



**CITY OF SOUTH PORTLAND
Executive Department
Scott T. Morelli, City Manager**

CITY OF SOUTH PORTLAND EMERGENCY REGULATIONS

March 26, 2020

I, Scott T. Morelli, City Manager of the City of South Portland, pursuant to the authority vested in me under Sec. 8-2.8 of the South Portland Code of Ordinances to “promulgate such regulations as he/she deems necessary to protect life and property and to preserve critical resources” in the event of a state of civil emergency within the City, hereby issue the following regulations:

Section 1. Purpose.

These regulations are issued following the state of civil emergency declared by the Mayor on March 24, 2020 and later extended by the City Council in order to reduce the risk of increasing the spread of COVID-19, preserve the public health and safety, and to ensure that the health care system is capable of serving all persons in need, especially those at high risk and vulnerable to COVID-19.

Section 2. Stay at Home or Place of Residence.

All persons currently living within the City of South Portland are required to stay at home or at their place of residence unless performing an essential activity. An activity is essential if the purpose of the activity is one of the following:

- (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 repairs and 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 Section, but are strongly urged to obtain shelter as soon as possible in a place that uses in its operations COVID-19 risk mitigation practices recommended by the U.S. Centers for Disease Control and Prevention (U.S. CDC) and the Maine Center for Disease Control and Prevention (Maine CDC). 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. For purposes of these regulations, homes or residences include hotels, motels, rental units, shelters and similar facilities.

Section 3. Use of City Parks.

Use of all parks, beaches and outdoor recreation facilities owned and/or maintained by the City for outdoor activity is permitted; *provided, however*, that use of outdoor fitness equipment (*e.g.*, pull up bars) and playground equipment (*e.g.*, play systems, climbing equipment, swing sets, and slides) is prohibited due to the risk of increasing the spread of COVID-19. Parks, beaches and outdoor recreation facilities owned and/or maintained by the City include, but are not limited to, the following:

Anthoine Creek Park
Bug Light Park
Clarks Pond Trail System
Dows Woods
Firefighters Park
Fisherman's Point
Arvin "Ge" Erskine Memorial Park
Greenbelt Walkway
High Street Park
Hinckley Park
Fisherman's Point Park
Legere Park
Legion Square Park
Long Creek Trail
Mill Creek Park
Mountain View/Nelson Park
Pierce Street Park
Public Tennis Courts
Redbank Community Center Park
Ridgeland Heights
Santo "Sam" DiPietro Memorial Park
Sawyer Park
School Street Park
South Portland Municipal Golf Course
Spring Point Shoreway
Thomas Knight Park
Wainwright Recreation Complex
Wilkinson Park
Willard Beach
Yerxa Park

All South Portland School Department school playground equipment is also included as part of this prohibition on the use of playground equipment.

Section 4. Restriction on Visitors to Senior Care Facilities.

All residential care facilities, assisted living facilities, skilled nursing facilities, long-term care facilities, age 55 and over senior living communities, and similar type residential facilities serving seniors shall limit visitors to COVID-19 Essential Businesses and Operations-related activities for the facility or a resident thereof and use in their operations COVID-19 risk mitigation practices recommended by the U.S. CDC and the Maine CDC. These facilities may allow visitors other than those for COVID-19 Essential Businesses and Operations if a resident is near death and/or receiving hospice care so long as COVID-19 risk mitigation practices recommended by the U.S. CDC and the Maine CDC are followed in screening such visitors.

Section 5. Prohibition on Use of Reusable Bags at Retail Establishments.

Customers of retail establishments in the City are prohibited from using reusable bags at checkout due to the risk of increasing the spread of COVID-19. Retail establishments shall provide carry-out bags, even if a customer brings in a reusable bag or bags. (As of March 17, 2020, the State of Maine is the exclusive regulator of single-use carry out bags at retail establishments.)

Section 6. Enforcement.

If necessary, these regulations shall be enforced by the Police Chief, or his designee, for whom the Parks and Recreation Department shall provide investigative and enforcement assistance with regard to Section 3 herein.

Section 7. Penalties.

Pursuant to Sec. 8-2.13 of the Code of Ordinances, the penalty for violation of or failure to comply with these regulations, in addition to injunctive relief, is a fine of at least \$100 but not greater than \$5,000 per occurrence, plus the costs of prosecution.

Section 8. Severability.

If any provision of these regulations or their application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of these regulations, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of these regulations are declared to be severable.

Section 9. Duration.

These regulations shall be effective at noon on Friday, March 27, 2020 and, pursuant to Secs. 8-2.6 through 8-2.7 of the Code of Ordinances, shall remain in full force and effect until either rescinded or modified by me or the emergency proclamation is terminated by the City Council.

Dated: March 26, 2020



Scott T. Morelli, City Manager