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**CITY OF HYATTSVILLE
MARYLAND**

**UNCODIFIED EMERGENCY ORDINANCE 2020-
OUTDOOR DINING, CURBSIDE PICKUP, AND CONSUMPTION OF ALCOHOLIC
BEVERAGES DURING COVID-19**

An uncodified Ordinance whereby the City of Hyattsville confirms the authority of the City Administrator to establish a permit and license program allowing City of Hyattsville establishments to maintain temporarily areas dedicated for outdoor dining, curbside pickup, and/or the consumption of alcoholic beverages near the person's business premises, on City owned property, sidewalks, roadways, parking areas, on private property with appropriate permission, or any combination of the same during the COVID-19 pandemic.

WHEREAS, On March 5, 2020, the Governor of the State of Maryland, Lawrence J. Hogan, Jr., proclaimed a State of Emergency and a catastrophic health emergency due to the outbreak of disease, hereinafter referred to as "COVID-19," caused by the novel coronavirus; and

WHEREAS, On March 23, 2020, the City Council adopted an uncodified emergency Ordinance authorizing the City Administrator to act in response to the emergency created by the novel coronavirus by taking all appropriate and reasonable measures to assure the efficient operation of the City's government and to protect the public's health, safety, and welfare; and

WHEREAS, On March 30, 2020, Governor Hogan issued Order no. 20-03-30-01, directing all persons living in the State of Maryland to stay in their homes or places of residences with certain exceptions for essential businesses and essential activities; and

WHEREAS, On May 13, 2020, Governor Hogan issued Order no. 20-05-13-01, transitioning the State of Maryland from the Stay at Home Order to a Safer at Home public health advisory, which also empowered county leaders to make decisions regarding the timing of Stage One reopening in their individual jurisdictions; and

WHEREAS, On May 14, 2020, the County Executive of Prince George's County, Maryland, Angela Alsobrooks, issued Order no. 8-2020; extending Prince George's County's Stay at Home Order through June 1, 2020; and

WHEREAS, On May 21, 2020, County Executive Alsobrooks issued a press release announcing that Prince George's County will commence a phase one reopening on June 1, 2020;

1 **WHEREAS,** On May 29, 2020, County Executive Alsobrooks directed that Prince
2 George’s County’s phase one reopening will permit restaurants, among
3 certain other businesses, to reopen with modifications to ensure the health
4 and safety and safety of employees and residents; and
5

6 **WHEREAS,** Prince George’s County’s modified phase one reopening permits
7 restaurants to open with outside seating only and includes the following
8 further conditions: there can be no more than six people seated at a table,
9 tables must be at least six feet apart, no more than fifty people will be
10 allowed at any outdoor restaurant establishment regardless of space, and
11 employees must receive health screenings prior to their shifts and wear
12 face coverings; and
13

14 **WHEREAS,** Prince George’s County’s modified phase one reopening permits retail
15 stores to operate with curbside pickup only; and
16

17 **WHEREAS,** Maryland Code, Section 5–202 of the Local Government Article, as
18 amended, authorizes the legislative body of the each municipal
19 corporation of the State of Maryland to pass ordinances that such
20 legislative body deems necessary to assure the good government of the
21 municipality, to protect and preserve the municipality’s rights, property,
22 and privileges, to preserve peace and good order, to secure persons and
23 property from danger and destruction, and to protect the health, comfort,
24 and convenience of the citizens of the municipality, and
25

26 **WHEREAS,** Article III, § C3–1 of the City Charter grants to the City Council the
27 power to pass all such ordinances, resolutions and laws not contrary to the
28 Constitution and laws of the State of Maryland or the City’s Charter as it
29 may deem necessary for the good government of the City in order to
30 promote health, safety, comfort, convenience, welfare and happiness of
31 the residents of the City and visitors thereto and sojourners therein; and
32

33 **WHEREAS,** Article II, § C2–9 of the City Charter authorizes the Mayor and City
34 Council to enact emergency legislation by the affirmative vote of a
35 majority of the members of the Council.
36

37 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY**
38 **OF HYATTSVILLE, MARYLAND, THAT** the Mayor and Council hereby authorize the City
39 Administrator to establish a temporary permit and license program pursuant to which City of
40 Hyattsville establishments may maintain areas dedicated for outdoor dining, curbside pickup,
41 and the consumption of alcoholic beverages during the COVID–19 pandemic, and further states:
42

43 **Section 1.** The purpose of the permit and license program shall be to facilitate and
44 assist with the reopening of restaurants and retail establishments located in
45 the City during the COVID–19 pandemic by facilitating outdoor dining,
46 curbside pickup, and the sale or consumption of alcoholic beverages. It

1 shall further support efforts by City residents to socialize while observing
2 all appropriate health and safety requirements.

3
4 **Section 2.** The permit and license program shall require owners and or operators
5 and/or patrons of restaurants and retail establishments located in the City
6 to observe all health safety measures recommended by the Centers for
7 Disease Control and established by the State, Prince George’s County, and
8 the City. These measures include, but are not limited to, social distancing
9 protocols related to COVID–19.

10
11 **Section 3.** Eligibility to participate in the permit and licensing program established
12 by this Ordinance shall be limited to those persons who own, maintain,
13 operate, conduct, and/or carry on a restaurant or retail establishment
14 located within the territorial limits of the City, which are otherwise in
15 good standing under federal, state, and local laws, as of the date on which
16 this uncodified emergency order was adopted provided that good standing
17 is maintained.

18
19 **Section 4.** The permit and license program established by the City Administrator
20 pursuant to this Ordinance shall conform, to the extent possible, with
21 applicable provisions of the City Code. Should there be a conflict,
22 however, between the permit and licensing program which is the subject
23 of this Ordinance and applicable provisions of the City Code, the City
24 shall attempt to give effect to both provisions. If giving effect to both
25 provisions is not possible, this Ordinance shall supersede the conflicting
26 provision in the City Code only to the extent it furthers the purpose of this
27 Ordinance.

28
29 **Section 5.** The permit and license program established by this Ordinance shall
30 terminate, and all permits and licenses issued pursuant to this Ordinance,
31 shall expire in accordance with the terms of each permit and license, but in
32 no event shall any permit or license issued pursuant to this Ordinance
33 remain in effect beyond September 30, 2021.

34
35 **Section 6.** The Mayor and Council may rescind, modify, or extend this Ordinance by
36 majority vote.

37
38 **AND BE IT FURTHER ORDAINED,** that if any provision of this Ordinance or the
39 application thereof to any person or circumstance is held invalid for any reason, such invalidity
40 shall not affect the other provisions or any other applications of the Ordinance, which can be
41 given effect without the invalid provision or application, and to this end, all the provisions of this
42 Ordinance are hereby declared to be severable;

43
44 **AND BE IT FURTHER ORDAINED,** that this Ordinance is an Emergency
45 Ordinance and shall be effective immediately upon enactment;

