

FAQ's regarding South Portland's Emergency Declaration and the City Manager's Emergency Regulations

Q: What does South Portland's Emergency Declaration issued on March 24, 2020 mean?

South Portland's Emergency Management Ordinance (Chapter 8, Article II) authorizes the Mayor to declare a State of Emergency through the issuance of a Proclamation. This Proclamation serves only to provide authority to the City Manager and Emergency Management Director to take whatever actions are necessary to prevent the loss of life and property in the City. It is NOT, by itself, a "shelter in place" order or a "stay at home" order although those are examples of actions that could be issued by the City Manager under the powers of the emergency declaration.

Q: What kind of actions can the City Manager take under the Emergency Declaration?

Under Sec. 8-2.8 of the City's Ordinance, the City Manager has the authority to promulgate regulations as he deems necessary to protect life and property and to preserve critical resources. Such regulations may include, but are not limited to, the following:

- 1) Regulations prohibiting or restricting the movement of vehicles in areas within or without the City;
- 2) Regulations facilitating or restricting the movement of persons within the City;
- 3) Regulations pertaining to the movement of persons from hazardous areas within the City; and
- 4) Such other regulations necessary to preserve public peace, health, and safety.

The City Manager is authorized to request aid or assistance from the State or any political subdivision of the State and may render assistance to other municipalities or counties under the provisions of State law, 37-B M.R.S. § 784.

The City Manager is also authorized to obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.

Some examples of actions the City Manager may take under the Emergency Declaration include: issuing a "stay at home" order or a "shelter in place" order, closing City parks and beaches to public access, restricting access to public parks and beaches, and enforcing safety guidelines issued by the CDC and Governor's office.

Q: What kind of actions can the City Manager not perform under the State of Emergency?

Any regulations issued by the City Manager during a state of emergency must be consistent with federal and State law. There are some actions that the City Manager may not legally take because they expressly or impliedly preempted by/in conflict with federal or State law, such as closing the borders of the City, requiring that employers offer certain paid leave for employees, or altering tenant eviction procedures.

Q: How long is the City's State of Emergency in effect?

The Mayor signed the proclamation on March 24, 2020, making it effective immediately. Under the City's Emergency Management Ordinance, the State of Emergency is only valid for five days unless the Council acts to renew it. The State of Emergency may only be terminated by issuance of a proclamation terminating the State of Emergency. On March 24, 2020, the City Council passed ORDER #189-19/20

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which extended and renewed of the State of Emergency for longer than 5 days and until a proclamation is issued by the Mayor terminating the State of Emergency. The powers of the City Manager and any regulations promulgated hereunder terminate at the end of the declared emergency.

Q: How does South Portland’s State of Emergency declaration differ from the Governor’s State of Emergency Declaration?

Governor Mills issued a Statewide Civil Emergency Declaration on March 15, 2020. That document can be found [here](#). The Governor’s Proclamation activated any and all authority delegated to the Governor by any and all emergency management, public health and other pertinent laws to issue any and all oral and written directives that the Governor, upon the advice of public health and other expert officials, reasonably deemed necessary to respond to and protect against the spread and impacts of COVID-19 in Maine. The Governor’s order covers the entire State of Maine.

South Portland’s Emergency Management Ordinance (Chapter 8, Sec. 8-2.6) gives authority to the Mayor to declare a State of Emergency in the City of South Portland through the issuance of an Emergency Proclamation. It only covers activity within the City of South Portland.

Q: Is South Portland following the orders issued by Governor Mills?

Yes. All orders issued by the Governor are being observed in the City of South Portland. You may find a list of all of these orders on the Governor’s website [here](#).

This includes the newest order issued on March 24, 2020 (effective March 25, 2020), requiring all non-essential businesses and operations in Maine to close their physical locations that are public facing, meaning those that allow customer, vendor or other in-person contact. The Order also closes non-essential business sites that require more than ten (10) workers to convene in a space where physical distancing is not possible. Non-essential businesses and operations may continue activities that do not involve these types of in-person contact and gatherings, and should facilitate the maximum number of employees working remotely. A copy of that order may be found [here](#).

Q: Is my South Portland business considered essential or non-essential under the Governor’s Executive Order? Do I have to close?

