

Introduced by: Councilmember Kovar

CITY OF TAKOMA PARK, MARYLAND

UNCODIFIED EMERGENCY ORDINANCE 2021-31

AN UNCODIFIED EMERGENCY ORDINANCE WHEREBY THE COUNCIL EXTENDS ITS PRIOR SUSPENSION OF PORTIONS OF SECTION 11.04.060 AND SECTION 11.24.020 OF THE CITY OF TAKOMA PARK CODE, BOTH OF WHICH RESTRICT POSTING OF SIGNS IN THE CITY.

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

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

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

WHEREAS, in response to resident input arising out of the officer's actions on the night of June 1-2, 2020, and in order to promote public expression when gatherings were limited due to pandemic related restrictions, the City Manager temporarily suspended the enforcement of portions of the City Code related to the posting of signs; and

WHEREAS, the Council, on July 1, 2020, adopted uncodified emergency ordinance 2020-19, hereinafter referred to as the City's "Sign Ordinance," in which certain provisions of the City of Takoma Park Code relating to the public display of signs until June 30, 2021, or until thirty days after the state of emergency related to the COVID-19 pandemic is lifted, whichever is later; and

WHEREAS, the Council wishes to extend the operative period of the Sign Ordinance, for one year, until June 30, 2022; and

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

WHEREAS, the agenda for the upcoming Council meeting is full, the City Manager is retiring effective July 1, 2021, the new City Manager will start on a date to be determined, and the Council wishes to obtain input from the new City Manager on the City's Sign Ordinance; and

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

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

Section 1. The following provisions of the City of Takoma Park Code, which were suspended under uncodified emergency ordinance 2020-19, shall continue to be suspended:

- a. Section 11.04.060A, except as it relates to section 11.04.060C,
- b. Section 11.04.060B,
- c. Section 11.04.060D, except as it relates to section 11.04.060C, and
- d. Section 11.24.020.

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

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

Section 4. The suspension of the City’s Sign Ordinance shall be extended until June 30, 2022.

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

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

Section 8. This ordinance shall take effect on the 1st day of July 2021.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS 16TH DAY OF JUNE, 2021, BY ROLL-CALL VOTE AS FOLLOWS:

AYE: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy
NAY: None
ABSTAIN: None
ABSENT: None