

Introduced	<u>7-21-2021</u>
Public Hearing	<u>7-28-2021</u>
Council Action	<u>7-28-2021</u>
Executive Action	<u>7-28-2021</u>
Effective Date	<u>7-28-2021</u>

## County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. #13

**Bill No. 58 -2021**

Introduced by: The Chairperson at the request of the County Executive


AN EMERGENCY ACT extending the expiration of certain applications for temporary Outdoor Restaurant Seating until a certain date; and generally relating to applications for temporary Outdoor Restaurant Seating.

Introduced and read first time July 21, 2021. Ordered posted and hearing scheduled.  
 By order Michelle R. Harrod  
 Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on July 28, 2021.  
 By order Michelle R. Harrod  
 Michelle R. Harrod, Administrator

This Bill was read the third time on July 28, 2021 and Passed , Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.  
 By order Michelle R. Harrod  
 Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 28 day of July, 2021 at 4<sup>00</sup> a.m. (p.m.)  
 By order Michelle R. Harrod  
 Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive July 28, 2021  
  
 Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1           **WHEREAS**, the ongoing COVID-19 pandemic has had serious and long-lasting adverse effects  
2 on the residents and businesses of Howard County; and

3           **WHEREAS**, restaurants in Howard County have been particularly hard hit by emergency use and  
4 capacity restrictions imposed by government authorities to save lives and prevent exposure to and spread  
5 of the COVID-19 virus; and

6           **WHEREAS**, on July 12, 2021, the Governor of the State of Maryland renewed his Declaration of  
7 State of Emergency and Existence of Catastrophic Health Emergency – COVID-19, finding the spread of  
8 COVID-19 and variants in the state continues to pose an immediate threat to all Marylanders of extensive  
9 loss of life or serious disability;

10           **WHEREAS**, outdoor restaurant seating is safer and less likely to lead to the spread of COVID-19  
11 than indoor dining;

12           **WHEREAS**, outdoor restaurant seating provides relief to local restaurants negatively impacted  
13 by the economic effects of the ongoing COVID-19 pandemic;

14           **WHEREAS**, by this Ordinance, the County Executive and the County Council intend to provide  
15 relief to restaurants that have an application for temporary Outdoor Restaurant Seating approved by the  
16 Department of Inspections, Licenses, and Permits on or before the date of introduction of this Bill by  
17 extending the expiration of the application through November 15, 2021.

18           **NOW, THEREFORE,**

19           *Section 1. Be it enacted by the County Council of Howard County, Maryland, that notwithstanding any*  
20 *other law to the contrary, an applicant for temporary Outdoor Restaurant Seating approved by the*  
21 *Department of Inspections, Licenses, and Permits on or before the date of introduction of this Act may*  
22 *continue the applicant's temporary Outdoor Restaurant Seating through November 15, 2021. All terms*  
23 *and conditions of the approved application remain in effect during the extended temporary period.*

24           *Section 2. And Be it further enacted by the County Council of Howard County, Maryland that this Act is*  
25 *adopted as an emergency measure to address an immediate emergency affecting public health, safety, or*  
26 *welfare and having been passed by two-thirds of its members, this Act shall be effective immediately upon*  
27 *its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 28, 2021.

Michelle Harrod  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

**Office of the County Auditor**  
**Auditor's Analysis**

**Council Bill No. 58-2021**

Introduced: July 21, 2021

Auditor: Owen Clark

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Fiscal Impact:

The fiscal impact of this legislation cannot be determined because the revenues derived from the additional outdoor seating at the restaurants that have and will receive this temporary permit cannot be estimated.

Per the Director of the Department of Inspections, Licenses and Permits (DILP), a more formal County practice for outdoor dining approval was already in place prior to the COVID-19 pandemic. However, that approval is subject to the full Building Code requirements of Howard County Code Title 3 and Planning and Zoning requirements of Howard County Code Title 16. This "temporary process" recognized that COVID-19 placed limitations that would not necessarily require full design requirements (e.g., parking demands).

Purpose:

The purpose of this legislation is to extend the expiration of temporary outdoor restaurant seating permits until November 15, 2021.

Per information provided by the Director of DILP, 64 applications were submitted to date and 34 entities currently hold a permit.

Without this extension, the existing permit program would expire on August 15, 2021, in conjunction with the expiration of the state's emergency order.

Other Comments:

The Director of the DILP stated that:

- The DILP began administering this temporary permit program in June 2020 at no cost to the applicant using an online application portal ([www.MyHoward.info](http://www.MyHoward.info)).
- This temporary permit program operates with DILP, the Department of Planning and Zoning, and the Howard County Health Department as primary review and approval agencies, with the Department of Fire and Rescue Services' Fire Marshal's Office assisting with field oversight.
- A process is being contemplated to allow some restaurants to make their outdoor seating permanent, which includes a simplified application process for restaurants under a certain threshold and an expedited initial review process for those restaurants adding a more significant number of seats.

CB 58-2021



**Council Bill 58-2021**  
**Emergency Act - Extending Temporary Outdoor Restaurant Seating**

July 28, 2021

**Position: SUPPORT**

Dear Howard County Councilmembers:

The *Restaurant Association of Maryland* supports Council Bill 58-2021, and we appreciate the County Executive understanding the importance of extending outdoor restaurant seating permits.

The restaurant industry has been particularly hard hit by the COVID pandemic and related restrictions. Our industry remains in recovery mode, and it will likely take several years for the restaurant industry to fully recuperate from financial losses and rebuild business to pre-pandemic levels.

Although capacity and operating restrictions have been lifted, outdoor restaurant seating continues to provide additional seating space and allows restaurants to accommodate customers who may not be comfortable with indoor dining. Extending the use of temporary outdoor restaurant seating permits will help Howard County restaurants on the long road to recovery.

We respectfully request your support of Council Bill 58-2021. Thank you.

Sincerely,

A handwritten signature in black ink, which appears to read "Melvin R. Thompson". The signature is written in a cursive style and is followed by a long horizontal flourish line.

Melvin R. Thompson  
Senior Vice President  
Government Affairs and Public Policy