

MAYORAL EXECUTIVE ORDER
RESCINDING MAYORAL ORDERS REGARDING
LIMITED OPENING OF RESTAURANTS AND BARS FOR INDOOR DINING

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 and face masking while in public places is the most effective way of slowing the spread of COVID-19;

WHEREAS, to protect lives and reduce transmission of the COVID-19 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, in the weeks between 7/4/20 and 7/17/20 the average number of daily cases has increased from 66 per day to 127 per day, the daily positivity rate has increased from 5.3% to 7.1% with no appreciable increase in testing; and there has been an increase in emergency department visits by residents experiencing symptoms of COVID-19.

WHEREAS, evidence suggests that dining establishments and bars are particularly high-risk environments for COVID-19 transmission. Some studies have indicated the single most effective orders for slowing transmission are social distancing orders related to bar and restaurant operations.

WHEREAS, on June 10, 2020, Governor Hogan 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.

WHEREAS, in order to slow the further spread of COVID19, restrictions on indoor food and beverage service at restaurants and bars are necessary

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-19.

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 and wear masks in public 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 Order of June 22, 2020 to the extent that it authorizes consumption of food and beverages in indoor seating areas is rescinded. This Mayoral Order also amends previous orders of the Mayor of Baltimore City regarding operations of restaurants and bars.

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 June 12, 2020, and June 29, 2020 remain in effect.

II. Food Service Establishments

a. Effective July 24, 2020 at 5:00, restaurants and bars that sell food or beverages for consumption on-premises in Baltimore City (“Restaurants and Bars”) may, to the extent permitted by applicable local 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. carry-out or drive-through basis; and/or
3. Deliver food and beverages to customers off the premises.

b. Restaurants and Bars that serve food and beverages to customers in outdoor areas shall:

1. Have the appropriate permits to operate with outdoor seating;
2. Require all staff to wear Face Coverings, in accordance with the Face-Covering Order (defined below);
3. Ensure patrons are seated at least six feet away from each other, except for households seated together and are wearing cloth face coverings when they are not eating or drinking;
4. Not allow groups larger than six persons to be seated together, except members of the same household;
5. Not serve food in a buffet format; and
6. Clean and disinfect each table and all items that remain on the table between each seating in accordance with the CDC and MDH guidelines, using cleaning products that meet the criteria and the U.S. Environmental Protection Agency for use against COVID-19.

c. Operating Requirements.

1. All businesses, organizations, establishments, and facilities that are permitted to be open under this paragraph II. shall comply with:

2. applicable Local Orders;
3. applicable Directives issued by the Maryland Secretary of Health;
4. applicable social distancing guidance published by the CDC and the Maryland Department of Health; and
5. orders issued by the applicable Local Health Officer/Mayor pursuant to the Order of the Governor of the State of Maryland Number 20-04-05-02, dated April 5, 2020, entitled “Delegating Authority to Local Officials to Control and Close Unsafe Facilities”, as it may be amended from time.
 - i. For avoidance of doubt, Restaurants and Bars shall continue to comply with the Order of the Governor of the State of Maryland Number 20-04-15-01, dated April 15, 2020, entitled “Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures”, as it may be amended from time to time (the “Face Coverings Order”).
 - ii. Any business, organization, establishment, or facility in the City of Baltimore may require its customers over the age of two, visitors over the age of two, and/or staff to wear Face Coverings (as defined in the Face Coverings Order). A business, organization, establishment, or facility that elects to do so shall post signage at each entrance advising customers.

III. 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 by paragraph I.d. and I.e. 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 June 10, 2020 Order and this Local Order pursuant to the terms of the Governor's Order 20-06 10-01 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 July 24, 2020 at 5:00.

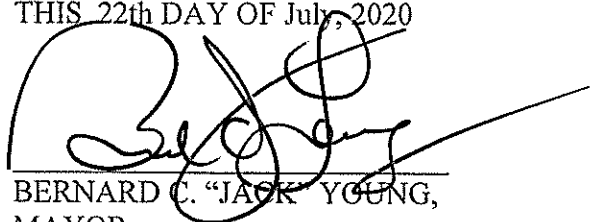
ATTEST:



CUSTODIAN OF THE CITY SEAL

Alternate

IN WITNESS WHEREOF I HAVE
HEREUNTO PLACED MY HAND AND
THE GREAT SEAL OF THE CITY OF
BALTIMORE
THIS 22th DAY OF July, 2020



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

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

Dana P. Moore

DANA P. MOORE
ACTING CITY SOLICITOR