



*Municipal Corp. of  
Cape Charles*

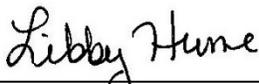
The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on April 16, 2020 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20200416 (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
Andy Buchholz	X		X		
Cela Burge	X			X	
Paul Grossman	X		X		
Tammy Holloway	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 17<sup>th</sup> day of April 2020.

  
\_\_\_\_\_  
Clerk of the Council  
Town of Cape Charles, Virginia

(Seal)

## **ORDINANCE 20200416**

### **AN ORDINANCE TEMPORARILY CLOSING SHORT-TERM RENTAL OPERATIONS IN THE TOWN OF CAPE CHARLES, VIRGINIA, IN ORDER TO PROTECT THE PUBLIC HEALTH AND SAFETY BY PREVENTING THE FURTHER SPREAD OF THE CORONAVIRUS (COVID-19).**

**WHEREAS**, on March 12, 2020, the Governor of the Commonwealth of Virginia, Ralph Northam (“Governor Northam”) issued Executive Order Fifty-One declaring a state of emergency due to the spread of COVID-19, a public health threat and disaster; and

**WHEREAS**, by ordinance adopted March 30, 2020, the Council of the Town of Cape Charles (“Town Council”) declared the COVID-19 pandemic to be a local emergency and disaster and invoked emergency powers given localities under §§ 15.2-1431 and 44-146.21 of the Code of Virginia; and

**WHEREAS**, § 15.2-1102 of the Code of Virginia and § 2.2 of the Town Charter authorizes the Town of Cape Charles (“Town”) to take necessary and desirable action to protect the public health, safety and welfare; and

**WHEREAS**, COVID-19 spreads person-to-person, transmitted via respiratory droplets, and can be spread from an infected person who does not have symptoms to another person, and therefore, unnecessary person-to-person contact increases the risk of transmission and spread of COVID-19; and

**WHEREAS**, testing indicates that COVID-19 can remain on certain surfaces for several days, unless such surfaces are thoroughly cleaned and sanitized against viruses; and

**WHEREAS**, in order to prevent the spread of COVID-19, Governor Northam has issued Executive Order Fifty-Three and Executive Order Fifty-Five, ordering, with limited exception, individuals to stay at home; closing all public beaches for all activity, except exercising and fishing; closing certain businesses, including recreational and entertainment businesses, and restricting the operations of other non-essential businesses; prohibiting all public and private in-person gatherings of more than ten individuals, other than the operation of businesses not required to close and the gathering of family members living in the same residence; and mandating six feet of separation among individuals other than family or household members or caretakers; and

**WHEREAS**, the emergency restrictions imposed by Governor Northam shall continue until June 10, 2020, unless extended or rescinded earlier; and

**WHEREAS**, in order to suppress person-to-person contact and other conditions that are dangerous to the public health, and to ensure adherence to Governor Northam’s Executive Orders, the Council of the Town of Cape Charles, Virginia (“Town Council”) finds it necessary to prohibit, with limited exception, the operation of short-term rental operations; and

**WHEREAS**, the Town Council further finds that the protection of the public health and the prevention of the spread of communicable disease is an essential governmental objective and constitutes a legitimate public purpose.

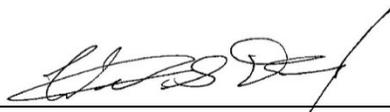
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Town of Cape Charles, Virginia, that notwithstanding any Charter provision, ordinance, regulation or policy to the contrary, and except as provided below, any short-term rental, as defined in § 15.2-983 of the Code of Virginia, shall immediately cease operations and shall remain closed for so long as the restrictions set out in Executive Order Fifty-Three and Executive Order Fifty-Five are in place. The following short-term rental operations may continue to operate in strict accordance with all Executive Orders issued by the Governor of Virginia and Orders of Public Health issued by the State Health Commissioner:

1. Time-shares, as defined in § 55.1-2200 of the Code of Virginia, and similar occupancies by persons having an ownership interest in the property, provided such properties are not rented to short-term tenants.
2. Any occupancy of a short-term rental by a person or persons required by state or federal order to quarantine-in-place, provided that (i) the short-term rental was occupied by such person or persons prior to the adoption of this ordinance, and (ii) the owner or occupant provides the Town Manager or his designee suitable evidence or explanation of the need for the quarantine.

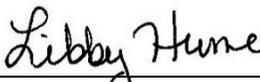
This ordinance shall be enforced by the Town Manager or his designee. Any person or entity willfully violating, or refusing, failing, or neglecting to comply with this ordinance shall be guilty of a Class 3 misdemeanor. Each day of violation shall constitute a separate offense. This ordinance may also be enforced by injunction or other appropriate remedy.

This ordinance shall be effective immediately and unless rescinded or extended by the Town Council, shall continue in effect for so long as the restrictions imposed by Executive Order Fifty-Three and Executive Order Fifty-Five remain in place.

ADOPTED by the Council of the Town of Cape Charles, Virginia, this 16th day of April 2020.

By:   
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk