

EMERGENCY BILL NO. 20-05

Hearing Date: _____

**CITY OF NEWARK
DELAWARE**

EMERGENCY ORDINANCE NO. 20-05

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; and

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that any such emergency ordinance may become effective immediately upon adoption and shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, unless extended by regular ordinance action by Council; and

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”); and

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; and

WHEREAS, on July 6, 2020, Governor Carney extended the State of Emergency for thirty (30) days, effective immediately; and

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

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 continuing to take appropriate action to avoid transmission of the disease by limiting social contact of persons within Newark; and

WHEREAS, in order to limit social contact upon persons within Newark, on March 16, 2020 Council adopted Emergency Ordinance No. 20-01, which limited social gatherings to ten (10) persons, and limited restaurants, taverns and bars within the City of Newark to providing food and beverage service through take-out, drive through and off premises delivery; and

WHEREAS, in May of 2020, Governor Carney commenced steps for the gradual reopening of Delaware, and in conjunction with this, Council did repeal the restrictions set forth in Emergency Ordinance No. 20-01; and

WHEREAS, implementation of Governor Carney's reopening plan is contingent upon key COVID-19 indicators trending downward; and

WHEREAS, over the past several weeks it has become evident that key COVID-19 indicators are in many cases trending upward due to social distancing protocols not being followed; and

WHEREAS, Council has determined that it is in the best interests of the Citizens of Newark for the following restrictions to be imposed to limit the transmission of the COVID-19 virus within Newark.

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

AMENDMENT 1: Effective immediately, all social gatherings at any private residence within the City of Newark 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 of the Code of the City of Newark;

AMENDMENT 2: Effective immediately, law enforcement Officers within Newark are hereby directed to order the immediate disbursal of groups of ten 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 and bars within the City of Newark shall cease bar service of patrons. All restaurant/bar patrons shall be seated at tables, and such tables and patrons shall be spread out and distanced pursuant to social distancing protocols set forth by Governor Carney and/or the State of Delaware. Fines for violations of Amendment 3 shall be pursuant to either State Code or Newark Code Section 7-1(g).

The City Secretary is directed to provide notification of this Emergency Ordinance to all media outlets and to all affected restaurants and bars. Amendment 3 shall be enforced by City of Newark Code Enforcement Officials.

Public Hearing and Final Passage on _____, 2020.

VOTE: __ to __.

Mayor

Attest:

City Secretary

Approved as to Legality & Form:

City Solicitor



CITY OF NEWARK
DELAWARE

July 9, 2020

To: Mayor and Council

From: Paul E. Bilodeau, City Solicitor

Re: Emergency Ordinances 20-05

Article IV, Section 402.3 of the Charter of the City of Newark empowers Council to adopt emergency ordinances to meet a Newark public emergency affecting life, health, property or the public peace. Charter Section 402.3 further 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.

On March 16, 2020, Council adopted Emergency Ordinance 20-01 in response to National and Delaware State of Emergency due to the public health threat caused by the coronavirus disease ("COVID-19"). That Emergency Ordinance limited social gatherings to ten (10) persons, and limited restaurants, taverns and bars within the City of Newark to providing food and beverage service through take-out, drive through and off premises delivery.

In conjunction with the implementation of Governor Carney's gradual reopening of Delaware, Council did subsequently repeal the restrictions set forth in Emergency Ordinance 20-01. Governor Carney's reopening plan is contingent upon key COVID-19 indicators trending downward. However, over the past several weeks several key COVID-19 indicators have been trending upward.

Accordingly, the purpose of this Emergency Ordinance is to limit the transmission of the COVID-19 virus within Newark by imposing restrictions upon social gatherings within Newark. These restrictions include: limiting social gatherings at private residences to no more than 10 persons; limiting groups of people congregating upon the streets and sidewalks of Newark to no more than 10 persons; and ceasing bar service of patrons in restaurants/taverns bars within Newark.

Please contact me if you have any questions.

PEB

CC: Tom Coleman, City Manager