

1 Introduced by: Councilmember Kostiuk  
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4 **CITY OF TAKOMA PARK**  
5 **MARYLAND**

6  
7 **UNCODIFIED EMERGENCY ORDINANCE**  
8 **2020-4**  
9

10 **An uncodified Ordinance whereby the City of Takoma Park confirms**  
11 **the City Manager’s authority to take all appropriate and reasonable**  
12 **actions necessary to prevent and/or reduce the impact of the outbreak**  
13 **of disease caused by the coronavirus (“Covid-19”) on the efficient**  
14 **operation of the City’s government in order to protect the health,**  
15 **safety, and welfare of its residents.**  
16

17 **WHEREAS,** an outbreak of disease caused by the coronavirus (“Covid-19”) occurred in  
18 China in late 2019 and, as of this writing, it has been detected in more than 89  
19 countries, including the United States; and  
20

21 **WHEREAS,** Covid-19 is a severe respiratory disease, which may result in illness or death;  
22 and  
23

24 **WHEREAS,** the World Health Organization (“WHO”) and the Centers for Disease Control  
25 and Prevention (“CDC”) have declared the Covid-19 outbreak a “public health  
26 emergency of international concern;” and  
27

28 **WHEREAS,** the CDC has issued guidance to all state and local governments, and all  
29 residents, recommending preparedness to prevent community spread and guard  
30 against the potential of a Covid-19 pandemic; and  
31

32 **WHEREAS,** on March 5, 2020, Governor Larry J. Hogan, Jr., declared a State of Emergency  
33 as a result of Covid-19 which he described as a public health catastrophe, a  
34 public emergency, and an immediate danger to public safety within the entire  
35 State of Maryland; and  
36

37 **WHEREAS,** as of March 10, 2020, the CDC found that Covid-19 has infected individuals in  
38 36 states, including the State of Maryland and the District of Columbia, and  
39 resulted in a total of 647 confirmed and presumed positive cases in the United  
40 States, 25 of which resulted in death; and  
41

42 **WHEREAS,** leading public health entities and officials recommend that individuals who fall  
43 ill should telecommute or work remotely during the pendency of their recovery;  
44 and  
45

46 **WHEREAS,** the Council finds that the coronavirus (“Covid-19”) outbreak constitutes an  
47 emergency; and  
48

49 **WHEREAS,** the City encourages individuals to observe all necessary health precautions to  
50 prevent and or reduce the potential of spreading Covid-19; and  
51

52 **WHEREAS,** the purpose of this emergency ordinance is to ensure the continued day to day  
53 operations of the city government during this public health emergency and to  
54 clearly identify the authority of the City Manager as already defined in the City  
55 Charter;  
56

57 **WHEREAS,** Maryland Code, Local Government Article, Section 5–202, as amended,  
58 authorizes the legislative body of each municipal corporation in the State of  
59 Maryland to pass ordinances that such legislative body deems necessary to  
60 assure the good government of the municipality, to protect and preserve the  
61 municipality’s rights, property and privileges, to preserve peace and good order,  
62 to secure persons and property from danger and destruction, and to protect the  
63 health, comfort, and convenience of the citizens of the municipality; and  
64

65 **WHEREAS,** Section 701(f) of the City Charter states that the City Manager is required to  
66 recommend to the governing body (from time to time) the adoption of such  
67 measures as may be deemed necessary or expedient for the health, safety, or  
68 welfare of the community or for the improvement of administrative services;  
69 and  
70

71 **WHEREAS,** Section 703 of the City Charter states that in the case of accident, disaster, or  
72 other circumstance creating a public emergency, the City Manager may award  
73 contracts and make purchases for the purpose of meeting said emergency, but  
74 that the City Manager shall file promptly with the Council a certificate showing  
75 such emergency and the necessity for such action together with an itemized  
76 account of all expenditures; and  
77

78 **WHEREAS,** Section 2.08.010 of the City Code states that the City Manager shall be  
79 responsible for the proper administration of all day-to-day affairs of the City,  
80 that the City Manager shall be vested with the powers and authority necessary  
81 to perform such duties except where they may be inconsistent with other  
82 provisions of the City Charter or City Code, and that the City Manager shall  
83 perform such other duties as the Council may lawfully require; and  
84

85 **WHEREAS,** Section 2.12.100 of the City Code also provides the City Manager with  
86 emergency regulatory authority in circumstances where immediate action is  
87 required to protect the public health, safety, or general welfare; and  
88

89 **WHEREAS,** Section 309(e) of the City Charter permits the Council to suspend the provision  
90 prohibiting the passing of an ordinance at the meeting at which it is introduced  
91 upon a finding that an emergency exists.

92  
93 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
94 **TAKOMA PARK, MARYLAND, THAT** the Mayor and Council hereby confirm the City  
95 Manager’s authority to act in response to the emergency created by the coronavirus (“Covid-19”)  
96 outbreak and enact this uncodified emergency Ordinance as follows:  
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98  
99 **Section 1.** Upon the enactment of this uncodified ordinance by the Council, the City  
100 Manager shall take all appropriate and reasonable measures within the City  
101 Manager’s authority as currently defined in the City Charter to assure the efficient  
102 operation of the City’s government and to protect the public health, safety, and  
103 welfare.  
104

105 **Section 2.** The actions taken by the City Manager pursuant to this uncodified Ordinance  
106 shall be rationally related to the impact of the public health emergency created by  
107 the coronavirus on the City’s affairs and any such actions shall be taken within  
108 the authority of the City as a municipal corporation in the State of Maryland.  
109

110 **Section 3.** In the event a conflict arises between this uncodified Ordinance and any existing  
111 City Code provision, City Regulation, City Policy, City Labor Contract, or City  
112 Personnel Manual, the City Manager shall attempt to give effect to both  
113 provisions, but in the event that is not possible, this uncodified Ordinance shall  
114 control.  
115

116 **Section 4.** During the pendency of this uncodified Ordinance, the City Manager shall report  
117 to the Mayor and Council in writing every two days or as soon as practicable, but  
118 in no event shall more than two weeks pass between reports, regarding the actions  
119 taken and the rationale for each action taken pursuant to this Ordinance and what  
120 impact those actions have had on City affairs.  
121

122 **Section 5.** This uncodified Ordinance shall terminate on the ninetieth (90th) day from the  
123 date of its enactment or on the day that the Governor of the State of Maryland  
124 declares that the State of Emergency in Maryland has ended, whichever is later.  
125

126 **Section 6.** No more than a two-week transition period shall follow the termination of this  
127 uncodified Ordinance during which time the City Manager shall retain decision-  
128 making authority on matters related to the emergency in order to oversee the  
129 City’s transition to normal operations.  
130

131 **Section 7.** If, for whatever reason, the City Manager shall become incapacitated or otherwise  
132 unable to perform these responsibilities, they shall be assumed by the City  
133 Manager’s designee as identified in a writing prepared by the City Manager.  
134

135 **Section 8.** The Mayor and Council may rescind, modify, or extend this uncodified  
136 Ordinance by a majority vote of those present.  
137

138 THIS ORDINANCE, WHICH IS EFFECTIVE IMMEDIATELY, IS ADOPTED BY THE  
139 COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS 11TH DAY OF MARCH,  
140 2020, BY ROLL-CALL VOTE AS FOLLOWS:

141

142 AYE: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Searcy

143 NAY: None

144 ABSTAIN: None

145 ABSENT: Smith