



Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development

Date: July 27, 2021

Re: Temporary Outdoor Seating Emergency Ordinance

Attachments: **2021-06:** City of Hyattsville Temporary Outdoor Seating – Emergency Ordinance
State of Maryland Bill 205
Prince George’s County Bill: CB-69-2021

The purpose of this memorandum is to provide the City Council with an update of the City’s Temporary Outdoor Seating (TOS) Emergency Ordinance and a recommendation to amend the ordinance for the purpose of extending the term.

Temporary Outdoor Seating (TOS) Ordinance

On June 4, 2020, the City Council adopted Ordinance 2020-04, an emergency ordinance that serves as a local regulation enabling temporary outdoor seating and curbside parking for restaurant uses through September 30, 2021.

The authority was delegated by Governor Hogan’s Order 20-05-13-01, which empowered County leaders to make decisions regarding the timing of Stage One reopening in their individual jurisdictions. The local authority was granted to the City via County Executive Angela Alsobrooks Order no.8-2020, extending Prince George’s County Stay at Home Order and subsequent orders to permit businesses to reopen with modifications to ensure the health and safety of employees and residents.

On July 19, 2021, Staff briefed the City Council regarding the recommendation to extend the term of the City’s TOS program through the term of December 31, 2022, consistent with the authority granted by the State of Maryland and Prince George’s County. The City intends on extending all TOS agreements through June 30, 2022, and may extend TOS agreements through December 31, 2022.

State of Maryland Bill 205

In the 2021 Legislative Session, the State of Maryland adopted SB 205, legislation altering the scope of a certain provision prohibiting the retail delivery to a purchaser of alcoholic beverages under certain

circumstances; providing that certain authorization for the holders of certain licenses to sell alcoholic beverages for off-premises consumption in a certain manner applies only in a jurisdiction where the local licensing board had adopted certain regulations; authorizing the holders of certain licenses to sell certain alcoholic beverages in sealed containers for off-premises consumption or delivery;

Prince George's County Temporary Outdoor Seating Ordinance

On June 2, 2020, the Prince George's County Council adopted CR-48-2020, legislation temporarily suspending certain restrictions on outdoor seating regulated under Subtitle 27 of the Prince George's County Code for reopening of eating and drinking establishments to further the economic recovery by authorizing and providing for a temporary expedited administrative process to authorize outdoor dining to otherwise lawful eating and drinking establishment uses on adjacent exterior space or shared exterior space. At its July 6, 2021 meeting, the Prince George's County Council adopted CB-69-2021, extending the Temporary Outdoor Seating (TOS) program through December 31, 2022.

Analysis and Recommendation

The Director and City Attorney's office have reviewed both the SB 205 and CB-69-2021 and have determined that the City Council has the authority to extend the City's Temporary Outdoor Seating (TOS) program granted under the authority of 2020-04.

Since July 2020, the City of Hyattsville has administered a Temporary Outdoor Seating (TOS) program granted through the administrative approval of TOS Agreements. The program requires an internal review of licensing requirements, a site circulation analysis and routing of required documentation. It is the Director's opinion that the establishment and administration of this program provides a tangible economic benefit to businesses that pursue the opportunity to participate in the TOS program. It is the Director's recommendation to extend the City's TOS program through June 30, 2022, at which time Staff can assess whether there is a need to further extend the term of the program to coincide with Prince George's County's term of December 31, 2022 or amend the City's period based on any applicable amendments to either State or County regulations.

As recommended to the City Council during the July 19, 2021 Council meeting, staff is recommending the adoption of Emergency Ordinance, which upon adoption, will take effect immediately.