

RESOLUTION NO. 1194-22

**A RESOLUTION EXTENDING THE USE OF TEMPORARY TENT PERMITS
AND TEMPORARY USE PERMITS, DUE TO COVID-19, IN THE TOWN OF BEL AIR,
THROUGH DECEMBER 31, 2023.**

WHEREAS, the Governor of the State of Maryland proclaimed a state of emergency, on March 5, 2020, and later enacted multiple safety measures, including prohibiting all restaurants and bars from providing food or beverages for consumption on premises, for the entire state of Maryland, due to the impending threat and continuing impact of the contagious disease known as COVID-19; and

WHEREAS, the Bel Air Board of Town Commissioners supported and enforced these measures while simultaneously taking additional actions, in accordance with the Governor's executive orders, to promote economic recovery by permitting expanded outdoor seating at restaurants, bars, and breweries, and suspending certain provisions of the Bel Air Town Code, including but not limited to, the use of temporary structures (tents); and

WHEREAS, the Governor of the State of Maryland, as of March 12, 2021, has allowed restaurants and bars to operate at full capacity for indoor dining; and

WHEREAS, however, outdoor seating at restaurants, bars, breweries, and nightclubs, is safer and less likely to lead to the spread of COVID-19 than indoor dining; and

WHEREAS, to facilitate and encourage the continuation of social distancing and to encourage and promote the continued operation of outdoor seating areas, the Bel Air Board of Town Commissioners passed Resolution 1176-21 temporarily suspending certain provisions of the Bel Air Town Code, including but not limited to, the use of temporary structures (tents) and eliminating the duration of certain temporary use permits.

WHEREAS, Resolution 1176-21 is set to expire on December 31, 2022, unless extended by the Board of Town Commissioners; and

WHEREAS, in the past, multiple citizens have complained about outside music, amplified or otherwise, creating a disturbance and adverse impact, emanating from establishments in town that expanded the use, beyond dining and bar service, to incorporate events, entertainment, live bands, musicians, music, amplified or otherwise, under this temporary suspension of the Town Code; and

WHEREAS, the Bel Air Board of Town Commissioners desire to address these citizen complaints and minimize disturbances and adverse impacts to the community, and still extend the use of temporary structures (tents), and expand the duration of the temporary use permits, that promote social distancing, and encourage outdoor dining, for safety reasons, due to the COVID-19 pandemic; and

NOW, THEREFORE, BE IT RESOLVED by the Bel Air Board of Town Commissioners that provisions of the Bel Air Town Code, including but not limited to, Chapter 145 Building Construction, and Chapter 165 Comprehensive Plan and Development Regulations, pertaining to limitations on the use of temporary structures (tents) and application of temporary use permits, for outdoor dining and bar service, that promote social distancing, shall be suspended until December 31, 2023.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Bel Air Board of Town Commissioners that provisions of the Bel Air Town Code, specifically pertaining to establishments that wish to have an outdoor event, including entertainment, live bands, musicians, or music, amplified or otherwise, on a portion of their property that is not designated for the desired use, shall be required to apply for and obtain a temporary use permit, specific to that request for entertainment. These event requests are limited to the maximum duration of a month. In the event of a complaint, the existing permit may be suspended at the Town's discretion. Any subsequent application may be denied.

AND BE IT FURTHER RESOLVED by the Bel Air Board of Town Commissioners that this Resolution shall take effect on January 1, 2023.

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

Kevin M. Bianca, Chair
Board of Town Commissioners

Michael Krantz, Town Clerk