

MAYORAL EXECUTIVE ORDER
PARTIALLY REOPENING RESTAURANTS AND BARS FOR INDOOR DINING AND
RESTRICTING GATHERINGS

WHEREAS, a state of emergency and catastrophic health emergency was proclaimed by the Governor of Maryland on March 5, 2020, and was most recently renewed on July 1, 2020 to control and prevent the spread of COVID-19 within the state, and the state of emergency and the catastrophic health emergency still exist;

WHEREAS, the Mayor of Baltimore City has declared a State of Emergency for Baltimore City due to the spread of COVID-19, which is still in place;

WHEREAS, the effects of COVID-19 require that local officials be vigilant in advising the citizens of measures they can take to protect health, safety and welfare;

WHEREAS, COVID-19 continues to pose serious health risks for the citizens of Baltimore City, particularly elderly residents and those who are immunosuppressed or otherwise have high-risk medical conditions;

WHEREAS, the Centers for Disease Control (CDC) advises that social distancing is the most effective way of slowing the spread of COVID-19;

WHEREAS, to protect lives and reduce transmission of the COVID19 in Baltimore City, it is necessary for individuals to maintain safe distances from each other;

WHEREAS, although there are now measures in place such as personal protection equipment and sanitation protocols to reduce community transmission, there are indications that the number of COVID-19 cases in Baltimore City is increasing

WHEREAS, evidence suggests that dining establishments and bars are particularly high risk environments for COVID19 transmission. Some studies have indicated the single most effective orders for slowing transmission are social distancing orders related to bar and restaurant operations.

WHEREAS, the latest scientific research and expert guidance support limitations on large gatherings and the use of social distancing practices as a successful method to prevent exposures and transmissions and reduce the threat of COVID-19 to all citizens but are especially important to protect vulnerable populations;

WHEREAS, it is vital to reduce the threat of this illness in the community and it is, therefore, necessary and reasonable to set strict limits on congregating;

WHEREAS, on June 29, 2020, the Mayor issued an Executive Order allowing outdoor events of more than 10 people subject to a limit of 50% of the maximum capacity of the venue and the use of facial coverings and proper social distancing.

WHEREAS, on June 10, 2020, Governor Hogan again authorized local governments to relax certain restrictions on activities and businesses in the State including limited indoor dining and bar activity;

WHEREAS, on June 22, 2020, the Mayor issued an Executive Order authorizing serving beverages and food to customers for consumption in indoor seating areas and on July 22, 2020, due to indications of an increase in cases in the City, the Mayor rescinded the June 22 Mayoral Order as it applied to indoor dining and congregating in an attempt to prevent further transmission of COVID -19;

WHEREAS, on August 5, 2020, the Mayor issued a Mayoral Executive Order partially reopening restaurants and bars for indoor and outdoor dining and gatherings which was to go into effect at 5p.m. on Friday August 7, 2020;

WHEREAS the August 5 order is hereby rescinded and replaced by this Mayoral Executive Order Partially Reopening Restaurants and Bars for Dining and Restricting Gatherings;

WHEREAS, in order to lessen the economic impact of restaurant and bar closures but still slow any further spread of COVID19, limited opening of indoor food and beverage service at restaurants and bars and limitations on congregating in groups are being imposed;

WHEREAS, Order No. 20-06-10-01 authorizes political subdivisions such as Baltimore City to issue local orders that are more restrictive than Order No. 20-06-10-01, such as those requiring any businesses, organizations, establishments, or facilities to close or modify their operations and/or requiring individuals to remain indoors or to refrain from congregating, if deemed necessary and reasonable to save lives or prevent exposure to COVID-1.

NOW THEREFORE, I, Mayor Bernard “Jack” Young, Mayor of the City of Baltimore, in consultation with the Commissioner of Health for Baltimore City and by virtue of the authority vested in me by the Governor’s Order, do hereby issue the following Executive Order:

BE IT ORDERED THAT

I. Administrative Provisions.

- a. The Mayoral Order dated June 8, 2020 rescinding the Stay at Home provisions in prior Mayoral Orders remains in place. Residents, however, should continue to stay home when possible. Older and more vulnerable residents, and those who live with them, are strongly advised to stay home whenever possible.

Residents and visitors should practice safe physical distancing, comply with the Health Commissioner Second Amended Directive and Order Regarding Face Coverings in Public dated July 29, 2020 (the “Face Masking Order”) and frequently wash their hands and sanitize

high-touch areas. Employers should continue to encourage telework for their employees when possible.

Individuals who can work from home should continue to do so.

b. The Mayoral Orders of June 22, 2020 and July 22, 2020, to the extent that they are inconsistent with this Mayoral Order, are rescinded. This Mayoral Order also amends previous orders of the Mayor of Baltimore City regarding operations of restaurants and bars and gatherings generally.

c. The Baltimore City Health Commissioner may issue orders not inconsistent with this Order that are necessary to monitor, prevent, and reduce the spread of and suppress, COVID-19 in relation to any activity permitted by this Order or any business permitted to open under the Order.

d. In accordance with the Governor's Order 20-06-10-01, if Baltimore City determines that doing so is necessary and reasonable to save lives or prevent exposure to COVID-19, the political subdivision is hereby authorized to issue orders that are more restrictive than this Order ("Local Orders"):

e. Except as modified by this Mayoral Order, the Mayoral Orders of May 15, May 27 and June 8, 2020 remain in effect.

II. Gatherings (defined as "an assembly or meeting, especially a social or festive one or one for a specific purpose"). Gatherings include but are not limited to a celebration, event, party, cookout, parade, or a festival).

a. Outdoor and indoor gatherings at public and private facilities, private homes and any public space are limited to no more than 25 persons; provided however, there must be sufficient space for persons to remain socially distant.

b. Indoor gatherings at event venues and spaces typically reserved for events are limited to the lesser of 25 persons or 25% of the facility's maximum capacity. However, if any indoor event venue or space is designed to accommodate more than one event, the limitation of the lesser of 25 persons or 25% of the maximum capacity applies to each venue or space, provided that the facility at no time exceeds 25% of its maximum capacity.

c. Outdoor gatherings at event venues and spaces typically reserved for events are limited to 25 persons.

d. There shall be a continued pause on issuing of City permits for events through September 30, 2020.

III. Food Service Establishments.

a. Subject to (b) below, all restaurants, bars, nightclubs and other similar establishments that sell food and beverages or beverages for consumption on-premises (“collectively, “Foodservice Establishments”) may, to the extent permitted by applicable law:

1. serve food and beverages to customers for consumption in outdoor seating areas;
2. sell food and beverages that are promptly taken from the premises, i.e., on a carry-out or drive-through basis;
3. deliver food and beverages to customers off the premises; and
4. effective as of 5:00 p.m. August 7, 2020, serve food and beverages to customers for consumption in indoor seating areas.

b. Foodservice Establishments shall:

1. require all staff and patrons to wear face coverings, in accordance with the Face Coverings Order;
2. not allow the number of persons in the Foodservice Establishment to exceed 25% of the Restaurant’s Maximum Occupancy (defined in c. below);
3. close indoor dining at 10:00P.M.;
4. not serve food in a buffet format;
5. not serve customers who are not seated;
6. not serve customers beverages if they are not also eating; and
7. clean and disinfect each table between each seating in accordance CDC and MDH guidelines, using cleaning products that meet the criteria of the U.S. Environmental Protection Agency for use against COVID-19.

c. Definitions

1. “Maximum Occupancy” means:

- i. The maximum occupancy load of the Facility under the applicable fire code, as set forth on a certificate issued for the Facility by a local fire code official; or locations venues, including but not limited to parades, festivals, conventions, and large gatherings and events must be canceled or postponed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.
- ii. If no such certificate has been issued for the Facility by the local fire code official, the maximum occupancy of the Facility pursuant to applicable laws, regulations, and permits.

