

**ORDINANCE**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,**  
**AMENDING BOWIE CITY CODE CHAPTER 11, “HEALTH AND**  
**SANITATION”, TO RENUMBER SECTION 11-5, “PENALTIES” AS**  
**SECTION 11-7 AND TO ENACT SECTION 11-5, “PUBLIC HEALTH**  
**OFFICER” AND SECTION 11-6, “ACCESS TO HEALTHCARE**  
**RESOURCES”.**

**WHEREAS**, pursuant to Md. Code Ann., Local Gov’t. Article, § 5-202, the City of Bowie, Maryland (the “City”) has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

**WHEREAS**, § 5-209(b) of the Local Gov’t Article permits the City to appoint a board of health and establish its powers and duties.

**WHEREAS**, § 5-209(c) of the Local Gov’t Article permits the City to establish quarantine regulations; authorize the removal or confinement of individuals having infectious or contagious diseases; prevent and remove nuisances; prevent the introduction of contagious diseases into the municipality; and regulate any place where noxious things are manufactured, offensive trades are conducted, or that may cause unsanitary conditions or conditions detrimental to health.

**WHEREAS**, Section 18A(27) of the City Charter implements the authority of Local Gov’t Art., § 5-209; and

**WHEREAS**, pursuant to this authority, the City Council has enacted certain regulations pertaining to health and sanitation, which are codified in Chapter 11, “Health and Sanitation”, of the City Code; and

**WHEREAS**, the nation is undergoing a public health crisis caused by the spread of a virus that causes the illness known as COVID-19, which has killed and continues to kill tens of thousands of people in the United States alone; and

**WHEREAS**, the COVID-19 emergency has required the closure of most businesses, the implementation of severe restrictions on the movements of ordinary citizens, and the establishment of public health protocols and precautionary measures in order; and

**WHEREAS**, COVID-19 is known to impact older and medically fragile populations more severely than other groups and the public good requires that these vulnerable demographics be particularly protected and that they be given access to as many medical resources as possible to combat the spread of and treat the virus; and

**WHEREAS**, the City Council believes that the appointment of a City Public Health Officer to recommend policy initiatives to help combat and treat the virus and to enforce regulations established by the City Council with respect to the public health and safety of its residents is appropriate and necessary.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 11, “Health and Sanitation”, Section 11-5, “Penalties” be and is hereby is renumbered as Section 11-7.

**Section 2.** **BE IT FURTHER ORDAINED AND ENACTED** by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 11, “Health and Sanitation”, be and is hereby is amended to enact new Section 11-5, “Public Health Officer”, to read as follows:

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SECTION 11-5. PUBLIC HEALTH OFFICER

A. THE CITY COUNCIL MAY FROM TIME TO TIME APPOINT A PUBLIC HEALTH OFFICER WHO SHALL SERVE FOR SUCH TERM AS THE CITY COUNCIL DEEMS APPROPRIATE AND SHALL RECEIVE SUCH COMPENSATION AS THE CITY COUNCIL SETS FROM TIME TO TIME BY ORDINANCE. HE OR SHE SHALL SERVE AT THE PLEASURE OF THE CITY COUNCIL.

B. THE PUBLIC HEALTH OFFICER SHALL HOLD A MEDICAL DEGREE FROM AN INSTITUTION ACCREDITED IN THE UNITED STATES OR AN ADVANCED DEGREE IN PUBLIC HEALTH ADMINISTRATION AND SHALL HAVE AT LEAST THREE YEARS OF RELEVANT EXPERIENCE IN A PUBLIC HEALTH CAPACITY.

C. THE PUBLIC HEALTH OFFICER SHALL:

1. MAKE RECOMMENDATIONS TO THE CITY COUNCIL RELATING TO THE PROTECTION AND PRESERVATION OF THE HEALTH OF THE CITY 'S RESIDENTS;

2. ENFORCE SUCH LAWS AND REGULATIONS AS THE CITY COUNCIL MAY FROM TIME TO TIME ADOPT TO PREVENT THE INTRODUCTION OF CONTAGIOUS DISEASES INTO THE CITY OR THE FURTHER SPREAD OF SUCH CONTAGION, INCLUDING QUARANTINE AND ISOLATION REGULATIONS; AND

3. ENFORCE SUCH LAWS AND REGULATIONS AS THE CITY COUNCIL MAY FROM TIME TO TIME ADOPT RELATING TO THE REMOVAL AND CONFINEMENT OF PERSONS HAVING CONTAGIOUS OR INFECTIOUS DISEASES; AND

4. ENFORCE SUCH LAWS AND REGULATIONS AS THE CITY COUNCIL MAY FROM TIME TO TIME ADOPT TO PREVENT AND REMOVE HEALTH-RELATED NUISANCES; AND

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5. ENFORCE SUCH LAWS AND REGULATIONS AS THE CITY COUNCIL MAY FROM TIME TO TIME ADOPT PROVIDING FOR THE INSPECTION OF BUILDINGS, STRUCTURES OR PLACES THAT CAUSE OR MAY CAUSE OR CONTRIBUTE TO CONDITIONS DETRIMENTAL TO THE PUBLIC HEALTH.

