



## Takoma Park City Council Meeting – July 1, 2020 Agenda Item 2

### **Voting Session**

Emergency Ordinance Suspending Portions of the City Code Related to Posting of Signs

### **Recommended Council Action**

Discuss a proposed emergency ordinance continuing the suspension of certain City Code provisions that restrict the posting of signs and, if acceptable, pass it.

### **Context with Key Issues**

On June 2, 2020, the City Manager temporarily suspended provisions in the City Code restricting the posting of signs in order to promote expression when the freedom to assemble is restricted by public health related considerations. The City Manager intends to lift the Sign Ordinance suspension by Thursday, July 9, 2020, as Montgomery County now permits groups of up to fifty people to assemble. Despite Montgomery County and the rest of Maryland easing COVID-19 related restrictions, there are strong indications that there could be another period of increase in COVID-19 infections since regions and states in which restrictions were lifted earlier are now experiencing a significant increase in the numbers of reported COVID-19 infections.

The ongoing national dialogue regarding the history of institutional racism in this country is likely to continue for the foreseeable future and the upcoming national and local elections will likely result in more public discourse regarding issues of concern at all levels of government. All of this could coincide with a possible “second curve” of infections in this state and more restrictive public health measures being again imposed. Continuing the suspension of restrictions contained in the City Code regarding the posting of signs, may contribute to promoting expression about issues of national and local import while balancing public health concerns regarding large groups of people gathering.

### **Council Priority**

Engaged, Responsive & Service-Oriented Government; Livable Community for All

### **Environmental Considerations**

Posting of signs has minimal environmental impact, depending on the sign material and whether the signs become litter. Large numbers of signs could cause visual clutter.

### **Fiscal Considerations**

No fiscal impact.

### **Racial Equity Considerations**

The additional public discourse related to institutional racism will continue for the foreseeable future. This action is intended to promote expression when the freedom to assemble is restricted by public health regulations.

### **Attachments and Links**

- Emergency Ordinance

1 Introduced by:  
2

3 **CITY OF TAKOMA PARK, MARYLAND**

4  
5 **UNCODIFIED EMERGENCY ORDINANCE 2020\_\_**  
6

7 **AN EMERGENCY ORDINANCE WHEREBY THE COUNCIL SUSPENDS**  
8 **PORTIONS OF SECTION 11.04.060 AND SECTION 11.24.020 OF THE**  
9 **CITY OF TAKOMA PARK CODE, BOTH OF WHICH RESTRICT**  
10 **POSTING OF SIGNS IN THE CITY, IN ORDER TO PROMOTE**  
11 **FREEDOM OF EXPRESSION DURING A GLOBAL PANDEMIC WHICH**  
12 **LIMITS THE FREEDOM TO ASSEMBLE DUE TO HEALTH RELATED**  
13 **RESTRICTIONS AND GUIDANCE.**  
14

15 **WHEREAS,** the Council directed the City Attorney to conduct a review of the City Code’s  
16 provisions related the posting of signs and that review was in progress prior to the  
17 onset of the COVID-19 pandemic in the State of Maryland, at which time the  
18 review was halted to address pandemic related issues; and  
19

20 **WHEREAS,** the Council recognizes and understands that the freedom to assemble is restricted  
21 due to health-related considerations and guidance for slowing the spread of the  
22 COVID-19 pandemic; and  
23

24 **WHEREAS,** the Council recognizes and understands that there is an ongoing national dialogue  
25 about our country’s history of institutionalized racial discrimination; and  
26

27 **WHEREAS,** the Council recognizes and understands that a City of Takoma Park law  
28 enforcement officer removed signs from a City lamppost that addressed the ongoing  
29 national dialogue; and  
30

31 **WHEREAS,** in response to resident input arising out of the officer’s actions on the night of June  
32 1-2, 2020, and in order to promote public expression when gatherings are limited  
33 due to pandemic related restrictions, the City Manager temporarily suspended the  
34 enforcement of portions of the City Code related to the posting of signs (hereinafter  
35 collectively referred to as the City’s “Sign Ordinance”); and  
36

37 **WHEREAS,** the City Manager intends to lift the Sign Ordinance suspension by Thursday, July  
38 9, 2020, as Montgomery County now permits groups of up to fifty people to  
39 assemble; and  
40

41 **WHEREAS,** the Council recognizes that there is tremendous uncertainty about the course of the  
42 COVID-19 pandemic and that there is presently a resurgence of the disease across  
43 the globe and in many states in the United States of America; and  
44

1   **WHEREAS**, the Council recognizes the potential for COVID-19 cases to increase when people  
2   assemble and as the fall and winter months approach which may result in the State  
3   and local governments resuming more onerous restrictions on assembling; and  
4

5   **WHEREAS**, the Council desires to continue the temporary suspension of the Sign Ordinance in  
6   order to provide the residents of the City of Takoma Park with an additional means  
7   for expression that is consistent with pandemic related health considerations that  
8   limit the size of gatherings when the national dialogue regarding this country’s  
9   history institutionalized racial discrimination continues and in anticipation of the  
10  upcoming national and local elections in early November 2020; and  
11

12 **WHEREAS**, section 309(e) of the City Charter permits the Council to suspend the provision  
13 prohibiting the passing of an ordinance at the meeting at which it is introduced upon  
14 a finding that an emergency exists; and  
15

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

24 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
25 **TAKOMA PARK, MARYLAND, THAT** certain provisions of the City of Takoma Park Code  
26 restricting the posting of signs are temporarily modified as follows:  
27

28 **Section 1.**     The following provisions of the City of Takoma Park’s Code are hereby suspended:  
29  
30                   a.     Section 11.04.060A, except as it relates to section 11.04.060C,  
31                   b.     Section 11.04.060B,  
32                   c.     Section 11.04.060D, except as it relates to section 11.04.060C, and  
33                   d.     Section 11.24.020.  
34

35 **Section 2.**     During the suspension of the City’s Sign Ordinance, the City shall have the  
36 authority to move or remove any sign that obscures, blocks, or otherwise interferes  
37 with a traffic sign, a vehicle sight line, or a sign put in place by a unit of government.  
38

39 **Section 3.**     During the suspension of the City’s sign ordinance, signs that damage any building,  
40 structure, or fixture, shall not be permitted. The City shall have the authority to  
41 take action to address any sign posted in violation of this Section 3.  
42

43 **Section 4.**     This ordinance shall be construed so as to promote freedom of expression when  
44 public gatherings are limited due to COVID-19 health related considerations  
45 provided said expression is consistent with reasonable safety and property  
46 protection considerations.

1  
2 **Section 5.** The suspension of the City’s Sign Ordinance shall last until June 30, 2021, or until  
3 the thirty days after the state of emergency related to the COVID-19 pandemic is  
4 lifted, whichever is later.

5  
6 **Section 6.** The Council may rescind, modify, or extend this ordinance at any time.

7  
8 **Section 7.** For the reasons set forth in the recitals and elsewhere herein, the Council finds that  
9 an emergency exists within the meaning of Section 309(e) of the City of Takoma  
10 Park’s Charter.

11  
12 **Section 8.** This ordinance shall take effect on the 1st day of July, 2020.

13  
14 THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK,  
15 MARYLAND, THIS \_\_\_\_\_ DAY OF JULY, 2020, BY ROLL-CALL VOTE AS FOLLOWS:

- 16  
17 AYE:  
18 NAY:  
19 ABSTAIN:  
20 ABSENT: