

MAYORAL EXECUTIVE ORDER
PARTIAL REOPENING PURSUANT TO PHASE TWO

WHEREAS, a state of emergency and catastrophic health emergency was proclaimed by the Governor of Maryland on March 5, 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, COVID-19 is an infectious and contagious respiratory disease that 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 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, 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 novel coronavirus in Baltimore City, it is necessary for individuals to maintain safe distances from each other;

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

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, the State has implemented measures to reduce community transmission rates of COVID-19, while strategically activating the Maryland Strong: Roadmap to Recovery plan;

WHEREAS, the City is expanding COVID-19 testing, implementing contact tracing, and monitoring hospitalizations; and procuring additional protective equipment;

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.

WHEREAS, the Mayor of Baltimore City has consulted with public health experts and has concluded that the City can safely lift certain restrictions subject to criteria set by public health experts.

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 Orders, do hereby issue the following Executive Order:

BE IT ORDERED THAT

I. Administrative Provisions

a. This Mayoral Order continues the Order of June 8, rescinding the Stay at Home provisions in prior Mayoral Orders. Residents, however, should continue to stay at home and continue to work from 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.

b. The Mayoral Orders of June 22, 2020, July 22, and August 7, 2020, to the extent that they are inconsistent with this Mayoral Order, are rescinded.

This Order also amends or augments previous orders of the Mayor of Baltimore City regarding operations of businesses, establishments, facilities covered by this Mayoral Executive Order.

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, 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"):

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.

II. Gatherings

Gatherings (defined as "an indoor or outdoor 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. Gatherings at event venues and spaces with a fire marshal-rated certificate of maximum occupancy are permitted to open at up to 25% of the facility's maximum capacity. If any indoor event venue or space is designed to accommodate more than one event, the limitation of 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. Gatherings at locations and spaces no fire marshal-rated certificate of maximum occupancy are limited to 25 persons.

d. Sports gatherings with no spectators are permitted pursuant to the requirements of b. and c. above which ever is applicable. Face covering and social distancing for any one not participating in the sporting activity are required.

e. Permitted or otherwise authorized youth sports gatherings are authorized with no spectators (except parents or guardians) and required face covering and social distancing.

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

III. Religious Facilities

Subject to any applicable State or Local Health , churches, synagogues, mosques, temples, and other similar religious facilities of any faith in Baltimore City (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 not exceed 50% of the Religious Facility’s maximum capacity (defined below).

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 encourage social distancing.

IV. Retail Establishments and Malls.

Subject to applicable Local Orders and Secretary’s Directives:

a. Retail businesses, organizations, establishments, and facilities in the State of Maryland (“Retail Establishments”) may open to the general public, provided, however, that the total number of persons permitted in a Retail Establishment at any one time shall not exceed 50% of that Retail Establishment’s Maximum Occupancy (defined below); and

b. Shopping centers in the State of Maryland that have one or more enclosed pedestrian concourses may open to the general public not to exceed 50% capacity at any one time.

V. Indoor Recreational Establishments.

a. Provided that there is sufficient space for social distancing and masks are worn when possible and subject to applicable Local Orders and Secretary’s Directives, the following establishments in Maryland (“Indoor Recreation Establishments”) may open to the general public, effective as of 5:00 p.m. on September 8, 2020 at 50% 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. subject to Section XIV below, 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;

b. As used in this paragraph:

1. the term “indoor area” has the meaning provided in COMAR 10.19.04.02.B(9); and
2. the term “outdoor area” means an area that is not an indoor area.

VI. Other Recreational Establishments.

a. Subject to any applicable Local Health Commissioner Orders and Secretary’s Directives, the following establishments in Baltimore City may open to the general public.

1. golf courses and driving ranges;
2. outdoor archery and shooting ranges;
3. marinas and watercraft rental businesses;
4. campgrounds;
5. horse boarding and riding facilities;
6. outdoor swimming pools – Subject to MDH Order 20-06-10-03
 - i. Maximum capacity for persons in the pool to be determined by dividing the pool surface square footage by 36
 - ii. signs shall be posted stating the capacity limit for the pool;
 - iii. person occupying the outdoor space around the should practice social distancing and wear facial coverings.
 - iv. All pool Operators shall post signs
 - Telling patrons not to enter if sick
 - Post handwashing reminders
 - Cover cough reminders
 - Post reminders to shower before entering the pool.
7. indoor pools – Subject to MDH Order 20-06-10-03 and e.i.7.(b.-d.)
 - a. The total number of persons permitted in an indoor facility (indoor pools, fitness centers or aquatic centers) at any one time shall not exceed 50% of that facility’s maximum occupancy as defined in the Executive Order No. 20-06-10-01.
8. outdoor day camps;
9. tour boats;
10. the outdoor 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;

b. Subject to VI. a. and to applicable Local Health Commissioner Orders and Secretary's Directives, any indoor areas are limited to 50% of maximum capacity.

