing, cleaning/disinfection, and communication and signage of policies and procedures. Restaurants and foodservice establishments shall be permitted to utilize up to

**EXECUTIVE ORDER 2020-03**

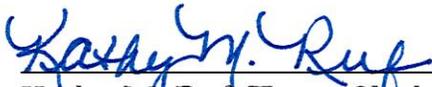
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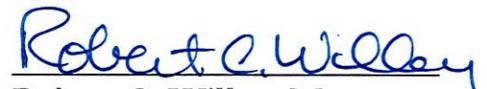
fifty percent (50%) of its required parking for outdoor dining, which may be adjusted based on capacity when the restaurant or foodservice establishment is permitted to resume indoor dining in addition to the outdoor dining. There will be no fee for outdoor dining applications on private property.

- (5) **Publication:** This Emergency Declaration shall be promptly publicized.
- (6) **Effective Date:** This Emergency Declaration shall be effective for a period of thirty (30) days unless extended by legislative action of the Easton Town Council.
- (7) **Supersedes Inconsistent Local Law:** This Emergency Declaration and the orders herein shall supersede any inconsistent or conflicting local law, rule, or regulation.
- (8) **Further Amendments:** This Emergency Declaration may be revised or amended from time to time as needed in the discretion of the Mayor.
- (9) **Severability:** If any section, subsection, sentence, clause, phrase, or portion of this Executive Order is for any reason held invalid or unconstitutional by any court of 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 Executive Order, it being the intention of the Mayor that the Executive Order shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

This order is issued on this twenty-ninth day of May, 2020, and I have hereunto set my hand and caused the seal of the Town of Easton, Maryland to be affixed.

ATTEST:

  
Kathy M. Ruf, Town Clerk

  
Robert C. Willey, Mayor