D. IN ORDER TO ACCOMPLISH THE PURPOSES OF THIS SECTION, THE PUBLIC HEALTH OFFICER SHALL BE DESIGNATED AS A CODE ENFORCEMENT OFFICER AND VESTED WITH THE AUTHORITY TO ISSUE MUNICIPAL INFRACTION CITATIONS AS SET FORTH IN SECTION 1-6 OF THE CITY CODE AND TO PROVIDE EVIDENCE IN THE TRIAL OF ANY SUCH CITATION OR IN ANY OTHER ACTION OR MATTER ARISING IN CONNECTION, INCLUDING AN INJUNCTIVE ACTION BROUGHT PURSUANT TO SECTION 1-6A OF THE CITY CODE. THE PUBLIC HEALTH OFFICER IS FURTHER AUTHORIZED TO SEEK THE ASSISTANCE OF CITY ATTORNEY TO PROCURE ADMINISTRATIVE WARRANTS FOR THE INSPECTION OF BUILDINGS OR STRUCTURES IF NECESSARY TO THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS SECTION.

**Section 3. BE IT FURTHER ORDAINED AND ENACTED** by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 11, “Health and Sanitation”, be and is hereby is amended to enact new Section 11-6, “Access to Medical Resources”, to read as follows:

SECTION 11-6. ACCESS TO HEALTHCARE RESOURCES.

A. THE OWNER AND/OR MANAGER OF ANY RESIDENTIAL STRUCTURE THAT IS USED FOR HABITATION PRIMARILY BY PERSONS OVER THE AGE OF 55 OR BY PERSONS WHO ARE

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MEDICALLY FRAGILE AND WHO IS RECEIVES RENT OR OTHER COMPENSATION FOR HOUSING SUCH PERSONS MAY NOT PREVENT ANY RESIDENT OF SUCH HABITATION FROM GAINING ACCESS TO HEALTHCARE RESOURCES PROVIDED BY OR THROUGH A FEDERAL, STATE OR LOCAL GOVERNMENTAL AUTHORITY OR IN CONJUNCTION WITH ANY PROGRAM ESTABLISHED BY SUCH GOVERNMENTAL AUTHORITY.

B. THE PUBLIC HEALTH OFFICER, OR IN THE EVENT OF A VACANCY IN SAID OFFICE, A CODE ENFORCEMENT OFFICER IS AUTHORIZED TO INSPECT ANY RESIDENTIAL STRUCTURE USED FOR HABITATION PRIMARILY BY PERSONS OVER THE AGE OF 55 OR BY PERSONS WHO ARE MEDICALLY FRAGILE TO INVESTIGATE A COMPLAINT BY ANY RESIDENT OF SUCH HABITATION OR BY SUCH PERSON'S IMMEDIATE FAMILY MEMBER OR OTHER AUTHORIZED CAREGIVER OR BY ANY REPRESENTATIVE OF ANY ENTITY ACTING UNDER FEDERAL, STATE OR LOCAL GOVERNMENT AUTHORITY OR PURSUANT TO A PROGRAM ESTABLISHED BY SUCH GOVERNMENTAL AUTHORITY OF A VIOLATION OF SUBSECTION A. OF THIS SECTION.

C. THE PUBLIC HEALTH OFFICER MAY APPLY TO A COURT OF COMPETENT JURISDICTION FOR AN ADMINISTRATIVE WARRANT TO ENTER UPON AND INSPECT SUCH PREMISES IF ACCESS IS NOT GRANTED VOLUNTARILY BY THE OWNER OF THE PREMISES OR AN AGENT OF THE OWNER

D. THE OWNER OF A HABITATION COVERED BY THIS SECTION SHALL MAKE AVAILABLE TO PUBLIC HEALTH OFFICER A COPY OF ANY AGREEMENT BETWEEN ANY RESIDENT AND THE OWNER RELATING TO THE RESIDENT'S TENANCY AS MAY BE REQUESTED BY THE PUBLIC HEALTH OFFICER WITHIN FORTY-EIGHT (48) HOURS OF A REQUEST BY THE PUBLIC HEALTH OFFICER. THE DOCUMENT SHALL BE TREATED AS STRICTLY CONFIDENTIAL BY THE PUBLIC

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HEALTH OFFICER AND SHALL BE DESTROYED AND DISPOSED IN A SECURE MANNER AFTER IT IS NO LONGER NECESSARY TO THE PERFORMANCE OF THE DUTIES OF THE PUBLIC HEALTH OFFICER.

E. A VIOLATION OF SUBSECTION A. OR D. OF THIS SECTION IS A MUNICIPAL INFRACTION, SUBJECT TO A FINE OF \$500.00 PER INCIDENT. EVERY DAY THAT A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE. A VIOLATION WITH RESPECT TO ANY RESIDENT SHALL CONSTITUTE A SEPARATE INCIDENT

**Section 4. BE IT FURTHER ORDAINED** that this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2020.

**PASSED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Awilda Hernandez

By: \_\_\_\_\_  
Timothy J. Adams, Mayor

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City Clerk

**APPROVED AS TO FORM AND SUFFICIENCY:**

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Elissa D. Levan, City Attorney

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