VII. Foodservice Establishments

a. Subject to b. below, all restaurants, bars, nightclubs, and other similar establishments that sell food or beverages for consumption on-premises or beverages for consumption on-premises and Social Clubs or facilities of any kind with dining facilities (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. on September 8, 2020, serve food and beverages to customers for consumption in indoor seating areas.

b. Foodservice Establishments shall:

1. require all staff to wear Face Coverings, in accordance with the Face Coverings Order (defined below);
2. not allow the number of persons in the Foodservice Establishment to exceed 50% of the Foodservice Establishment's Maximum Occupancy (defined below);
- 3.. not serve food in a buffet format;
4. not serve customers who are not seated;
5. 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.

VIII. Fitness Centers

a. Subject to applicable Local Orders and Secretary's Directives, effective as of 5:00 p.m. on September 8, 2020, fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools in Baltimore City ("Fitness Centers") may open to the general public; provided, however, that the total number of persons permitted in a Fitness Center at any one time shall not exceed 50% of that Fitness Center's Maximum Occupancy (defined below).

1. Staff and patrons shall wear facial covering to the maximum extent possible.
2. Staff shall clean equipment between each use in accordance with CDC and MDH guidance.

XI. Casinos

The total number of persons permitted in a casino at any one time shall not exceed 50% of its Maximum Occupancy (defined below).

XII. Personal Services

a. Subject to applicable Local Orders, applicable Secretary's Directives and paragraph b. and c. below, the following establishments in Baltimore City ("Personal Services Establishments") may open to the general public:

1. beauty salons;
2. barber shops;
3. tattoo parlors;
4. tanning salons;
5. massage parlors; and
6. establishments that provide esthetic services or provide nail technician services (as described in Title 5 of the Business Occupations Article of the Maryland Code);

b. All customers over the age of two are required to wear Face Coverings (as defined in the Face Coverings Order (defined below)) while inside any Personal Services Establishment, except to the extent wearing a Face Covering would make it impossible for services to be performed.

c. Personal Services Establishments shall:

1. require staff to wear Face Coverings while in areas open to the general public and areas in which interaction with other staff is likely;
2. provide services on an appointment basis only and keep a log of each customer's name and that of anyone who accompanied them to the appointment and the name of the person who provided their services;
3. not allow the number of persons in the Personal Service Establishment to exceed 50% of the Personal Service Establishment's Maximum Occupancy (defined below); and
4. after providing services to each customer, clean and disinfect the area in which services were performed in accordance with applicable guidelines from the CDC, MDH, and the Baltimore City Health Department.

XIII. Other Businesses.

Except as otherwise closed by this Order or other Mayoral or Governor's Order and subject to applicable Local Health Commissioner's Orders and Secretary's Directives and the provisions contained herein, businesses, organizations, establishments, and facilities that are not part of the critical infrastructure sectors identified by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (currently described at <https://www.cisa.gov/identifying-criticalinfrastructure-during-covid-19>) may open at 50% of maximum capacity to the general public including zoos, aquariums and museums.

XIV. Theaters and Outdoor Entertainment Venues.

Subject to applicable Local Orders Health Commissioner Orders and Secretary's Directives:

- a. theaters in Maryland at which live performances occur or motion pictures are shown indoors ("Indoor Theaters") may open to the general public; provided, however, that the total number of persons permitted in an Indoor Theater at any one time (per individual auditorium or performance stage) shall not exceed the lesser of (i) 50% of that Indoor Theaters' Maximum Occupancy (defined below), or (ii) 100 persons; and
- b. venues in Maryland at which live performances occur or motion pictures are shown outdoors, and at which entry is limited to ticketed customers ("Outdoor Entertainment Venues"), may open to the general public;

provided, however, that the total number of persons permitted in an Outdoor Entertainment Venue at any one time shall not exceed the lesser of (i) 50% of that Outdoor Entertainment Venue's Maximum Occupancy (defined below), or (ii) 250 persons.

XV. Definitions

- a. "Maximum Occupancy" means:
1. 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;
 2. 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.

