



ORDER EXTENDING TEMPORARY LIMITATIONS ON
RENTAL AND/OR OCCUPANCY OF TEMPORARY ACCOMMODATIONS AND,
USE OF TOWN PROPERTIES AND FACILITIES
DURING COVID-19 PANDEMIC UNTIL MAY 15, 2020

WHEREAS on April 3, 2020, the Town of York Board of Selectmen issued a "Proclamation of the Town of York Declaring an Emergency on COVID-19 Pandemic" (hereinafter, the "Proclamation") pursuant to its authority granted to the Emergency Management Director in Section 6, Emergency Powers and Duties, for the Town of York's Emergency Management Ordinance, I hereby enact the following emergency order; and

WHEREAS the Emergency Management Ordinance, Section 5, and Section 6 grant the Town Manager and Emergency Management Director the authority to protect the public's health, safety, and welfare in the event of an emergency and after consultation with the Board of Selectmen, we declare an emergency exists in the Town of York, Maine; and

WHEREAS since the enactment of the Proclamation, the number of cases of COVID-19 and related deaths have increased exponentially globally, in the United States, and in Maine (particularly, in York and Cumberland counties); and

WHEREAS the occupancy of seasonal accommodations in the Town has grown notably in the past weeks as individuals seek to flee the implications of COVID-19 in their home communities; and

WHEREAS the Town's year-round population is most recently estimated at approximately 13,000, which is starkly lower than the approaching peak tourist season, which is estimated to be 40,000; and

WHEREAS there are more than 3,000 units of temporary and seasonal accommodation available in the Town; and

WHEREAS the limited number of local grocery stores, infrastructure, and resources during the off-season are only sufficient to provide for the Town's year-round residents; and

WHEREAS despite the potential influx of seasonal employees and increased resources that arrive during the peak season, these will nevertheless be insufficient to handle an emergency of the nature and scale presented by the COVID-19 pandemic; and

WHEREAS the Town lacks the resources to adequately protect the public health, safety, and welfare if there is a large unanticipated spike in population because such a surge will overwhelm the Town's capacity to provide essential municipal services such as water, sewer, fire and rescue, police, and will also deplete the supply chain of food and other resources to the Town; and

WHEREAS restrictions have been put in place all over the world in an effort to protect public health, safety, and welfare and to "flatten the curve" to protect first responders and all members of the healthcare profession who are on the frontline of the pandemic, as well as those workers who are deemed essential and who are providing the public with the necessities of life; and

WHEREAS public health experts have vigorously recommended that in order to contain and slow the spread of COVID-19, citizens should remain at home as much as possible, maintain social distancing, and avoid non-essential travel; and

WHEREAS, the actions contemplated in this Order are not taken lightly, given the importance of private property and other rights of local owners and visitors, who the Town consider to be integral members of the community, and who have assisted in making the Town what it is today and what it will continue to be going forward; and

WHEREAS the Town decided on April 3, 2020 that it must declare temporary and immediate restrictions on transient occupancy units in hotels, motels, bed and breakfasts, inns, fractional share developments and short-term rentals (all terms as defined in the York Zoning Ordinance) shall remain vacant for the duration of the Emergency Order, to protect public health, safety, and welfare and to preserve critical resources in these unprecedented times; and

WHEREAS as of April 13, 2020, there are ever increasing cases of COVID-19 in the United States and in Maine, and, public health entities report that the apex of the number of COVID-19 cases has not yet hit Maine.

NOW THEREFORE in accordance with aforesaid laws and recitals, which are incorporated herein by reference, it is hereby promulgated and declared that until further Order of the Emergency Management Director:

A. Short-term rentals.

1. Except as otherwise specifically provided herein, the short-term rental (defined as a period of thirty (30) days or less) of private residential properties in the Town is hereby prohibited. No short-term rental agreements or arrangements of any kind, whether or not consideration is exchanged, shall be made by and between owners of residential property and any third parties. This prohibition will be in place with respect to any occupancy between the dates of this Order and May 15, 2020.
2. All rental arrangements as aforesaid that are presently in effect are subject to the terms of this Order except to the extent that occupancy already commenced prior to the date of this Order.

B. High Density Accommodations

1. Except as otherwise specifically provided herein, no "Lodging Facility," (which includes "hotels," "motels," "bed-and-breakfasts/small inns," "seasonal cottage complexes," and "housekeeping cottage complexes"), "Tent and Recreational Park," and/or "Campground/Recreational Park" (as all of those terms are defined in York Zoning Ordinance of the Town Code) shall not be occupied from the date of this Order until May 15, 2020.

C. Second/Seasonal Properties.

1. A "Second/Seasonal Property" is any property that is not otherwise defined or regulated herein.
2. The Town is recommending, on the strongest possible terms, that owners of Second/Seasonal Property and their invitees remain in the location of their permanent residence and/or the dwelling they currently occupy from the date of this Order until May 15, 2020.
3. If owners or invitees of a Second/Seasonal Properties as defined in subparagraph C(1) relocate to the Town during the effective period of this Order, they are strongly encouraged to self-quarantine in said Second/Seasonal Property for at least fourteen (14) days from the date of arrival in Town.

