

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Resolution No. CR-49-2020

Proposed by The Council Chair (by request – County Executive)

Introduced by Council Members Turner, Anderson-Walker, Streeter, Ivey, Harrison,
Hawkins, Glaros, Taveras, Davis and Franklin

Date of Introduction June 2, 2020

RESOLUTION

1 A RESOLUTION concerning

2 Temporary Road Closures – Outdoor Dining

3 For the purpose of implementing, on an emergency basis, specific State and local government
4 directives for the reopening of eating and drinking establishments in Prince George’s County,
5 thereby furthering the economic recovery during the ongoing Coronavirus (“COVID-19”) global
6 health pandemic in the County, by temporarily authorizing the closure of public roads for
7 otherwise lawful eating and drinking establishment uses the opportunity to offer outdoor dining
8 on adjacent exterior space or shared exterior space, under certain specified circumstances.

9 WHEREAS, the President of the United States proclaimed that the COVID- 19 outbreak in
10 the United States constituted a national emergency beginning March 1, 2020; and

11 WHEREAS, on March 5, 2020, the Governor of the State of Maryland declared
12 a state of emergency and a catastrophic health emergency for the State of Maryland, which was
13 renewed on March 17, 2020, April 20, 2020, and May 6, 2020, to control and prevent the spread
14 of COVID-19; and

15 WHEREAS, the World Health Organization, on March 11, 2020, announced that the
16 COVID-19 outbreak can be characterized as a pandemic; and

17 WHEREAS, Prince George’s County, Maryland previously issued the following emergency
18 declarations: Executive Order Number 6-2020 dated March 16, 2020; Executive Order Number
19 7-2020 dated April 13, 2020; CR-31-2020 adopted May 11, 2020; Executive Order Number
20 8-2020 dated May 14, 2020 and Executive Order Number 9-2020 dated May 28, 2020; and

21 WHEREAS, unemployment in Prince George’s County, Maryland is currently at
22 approximately fifteen percent and many of the jobs created in the County over the last five years

1 have been lost due to the economic downturn caused by the current health crisis; and

2 WHEREAS, the Order of the Governor of the State of Maryland, issued March 16, 2020,
3 closed all restaurants and bars to the general public and only permitted sales of food and
4 beverages that are promptly taken from the premises (carry-out or drive-through basis) and to
5 delivering food and beverages to customers off the premises; and

6 WHEREAS, eating and drinking establishments located in Prince George's County have
7 suffered a significant decline in revenue while limited to carry-out, drive-through and delivery
8 sales; and

9 WHEREAS, the Order of the Governor of the State of Maryland Number 20-05-27-01,
10 issued May 27, 2020, along with Prince George's County Executive Order Number 10-2020
11 issued May 28, 2020, authorizes restaurants, bars, and other similar establishments that sell food
12 or beverages for consumption on-premises to serve food and beverages to customers for
13 consumption in outdoor seating areas, effective June 1, 2020 at 5:00 P.M., with certain
14 limitations; and

15 WHEREAS, Prince George's County Maryland's has begun to show a downward trend in
16 the number of positive cases, hospitalizations, and deaths; and there continues to be an increase
17 in Prince George's County, Maryland's testing capacity, contact tracing and supply of personal
18 protective equipment to support moving towards a modified re-opening or restart of certain
19 businesses and activities; and

20 WHEREAS, restaurants, bars, and cafes are regulated as eating and drinking establishment
21 uses pursuant to the Prince George's County Code, including its local zoning laws set forth in
22 Subtitle 27, being also the Zoning Ordinance for Prince George's County; and

23 WHEREAS, the County Zoning Ordinance requires eating and drinking establishment uses
24 to specify any outdoor seating areas on its approved Detailed or Special Exception Site Plan and
25 to comply with all other provisions in the local zoning laws prior to issuance of a use and
26 occupancy permit to commence operations of the use; and

27 WHEREAS, the Prince George's County Council anticipates that a significant number of
28 existing lawful eating and drinking uses located in the County will apply for immediate
29 authorization to provide outdoor seating or expand outdoor seating areas for customers and some
30 may request the temporary closure of a public road to offer outdoor dining; and

31 WHEREAS, in furtherance of local recovery efforts resulting from the COVID-19 health

1 crisis, the Prince George’s County Council finds critical need to allow for temporary road
2 closures of public roads to provide certain eating and drinking establishment uses in the County
3 the opportunity to offer newly created or expanded outdoor seating on adjacent exterior space or
4 shared exterior space in Prince George’s County during the local declaration of emergency
5 caused by the COVID-19 public health emergency; and

6 WHEREAS, Section 23-162 of the Prince George’s County Code authorizes the Director of
7 Public Works and Transportation to temporarily close any County owned and maintained or
8 other public road, or any part thereof; and

9 WHEREAS, pursuant to the Prince George’s County Charter, a Resolution has the force
10 and effect of law but of a temporary or administrative character.

11 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George’s
12 County, Maryland, that the Prince George’s County Director of Public Works and Transportation
13 may authorize the temporary closure of any County owned and maintained public roads, in
14 accordance with Section 23-162 of the Prince George’s County Code, to provide certain eating
15 and drinking establishment uses in the County the opportunity to offer newly created or
16 expanded outdoor seating on adjacent exterior space or shared exterior space in Prince George’s
17 County during the local declaration of emergency caused by the COVID-19 public health
18 emergency, after compliance with all requirements stated herein and the requirements stated in
19 Council Resolution No. _____.

20 BE IT FURTHER RESOLVED that, notwithstanding any provision of the Prince George’s
21 County Code, the Prince George’s County Director of Public Works and Transportation may
22 rescind forthwith the temporary closure of a County owned and maintained public road pursuant
23 to this resolution.

24 BE IT FURTHER RESOLVED that the authority granted in this resolution to the Prince
25 George’s County Director of Public Works and Transportation is inapplicable to any federal,
26 state or municipal public road.

27 BE IT FURTHER RESOLVED that the enforcement of the requirements herein and all
28 other State and County laws and regulations for the temporary closure of a public road shall be
29 performed as required by State or County laws and regulations, with the assistance of Prince
30 George’s County law enforcement as needed.

31 BE IT FURTHER RESOLVED that this Resolution shall remain in effect until the

1 rescission of the State and County emergency declarations or terminated or amended sooner by
2 Resolution by the County Council of Prince George's County, Maryland.

3 BE IT FURTHER RESOLVED that this Resolution shall take effect on the day it is
4 adopted.

5 BE IT FURTHER RESOLVED that the provisions of this Resolution are hereby declared to
6 be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
7 clause, phrase, or word of this Resolution is declared invalid or unconstitutional by a court of
8 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
9 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
10 Resolution, since the same would have been enacted without the incorporation in this Resolution
11 of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph,
12 subsection, or section.

13 Adopted this 2nd day of June, 2020.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council