



# Town of Easton

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ROBERT C. WILLEY  
MAYOR

**EXECUTIVE ORDER 2021-01**  
**ADOPTION OF ADDITIONAL EMERGENCY MEASURES**  
**RELATED TO EXTENSION OF SIDEWALK CAFÉ**  
**PROVISIONS TO OTHER RETAIL AND SERVICE**  
**ESTABLISHMENTS IN THE DOWNTOWN DURING PREVIOUS**  
**STATE OF EMERGENCY DECLARATION 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;

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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"), Executive Order 2020-03 to add additional and revised terms to the Executive Order 2020-01 on May 20, 2020 ("Executive Order 2020-03"), Executive Order 2020-04 to adopt additional emergency measures related to outdoor dining on May 29, 2020 ("Executive Order 2020-04") and Executive Order 2020-05 to adopt additional measures related to sidewalk cafes, Town office buildings and board and commission meetings on June 13, 2020 ("Executive Order 2020-05");

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 Town Council adopted Resolution 6121 on June 1, 2020 to extend the Mayor's Executive Order 2020-03 until the Mayor rescinds the Executive Order;

WHEREAS, the Town Council adopted Resolution 6122 on June 15, 2020 to extend the Mayor's Executive Order 2020-04 until the Mayor rescinds the Executive Order;

WHEREAS, the Town Council adopted Resolution 6123 on July 6, 2020 to extend the Mayor's Executive Order 2020-05 until the Mayor rescinds the Executive Order; and

WHEREAS, the Mayor of the Town of Easton wishes to extend the modified Sidewalk Café provisions to other retail and service establishments in the Downtown to allow them to put tables, chairs, and other outdoor furniture in front of their establishment.

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 Extension of Sidewalk Café Provisions to Other Retail and Service Establishments 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, Executive Order 2020-03, Executive Order 2020-04, and Executive Order 2020-05 shall be collectively referred to as the “Emergency Declaration”) and order the following:

- (1) **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) the term “Sidewalk Café” shall include areas on public sidewalks in front of retail and service establishments even if food, refreshments, or beverages are not sold at the establishment. The additional modifications to the Sidewalk Café provisions in the Town Code contained in Executive Order 2020-04 and 2020-05 shall continue to be effective. For convenience and reference, those modifications are included here as follows: (a) The term “sidewalk” as used throughout Chapter 10, shall include “the adjoining parking and/or street” if the street is temporarily closed; (b) If the adjacent street and/or parking is temporarily closed, the Sidewalk Café is not required to leave a minimum six-foot unobstructed passageway for pedestrians; (c) outdoor entertainment, music speakers, or public address systems are permissible in the Sidewalk Café area with an approved Public Assembly Permit; and (d) a previously approved Sidewalk Café permit may be approved and extended by the Town with no additional fee required; (e) 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; (f) 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; and (g) Exclusively carry-out transactions are permissible in the Sidewalk Café area.
- (2) **Publication:** This Emergency Declaration shall be promptly publicized.

- (3) **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.
- (4) **Supersedes Inconsistent Local Law:** This Emergency Declaration and the orders herein shall supersede any inconsistent or conflicting local law, rule, or regulation.
- (5) **Further Amendments:** This Emergency Declaration may be revised or amended from time to time as needed in the discretion of the Mayor.
- (6) **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 15<sup>th</sup> day of February, 2021, and I have hereunto set my hand and caused the seal of the Town of Easton, Maryland to be affixed.

ATTEST:

Kathy M. Ruf  
Kathy M. Ruf, Town Clerk

Robert C. Willey  
Robert C. Willey, Mayor