A list of defined “essential services” was included in Governor Mills’ Executive Order. [A copy of that order may be found here](#). Businesses should refer to the list of essential services and comply with the order.

Q: Has South Portland issued a “stay at home” order? Am I allowed to leave my house or apartment?

Effective at noon on March 27, 2020, the City Manager has issued a “stay at home” order. A copy may be found [HERE](#). With a stay at home order, residents are allowed to go outside, but are not supposed to travel (by any means) unless it is for an “essential activity”, as follows:

- (a) **For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable or should not leave their home (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.
- (b) **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members or persons who are unable or should not leave their home, or to deliver those services or supplies to others, such as,

by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, automobile supplies, and products necessary to maintain the safety, sanitation, and essential operation of residences.

- (c) **For certain types of work.** To go to and from a person's workplace to perform a job function necessary to provide goods or services being sought in subsections (a) and (b) above, or as otherwise deemed Essential Businesses and Operations pursuant to the Governor's Executive Order No. 19 FY 19/20 dated March 24, 2020 entitled "An Order Regarding Essential Business and Operations," as may be amended or extended by the Governor and/or interpreted by the Maine Department of Economic and Community Development from time to time (hereinafter "COVID-19 Essential Businesses and Operations").
- (d) **To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by these regulations.
- (e) **For outdoor activity.** To engage in outdoor activity, provided that persons maintain, to the maximum extent possible, a distance of at least six (6) feet from any other person with whom they do not share a household and abide by the 10 person gathering limitation established by the Governor's Executive Order No. 14 FY 19/20 dated March 18, 2020 entitled "An Order to Protect Public Health," as may be amended or extended by the Governor from time to time.

Individuals experiencing homelessness are exempt from this requirement, and individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

Q: What can I do under the City of South Portland's "Stay at Home" order?

YOU CAN

- Go to the grocery, convenience or warehouse store.
- Go to the pharmacy to pick up medications and other healthcare necessities.
- Go to medical appointments (check with your doctor or provider first).
- Go to a restaurant for take-out, delivery or drive-thru.
- Care for or support a friend or family member.
- Take a walk, ride your bike, hike, jog and be in nature for exercise — just keep at least six feet between you and others.
- Walk your pets and take them to the veterinarian if necessary.
- Help someone to get necessary supplies.
- Receive deliveries from any business which delivers.
- Go to a financial institution (e.g., bank, credit union) to transact necessary business

YOU SHOULD NOT

- Go to work unless you are providing essential services as defined by the Governor's March 24, 2020 Order.
- Visit friends and family if there is no urgent need.
- Maintain less than 6 feet of distance from others when you go out.
- Use or allow children to use public playground equipment or school facilities while school remains closed and/or this order remains in place
- Visit loved ones in the hospital, nursing home, skilled nursing facility or other residential care facility, except for very limited exceptions as provided on the facility websites.

Q: Why is this Stay at Home order necessary?

Right now, COVID-19 is spreading rapidly throughout Cumberland County and some of our communities and, without taking additional measures, Maine's health care system will have more sick people than it can care for. The State of Maine is working to increase its health care capacity, but people also need to take measures to prevent the spread of this illness. Our medical community is working overtime to take care of people who are sick, but it needs help from the public to keep even more people from needing care.

Q: When is it okay for me to leave my home under the City's Stay at Home order?

People can leave their homes to do things like buy groceries or food, pick up medicine or go to work if their job is essential. If you have to go out, make sure you practice social distancing measures and keep 6 feet between you and the people around you. Also: people are encouraged to go outside and to stay active during this time, as long as they practice social distancing when they are around their neighbors.

Q: What businesses and jobs are considered essential under the City's Stay at Home order?

The City's definition of essential businesses and services under the City's Manager's Regulations effective March 27, 2020 is the same as the State of Maine's under the Governor's March 24, 2020 Executive Order. Health care workers, public safety employees, some government workers, staff of grocery stores and restaurants and employees of some business are generally considered essential workers. Businesses like manufacturers and utilities have to continue operations to support our communities. In general, the State of Maine follows guidance from the federal Cybersecurity and Infrastructure Security Agency (CISA) about what infrastructure and businesses are "critical" during the COVID-19 outbreak. For more detailed information from CISA, visit this site:

<https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>

Q: What if I need to get tested for coronavirus or to go to the doctor?