IV. Religious Facilities.

Subject to applicable Local Orders, churches, synagogues, mosques, temples, and other similar religious facilities of any faith in the State of Maryland (“Religious Facilities”) may open to the general public, provided, however, that the total number of persons permitted in the Religious

Facility at any one time shall allow sufficient space for social distancing and, shall not exceed 25% of the Religious Facility's maximum capacity.

Religious Facilities shall make every effort to clean the facility between each use, shall require facial covering except when removal is necessary to participate in the religious service and shall require social distancing.

V. Retail Establishments and Malls.

Subject to applicable Local Orders and Secretary's Directives:

i. retail businesses, organizations, establishments, and facilities may remain open to the general public, provided, however, that the total number of persons permitted in a Retail Establishment at any one time shall allow sufficient space for social distancing and, shall not exceed 25% of that Retail Establishment's Maximum Occupancy; and

ii. shopping centers that have one or more enclosed pedestrian concourses may remain open to the general public, shall allow sufficient space for social distancing and shall not exceed 25% capacity at any one time.

iii. Grocery stores, convenience stores, farmer's markets, and any other establishment engaged in the retail sale of non-prepared food may remain open and shall continue to ensure compliance with social distancing and masking requirements.

VI. Indoor Recreation Establishments.

The following indoor recreational establishments may open to the general public, provided, however, the total number of persons in the indoor recreation establishment, shall allow sufficient space for social distancing and shall at no time exceed 25% of maximum capacity:

1. bingo halls;
2. bowling alleys;
3. pool halls;
4. roller and ice skating rinks;
5. social and fraternal clubs (including without limitation, American Legion posts, VFW posts, and Elks Clubs) ("Social Clubs"); and
6. the indoor areas of any other establishments that are subject to the Admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code.

VII. Casinos.

The total number of persons permitted in a Casino at any one time shall allow sufficient space for social distancing and, shall not exceed 25% of the Maximum Occupancy

VIII. General Provisions.

- a. If a political subdivision determines that doing so is necessary and reasonable to save lives or prevent exposure to COVID-19, political subdivision is hereby authorized to issue orders that are more restrictive than this Order (“Local Orders”):
 1. requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or
 2. requiring individuals to remain indoors or to refrain from congregating.
- b. Local Orders may remain in effect for so long as this Order (as it may be amended from time to time) remains in effect. The authority granted by paragraph I.d. and I.d. is in addition to and not in derogation of, any authority a political subdivision under its charter, laws, ordinances, or regulations.
- c. Each law enforcement officer of the State or a political subdivision shall execute and enforce Governor Hogan’s May 27, 2020 Order and this Local Order pursuant to the terms of the Governor’s Order 20-05 27-01 which provides that a person who knowingly and willfully violates this Order or any Local Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.
- d. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.
- e. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended to the extent of the inconsistency.
- f. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.
- g. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

This Executive Order shall take effect August 7, 2020 at 5:00pm.

IN WITNESS WHEREOF I HAVE
HEREUNTO PLACED MY HAND AND
THE GREAT SEAL OF THE CITY OF
BALTIMORE

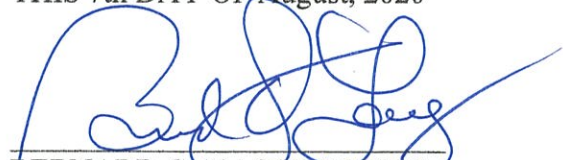
THIS 7th DAY OF August, 2020

ATTEST:



CUSTODIAN OF THE CITY SEAL

Alternate



BERNARD C. "JACK" YOUNG,
MAYOR
CITY OF BALTIMORE

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY BY THE BALTIMORE CITY LAW DEPARTMENT



DANA P. MOORE
ACTING CITY SOLICITOR