D. Exceptions.

1. The restrictions contained in this Order shall not apply to the following categories of individuals:

- Individuals who are providing care for Town residents who are unable to care for themselves as result of illness or infirmity;
- 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;
- Recipients of General Assistance from the Town who have been provided with accommodations at such properties; and
- Workers who are engaged in "Essential Businesses and Operation," as defined in the Governor's Executive March 24, 2020 Order No. 19 FY 19/20 as follows, except to the extent it conflicts with the terms of this Order.
- A transient occupancy unit may be occupied by active duty military and their family, or workers of those essential services as defined in the Governor's Executive Order 19 FY 19/20.
- A transient occupancy unit may be occupied by a person or household looking to remove themselves from a household which has a person testing positive for COVID-19, or for the safety of the home.
- A transient occupancy unit may be occupied by a person or household as emergency shelter through the Town's General Assistance program, or other such means through the York Community Services Association or Caring Unlimited.

E. Use of Town Properties and Facilities

1. The following shall remain closed for the duration of this Emergency Order:

- a) Sohier Park;
- b) Mount Agamenticus;
- c) Harbor Beach Road;
- d) York Community Garden;
- e) Cliff Walk;
- f) Fishermen's Walk;
- g) Wigglely Bridge and causeway;
- h) Strawberry Island;
- i) The boat launch ramp on the York River under the Rt. 103 bridge;
- j) The boat launch on the York River as Scotland Bridge; and
- k) All Town and School playgrounds, athletic fields, tennis courts and basketball courts.

NOTE: all public beaches are already closed by Order of the Town Manager.

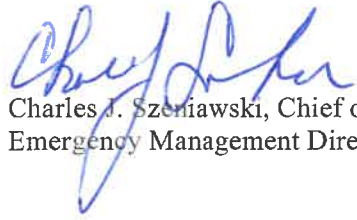
F. Enforcement/Penalties

1. Each day of rental and/or occupancy in violation of this Order shall be considered a separate violation.

2. Any person, firm or corporation found to have violated any provisions of Sections One through Three of this Emergency Order in a court with jurisdiction to act on a complaint from the Town shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses.

This Emergency Order shall take effect at 12:00 o'clock Noon on Thursday, April 30th, 2020 and shall extend to 11:59 PM on May 15, 2020 unless extended or sooner revoked.

Given under our hands, this 20th day of April, 2020.



Charles J. Szeniawski, Chief of Police
Emergency Management Director



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 16, 2020	<input type="checkbox"/> ACTION
DATE ACTION REQUESTED: April 20, 2020	<input checked="" type="checkbox"/> DISCUSSION ONLY
SUBJECT: Parking on Long Beach Avenue	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The parking on Long Beach Avenue maybe eliminated, altered, or restricted, during the Covid 19 pandemic or allowed to function in its present state during the Emergency Order

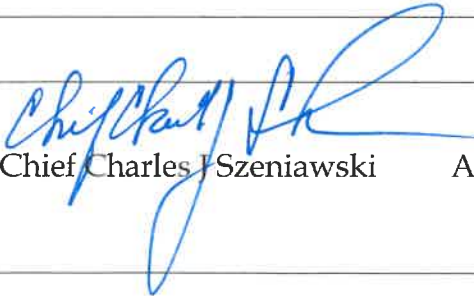
RECOMMENDATION: The parking on Long Beach Avenue during this pandemic and the towns operation under the enacted emergency order is not utopia but is functioning well and meeting the needs of most of those utilizing the sidewalks and areas behind the fog lines. After speaking with numerous walkers, residents simply parking and runners they are satisfied the present controls are working with all the construction along the road in various locations and the restrictions imposed by the emergency order.

PROPOSED MOTION:

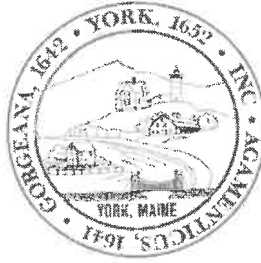
FISCALIMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: Chief  Szeniewski

Approved By: -----



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 16, 2020	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: April 20, 2020	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Extension of Declaration of Civil Emergency and Emergency Order	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The BOS may choose to modify, keep intact or extend the Declaration of Civil Emergency and Emergency order of the Town of York dated April 2, 2020

RECOMMENDATION: I recommend that an Order Extending Temporary Limitations on Use of Town Properties, Facilities and rental and or occupancy of temporary accommodations be extended until May 15, 2020

PROPOSED MOTION: I propose issuing the attached Emergency Order to extend temporary limitations on rental and or occupancy of temporary accommodations and use of town properties and facilities during the Covid – 19 pandemic until May 15, 2020 by enacting the Town of York Emergency Management Ordinance ,Section 5 and 6, most recently amended May 16, 2015.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Chief Charles J. Szeniewski

PREPARED BY: Chief/EMA Charles J. Szeniewski _____ REVIEWED BY: _____