People can leave their homes for medical treatment or to get testing, but they should call their health care provider or doctor before doing so for advice. Your doctor may be able to help you via telemedicine or decide if you need to be tested by asking you questions on the phone. Do not show up to a testing site without consulting a medical professional first, because you may need a doctor's order to qualify for a test. Unless it is an emergency, do not go to a health care facility without calling first, because you may put yourself at risk of being exposed to COVID-19.

Q: Can I go outside under the City's Stay at Home order? Can I use City parks and beaches?

Yes. City parks, beaches, and outdoor recreation facilities owned and operated by the City for outdoor activity remain open for the time being. However, use of outdoor fitness equipment (e.g., pull-up bars) and playground equipment (e.g., play systems, climbing equipment, swing sets, and slides) are prohibited. This includes City operated school playground equipment.

Q: Has South Portland issued a "shelter in place" order?

No. To be clear, shelter in place means finding a safe location indoors and staying there until you are given an "all clear" or told to evacuate. One might be asked to shelter in place because of an active shooter; a tornado; a hurricane; or a chemical, radiological or other hazard. To date, no municipality in Maine has issued a true "shelter in place" order.

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Q: Are there special rules for Senior Care Facilities under the City Manager’s Emergency Regulations?

Yes. According to the U.S. Centers for Disease Control and Prevention, the COVID-19 disease is particularly dangerous for at-risk populations, including those over the age of 60. Hence, a regulation has been made to restrict visitors to all residential care, assisted living, long-term care, age 55 and over senior living, and similar type residential facilities within the City serving seniors to only those providing COVID-19 essential business and operations-related activities.

Q: Can I use my reusable bag at retail establishments in South Portland?

No. The City Manager has issued a prohibition on the use of reusable bags at retail establishments. This prohibits the use of reusable bags at checkout at all retail stores, such as grocery stores and convenience stores. Recent studies suggest that not only can these bags contain harmful bacteria if not properly washed and stored, but also that the coronavirus can live on the bags’ surfaces for up to three days. Patrons should not bring these types of bags into stores and stores are directed to not accept such bags even if they are brought in. Stores should also not charge the five cent single-use bag fee that had been required by South Portland’s ordinance. Due to the Maine Legislature’s expedited effective date of the State’s ban on single-use bags statewide, the City’s ordinance levying this fee is no longer valid as of March 17, 2020.

Q: Should retail establishments in South Portland be charging me for a carry-out bag?

No. As of March 17, 2020, pursuant to LD 2167, “An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency,” the State of Maine is the exclusive regulator of single-use carry out bags at retail establishments, and so the City’s local ordinance that required retail establishments in South Portland to charge 5 cents for a single-use carry-out bag is no longer in force or effect.

Q: How will the City Manager’s regulations be enforced?

If necessary, local law enforcement will support the order.

Q: When is the Stay at Home order going to be lifted?

The Stay at Home order is in place until further notice.

Q: If I live in South Portland, but work in Portland, can I travel to work under Portland’s new orders issued on March 24, 2020?

Portland issued a “stay at home” emergency order following Governor Mills’ executive order on March 24, 2020, effective March 25, 2020 at 5:00 pm. A copy of that document can be found [here](#). Portland’s order is more restrictive and differ slightly from the order issued by Governor Mills, and only applies to Portland. Questions regarding Portland businesses or Portland’s operations should be directed to the City of Portland at [207-874-8300](tel:207-874-8300).

Q: Where can people get more information about what the City of South Portland is doing in response to the COVID-19 Outbreak?

Residents and visitors to South Portland can stay informed of our efforts via the following methods:

- Visit the [COVID-19 page](#) on our website;
- Follow us on [Facebook](#) and [Twitter](#);
- [Sign up](#) for phone, text, and/or email alerts via the City’s CodeRED service (aka Reverse 9-1-1). You can also download the CodeRED mobile app for your phone; and

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Stay tuned to local TV and print media for local, state, and national news regarding COVID-19.

Q: Where can people get more information about what the State of Maine is doing in response to the COVID-19 Outbreak?

The Governor's office is constantly updating its website at <https://www.maine.gov/governor/mills/covid-19>, as is the Maine Center for Disease Control and Prevention at <https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus.shtml>.

You can also call 211 for general information about COVID-19 and to get connected to help and resources.