

EMERGENCY REGULATION: PROHIBITIONS ON BUSINESSES

WHEREAS, the Town of Cape Elizabeth hereby declares that a public health emergency necessitating swift action exists in response to the COVID-19 outbreak;

WHEREAS, at this time, guidance from the President of the United States, the Governor of State of Maine, and the Center for Disease Control, urge the public to practice social distancing and not attend events where ten or more people will be gathered;

WHEREAS, said outbreak continues to emerge and spread rapidly, so that the number of cases of COVID-19 in Maine, as of this date is 118;

WHEREAS, health officials have now confirmed 74 cases of COVID-19 in Cumberland County; and

WHEREAS, the risk of community spread throughout Cape Elizabeth impacts the life, health and safety of the public and public health is imperiled by the person-to-person spread of COVID-19;

The Town Council of Cape Elizabeth, pursuant to its authority in Article II, Section 12 of the Cape Elizabeth Council-Manager Charter, hereby declare a state of emergency and issue the following regulations, effective March 26, 2020, at 6:00 PM, with an expiration date of May 1, 2020 at 6:00 PM, unless otherwise extended by Council Order:

1. No auditorium, stadium, arena, large conference room, meeting hall, theater, gymnasium, fitness center, private club, movie theater, museum, dance club, music venue, gymnasium, fitness center, yoga studio, or indoor cycling studio shall be open while said Proclamation Declaring State of Emergency remains in effect.

3. No bar, restaurant, or dine-in facility of any kind or nature shall be open, except as allowed under subsections A and B below, while said Proclamation Declaring State of Emergency, remains in effect.

A. Notwithstanding the above, said bars, restaurants, and facilities may operate in a delivery or “take-out” fashion provided that (1) no customer enters any such restaurant, (2) all transfers of food or other product shall occur either (a) outside of said restaurant or (b) through or at an open window or doorway, and (3) the restaurant takes steps to ensure that no groups of individuals, other than those remaining in motor vehicles, congregate on its premises. Under no condition shall restaurants permit the food provided to be eaten at the site where it is provided, or at any other gathering site on that restaurant’s premises.

B. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Regulation on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site on the premises.

4. No other establishment of any kind that sells or otherwise provides goods or services shall be open while said Proclamation Declaring State of Emergency, and the renewal thereof, remains in effect; except that establishments providing necessary goods and services, as defined in subsection A below, may remain open.

A. Establishments providing necessary goods and services shall include *only* (1) those establishments described in and operating under the restrictions defined in paragraph 3, subparagraph A, above, and (2) the businesses and organizations listed in the attached Exhibit A.

- Notwithstanding the above, establishments other than those included in subsection A may continue operations consisting exclusively of employees, contractors, or other agents

performing activities at their own residences or places of rest.

- A single employee or agent may be in an establishment closed under this Proclamation in order to perform necessary business functions that do not involve in-person contact with others. No customers or clients may enter the establishment, and no more than one employee or agent may be in the establishment at once.
- B. This Order prohibition includes short-term rentals operated by private property owners. Short-term rentals are hereby declared a non-essential service and shall not continue to operate while said Proclamation Declaring State of Emergency, remains in effect.

It is hereby encouraged, but not specifically regulated, that all citizens or visitors of the Town of Cape Elizabeth take all necessary steps to care for themselves and prevent the spread of COVID-19. Such steps include eliminating all unnecessary gatherings, unnecessary travel, and all social events, and remaining at a distance of 6 feet from one another in public spaces, including outdoors. Such steps will only benefit the health and welfare of the citizens of the Town of Cape Elizabeth and help protect us all. Thank you for all the sacrifices that you have made so far. We look forward to getting through this together.

March _____, 2020 _____

EXHIBIT A

Essential Businesses and Organizations

1. Health care operations and pharmacies;
2. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
3. Food cultivation and processing, including farming, livestock, and fishing;
4. Businesses and organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
5. Newspapers, television, radio, and other media services;
6. Gas stations and auto-supply, auto-repair, and related facilities;
7. Banks and related financial institutions;
8. Hardware and building material stores;
9. Plumbers, electricians, exterminators, building cleaning and maintenance, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Organizations;
10. Businesses and organizations providing mailing and shipping services, including post office boxes;

11. Laundromats, dry cleaners, and laundry service providers;
12. Businesses that manufacture or supply products needed for people to work from home;
13. Businesses that manufacture or supply other essential businesses with the support or supplies necessary to operate;
14. Businesses that ship or deliver groceries, food, goods or services directly to residences;
15. Airlines, taxis, public transportation, and other transportation providers providing transportation services necessary for purposes expressly authorized in this Regulation;
16. Home-based care for seniors, adults, or children;
17. Residential facilities and shelters for seniors, adults, and children;
18. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
19. Childcare facilities providing services that enable employees of essential businesses and organizations as defined herein to work as permitted. To the extent possible, childcare facilities are recommended to operate under the following conditions:
 - A. Childcare should be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day).
 - B. Children should not change from one group to another.
 - C. If more than one group of children is cared for at one facility, each group should be in a separate room. Groups should not mix with each other.
 - D. Childcare providers should remain solely with one group of children.

20. Funeral homes, crematoriums and cemeteries;
21. Animal shelters, veterinary clinics, animal feed and pet supply stores;
22. Government facilities, agencies, and services needed to ensure the continuing operation of the government and provide for the public health, safety and welfare, including but not limited to police, fire, EMS, code enforcement, and trash collection;
23. Businesses and organizations providing for the construction and maintenance of essential infrastructure, including utilities such as electricity, water, wastewater, and telecommunications;
24. Industrial manufacturing facilities;
25. Construction businesses;
26. Insurance businesses;
27. Hotels and other places of accommodation, except to the extent that said hotels and places of accommodation include bars, restaurants, meeting facilities, and other facilities required to be closed by City or State emergency proclamation, including but not limited to section 2 of this Regulation.