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**CITY OF HYATTSVILLE
MARYLAND**

**UNCODIFIED EMERGENCY ORDINANCE 2021-06
EXTENSION OF OUTDOOR DINING, CURBSIDE PICKUP, AND CONSUMPTION OF
ALCOHOLIC BEVERAGES FOLLOWING THE END OF THE COVID-19 STATE OF
EMERGENCY IN MARYLAND**

An uncodified Ordinance whereby the City of Hyattsville extends the 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.

WHEREAS, On June 4, 2020, in response to the COVID-19 pandemic, the City of Hyattsville Council adopted Uncodified Emergency Ordinance 2020-04, which confirmed the City Administrator's authority to establish a permit program pursuant to which persons could maintain areas dedicated for outdoor dining, curbside pickup, and the consumption of alcoholic beverages near their business premises and City owned sidewalks, roadways, and parking areas that are adjacent to their business premises during the state of emergency and public health catastrophe caused by the outbreak of the disease known as COVID-19; and

WHEREAS, Pursuant to Uncodified Emergency Ordinance 2020-04, the permit program was set to terminate when Governor Hogan declared the state of emergency to be over and the public health catastrophe ended; the permits issued thereunder would expire on the thirtieth day following the same; and

WHEREAS, On June 15, 2021, Governor Hogan issued Order No. 21-06-15-01, ending the COVID-19 state of emergency in Maryland effective July 1, 2021; and

WHEREAS, The City Council desires to continue the permit program established by Uncodified Emergency Ordinance 2020-04 in an effort to facilitate post-pandemic economic recovery; and

WHEREAS, On May 18, 2021, Governor Hogan signed into law Senate Bill 205, which permits restaurants, bars, and taverns to sell and deliver certain alcoholic beverages for off-premises consumption for delivery, as specified, in a jurisdiction in which the local licensing board has adopted regulations to authorize such sales; and

1 **WHEREAS,** As of March 20, 2020, the Prince George’s County Board of License
2 Commissioners issued guidance permitting the alternative delivery of
3 alcoholic beverages and, to date, has not rescinded such guidance; and

4 **WHEREAS,** On July 6, 2021, the Prince George’s County Council adopted Resolution
5 no. CR-069-2021, suspending certain provisions of the County Zoning
6 Ordinance for the purposes of authorizing outdoor dining to otherwise
7 existing lawful eating and drinking establishments uses on adjacent exterior
8 space or shared exterior space, so long as the requirements stated therein are
9 satisfied; and

10
11 **WHEREAS,** The provisions of Prince George’s County Resolution no. CR-069-2021,
12 which are purposed to aid in post-pandemic economic recovery, **are**
13 **effective until December 31, 2022;** and

14
15 **WHEREAS,** It is the sense of the City Council that the lawful extension of the permit
16 program in the City of Hyattsville would further post-pandemic economic
17 recovery; and

18
19 **WHEREAS,** Article II, § C2-9 of the City Charter authorizes the Mayor and City Council
20 to enact emergency legislation by the affirmative vote of a majority of the
21 members of the Council; and

22
23 **WHEREAS,** It is the sense of the City Council that the extension of the program, which
24 is set to expire on September 30, 2021, is urgently needed to promote
25 economic recovery of industries hit hardest by the pandemic.

26
27 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY**
28 **OF HYATTSVILLE, MARYLAND, THAT** the Mayor and Council extend the terms of
29 Uncodified Emergency Ordinance 2020-04, and further states:

30
31
32 **Section 1.** The purpose of the permit and license program shall be to facilitate and
33 assist with the economic recovery of restaurants and retail establishments
34 located in the City following the end of the declared state of emergency in
35 Maryland by facilitating outdoor dining, curbside pickup, and the sale of
36 consumption of alcoholic beverages. It shall further support efforts by City
37 residents to socialize while observing all appropriate health and safety
38 requirements and/or voluntary precautions.

39
40 **Section 2.** The permit and license program shall require owners and or operators and/or
41 patrons of restaurants and retail establishments located in the City to
42 observe all health safety measures recommended by the Centers for Disease
43 Control and established by the State, Prince George’s County, and the City.
44 These measures include, but are not limited to, social distancing protocols
45 related to COVID–19.

1
2 **Section 3.** Eligibility to participate in the permit and licensing program established by
3 this Ordinance shall be limited to those persons who own, maintain, operate,
4 conduct, and/or carry on a restaurant or retail establishment located within
5 the territorial limits of the City, which are otherwise in good standing under
6 federal, state, and local laws, as of the date on which this uncodified
7 emergency order was adopted provided that good standing is maintained.
8

9 **Section 4.** The permit and license program established by the City Administrator
10 pursuant to this Ordinance shall conform, to the extent possible, with
11 applicable provisions of the City Code. Should there be a conflict, however,
12 between the permit and licensing program which is the subject of this
13 Ordinance and applicable provisions of the City Code, the City shall attempt
14 to give effect to both provisions. If giving effect to both provisions is not
15 possible, this Ordinance shall supersede the conflicting provision in the City
16 Code only to the extent it furthers the purpose of this Ordinance.
17

18 **Section 5.** The permit and license program shall terminate, and all permits and licenses
19 issued pursuant to this Ordinance, shall expire in accordance with the terms
20 of each permit and license, but in no event shall any permit or license issued
21 pursuant to this Ordinance remain in effect beyond June 30, 2022. Operation
22 extensions may, however, be offered from July through December of 2022.
23

24 **Section 6.** This ordinance shall apply retroactively, beginning on July 30, 2021.
25

26 **Section 7.** The Mayor and Council may rescind, modify, or extend this Ordinance by
27 majority vote.
28

29 **AND BE IT FURTHER ORDAINED**, that if any provision of this Ordinance or the
30 application thereof to any person or circumstance is held invalid for any reason, such invalidity
31 shall not affect the other provisions or any other applications of the Ordinance, which can be given
32 effect without the invalid provision or application, and to this end, all the provisions of this
33 Ordinance are hereby declared to be severable;
34

35 **AND BE IT FURTHER ORDAINED**, that this Ordinance is an Emergency
36 Ordinance and shall be effective immediately upon enactment;
37

38 **AND BE IT FURTHER ORDAINED**, that a fair summary of this Ordinance shall
39 forthwith be twice published in a newspaper having general circulation in the City and otherwise
40 be made available to the public.
41

42 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular
43 public meeting on **August 2, 2021**.
44

45 **ADOPTED** by the City Council of the City of Hyattsville, Maryland, at a regular
46 public meeting on **August 2, 2021**.

Adopted:

City of Hyattsville

Attest:

Laura Reams, City Clerk

Kevin Ward, Mayor

- 1 ⇄ indicates deletions
- 2 Underline indicates additions
- 3 Asterisks *** indicates matter retained in existing law but omitted herein

4 Effective Date: