

ORDINANCE NO. 706

AN EMERGENCY ORDINANCE AUTHORIZING THE TOWN COUNCIL TO LEASE APPROPRIATE SPACE WITHIN TOWN LIMITS ON A TEMPORARY BASIS TO PROVIDE EMERGENCY SHELTER FOR THOSE IMPACTED BY THE COVID-19 VIRUS AND TO ENGAGE A MANAGER FOR THE DAY-TO-DAY OPERATIONS AND MANAGEMENT OF THE LEASED SPACE.

WHEREAS, §C4-1 of the Town of Denton Charter authorizes the Denton Town Council to “pass all ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter” that are deemed necessary “for the preservation of peace and good order . . . and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town”; and

WHEREAS, the COVID-19 virus pandemic, coupled with the Executive Orders of the Governor of the State of Maryland that have shuttered businesses across the State not deemed to provide “essential services,” has caused many residents of the Town to face severe economic hardship and financial insecurity; and

WHEREAS, some residents of the Town are likely to become homeless as a direct result of the pandemic and unemployment related to the State’s Executive Orders; and

WHEREAS, existing shelter for the homeless within the Town is limited and providing additional housing for the homeless is otherwise constrained by the requirements of Chapter 128 of the Town Code; and

WHEREAS, on an emergency and temporary basis, the Town may act to protect the interests of Town residents through the use of property within Town limits irrespective of the requirements of Chapter 128 of the Town Code; and

WHEREAS, local charitable organizations have experience in the operation and maintenance of temporary housing for the homeless that the Town does not possess; and

WHEREAS, the Town Council finds that the protection of residents who become homeless as a result of the pandemic and the State’s Executive Orders is necessary for the health, safety, and welfare of those residents and all other residents of the Town.

BE IT ENACTED AND ORDAINED BY THE DENTON TOWN COUNCIL AS FOLLOWS:

1. The Town Council finds and declares that a public health emergency exists and is expected to exist through the end of October, 2020, due to the COVID-19 pandemic which is or is likely to be particularly acute for the Town’s homeless population without a safe and reliable place of residence between June 1, 2020, and October 31, 2020.

2. The Town Manager is authorized to execute a lease for space within Town limits to provide temporary housing for residents who become homeless as a result of the COVID-19 virus pandemic and the Executive Orders of the State of Maryland for the period to begin on June 1, 2020, and to end on October 31, 2020.

3. The Town Manager's authority shall become effective only upon the satisfaction of the following conditions: (a) execution of an agreement to operate and manage the leased space for the period between June 1, 2020, and October 31, 2020, with a local charitable organization that has experience in the management and operation of the shelter for the homeless; (b) submission of evidence satisfactory to the Town that rent paid by or due from the Town for the leased space will be reimbursed by the local charitable organization; (c) submission of evidence that the charitable organization has satisfactory premises and general comprehensive liability insurance covering the operation and management of the leased space; (d) execution of an indemnification and hold harmless agreement by the local charitable organization for the benefit of the Town; (e) submission of an endorsement to the insurance coverage naming the Town as an additional insured during the term of the lease; and (f) confirmation from the Local Government Insurance Trust that the Town's involvement as landlord in the temporary and emergency shelter of the homeless is a covered risk.

4. By unanimous vote of the Town Council, the requirements of §3-13 of the Town Charter and §5-19 of the Town Code are suspended to the end that this Ordinance shall become effective immediately following passage.

ADOPTED THIS 7th DAY OF May, 2020.

ATTEST:

DENTON TOWN COUNCIL:

Signature on File

Abigail McNinch, Mayor

Signature on File

Lester L. Branson, Councilperson

Signature on File

Dallas Lister, Councilperson

Signature on File

Walter Keith Johnson, Councilperson
(As to Paragraph No. 4 only)

Signature on File

Karen L. Monteith, Clerk-Treasurer

Signature on File

Doncella Wilson, Councilperson
(As to Paragraph No. 4 only)

Approved for legal sufficiency this 7th day of May, 2020.

Signature on File

Christopher F. Drummond, Town Attorney

Date Introduced 5/7/2020

Date Passed 5/7/2020

Effective Date 5/7/2020