

EMERGENCY BILL NO. 20-01
Hearing Date: 03/16/2020

CITY OF NEWARK
DELAWARE

EMERGENCY ORDINANCE NO. 20-01

An Emergency Ordinance Concerning COVID-19 Precautionary Measures

THE COUNCIL OF THE CITY OF NEWARK HEREBY ORDAINS:

WHEREAS, to meet a public emergency affecting life, health, property or the public peace, Article IV, Section 402.3 of the Charter of the City of Newark authorizes Council to adopt emergency ordinances that may be adopted with or without amendment at the meeting at which it is introduced by the affirmative vote of at least five (5) members of Council;

WHEREAS, Article IV, Section 402.3 provides that any such emergency ordinance may become effective immediately upon adoption and shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, unless extended by regular ordinance action by Council;

WHEREAS, the President of the United States of America has declared a National State of Emergency due to the public health threat caused by the coronavirus disease ("COVID-19");

WHEREAS, Governor John C. Carney has declared a State of Emergency for the State of Delaware due to the public health threat caused by COVID-19;

WHEREAS, on March 16, 2020 Governor Carney issued a modified Declaration of a State of Emergency that, *inter alia*, prohibits public gatherings of fifty (50) or more people, and restricts all restaurants, bars and taverns within Delaware to only providing food and beverage service through take out, drive through and off premises delivery;

WHEREAS, the Centers for Disease Control and Prevention has determined that COVID-19 presents a serious threat;

WHEREAS, to date all of the persons in Delaware that have contracted COVID-19 have ties to the University of Delaware and the City of Newark;

WHEREAS, Council has determined a State of Emergency due to COVID-19 exists in the City of Newark, and has further determined it is in the best interests of the State of Delaware and the citizens of Newark to protect them from a potential public health emergency that could threaten the lives of those that live and work in the City of Newark by taking immediate action to avoid transmission of the disease by limiting social contact of persons within Newark;

That the Code of the City of Newark, Delaware, be hereby amended in the following respects:

AMENDMENT 1: Effective immediately, all private social gatherings, as defined in Section 23-14 shall be strictly limited to no more than ten (10) attendees. The fines for violations of Amendment 1 shall be pursuant to Section 23-20;

AMENDMENT 2: Effective immediately, law enforcement Officers within Newark are hereby directed to order the immediate dispersal of groups of ten (10) or more persons congregating along the streets and sidewalks of Newark, and take appropriate action against those that disregard said order of dispersal;

AMENDMENT 3: Effective immediately, all restaurants, taverns and bars within the City of Newark shall only provide food and beverage service through take-out, drive through and off premises delivery. No indoor or outdoor seating for food and beverage service, including the use of outdoor patios, is permitted. Fines for violations of Amendment 3 shall be pursuant to either State Code or Newark Code Section 7-1(g).

AMENDMENT 4: Effective immediately, all solicitation permits are suspended, including charitable solicitations. A refund for the permit payment for the period of suspensions shall be given.

BE IT FURTHER ORDAINED, Amendments 1 and 2 shall be enforced by law enforcement officers of the City of Newark. Amendment 3 shall be enforced by City of Newark Code Enforcement Officials. This Ordinance will sunset after 60 days or shall be of no effect if the government lifts the State of Emergency in effect as of March 16, 2020.

Hearing and Date of Passage: March 16, 2020

VOTE: 5 to 0.



Mayor

Attest:



City Secretary

Approved as to Legality & Form:



City Solicitor