XVI. Face Coverings.

- a. Definitions. As used herein:
1. "Face Covering" means a covering that fully covers a person's nose and mouth and is secured to the person's head, but is not a Medical-Grade Mask. The term "Face Covering" includes, without limitation, scarves, bandanas, and plastic full-face shields.
 2. "Medical-Grade Mask" means an N95, KN95, surgical, or other mask that would be appropriate for a health care setting.
 3. "Public Transportation" means shared-ride surface transportation services that are open to the general public, including without limitation, taxi services, ride-sharing services, car services, transit services provided by any other unit of the State or any political subdivision, and all related stations and platforms. Examples of Public Transportation include, but are not limited to MTA bus service, MARC train service, Light Rail train service, MTA Metro subway service, and Mobility and Paratransit services.
- b. Requirement to Wear Face Coverings.
1. Except as provided in paragraph e., all persons in Maryland over the age of five (5) years old are required to wear a Face Covering when they are:
 - i. in or on any Public Transportation;
 2. indoors at any location where members of the public are generally

permitted, including without limitation, Religious Facilities, Retail Establishments, Foodservice Establishments, Fitness Centers, Gaming Facilities, Indoor Recreation Establishments, Personal Services Establishments, and Indoor Theaters;

3. outdoors and unable to consistently maintain at least six feet of distance from individuals who are not members of their household;
4. obtaining healthcare services, including without limitation, in

offices of physicians and dentists, hospitals, pharmacies, and laboratories; and

5. engaged in work in any area where:
 - i. interaction with others is likely, including without limitation, in shared areas of commercial offices; or
 - ii. food is prepared or packaged.
- c. Single-use Face Coverings shall be properly discarded in trash receptacles. It is recommended that all reusable Face Coverings be cleaned frequently (at least once per day).
- d. Wearing a Medical-Grade Mask satisfies any requirement in this Order to wear a Face Covering, but all Marylanders are urged to reserve Medical-Grade Masks for use by health care workers and first responders.
- e. Exceptions. This Order does not require persons to wear Face Coverings:
 1. if, due to a bona fide disability or medical condition, it would be unsafe for the person to do so;
 2. to the extent wearing a Face Covering would impede communication by or with persons who have a hearing impairment or other disability, where the ability to see the mouth is essential for communication;
 3. if wearing a Face Covering would subject the person to an unsafe working condition, as determined by federal, state, or local occupational safety regulators or workplace safety guidelines;
 4. to the extent wearing a Face Covering would make it impossible to receive services requiring access to the face, mouth, or head, including without limitation, dental care, shaving, and facial treatments;
 5. while consuming food or beverages;
 6. while swimming or engaging in other physical activities where the use of a Face Covering is likely to pose a bona fide safety risk; or
 7. while operating any Public Transportation conveyance, provided that the person is (1) the sole operator of the conveyance, and (2) located in a separate compartment that is off-limits to riders.

XVII. Businesses, Organizations, Establishments, and Facilities Required to Close.

a. Senior Centers. All senior citizen activities centers (as defined in Section 10-501(i) of the Human Services Article of the Maryland Code) shall remain closed.

1. Staff and owners may continue to be on-site at any business, organization, establishment, or facility that is required to be closed pursuant to this Order for only the following purposes:

- i. Facilitating remote working (a/k/a/ telework) by other staff;
- ii. Maintaining essential property;
- iii. Preventing loss of, or damage to property, including without limitation, preventing spoilage of perishable inventory;
- iv. Performing essential administrative functions, including without limitation, picking up mail and processing payroll; and
- v. Caring for live animals.

b. Closure By Other Order. All businesses, organizations, establishments, and facilities that are required to close pursuant to any other Order of the Governor of the State of Maryland or any other Order of a political subdivision, shall be and remain closed in accordance with such other Order, as the case may be.

XVIII. Government Buildings and Facilities with Large Occupancy or Attendance.

a. State and local government buildings and facilities with an expected occupancy or attendance of more than 10 people shall:

- i. Promptly and conspicuously post in the building or facility a copy of the MDH recommendations for social distancing; and
- ii. Provide all occupants and attendees with the capability to wash their hands.

b. A copy of this Order shall be made available to all occupants or attendees at any State or local government building and facility with an expected occupancy or attendance of more than 10 people.

XIX. General Provisions

a. All businesses, organizations, establishments, and facilities that are permitted to be open under this Mayoral Order shall comply with:

1. applicable Local and Governor's Orders;
2. applicable Directives issued by the Maryland Secretary of Health;
3. applicable social distancing guidance published by the CDC and the Maryland Department of Health; and
4. orders issued by the applicable Local Health Officer/Mayor

b. 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 Circumstance and Requiring Implementation of Certain Physical Distancing Measures", as it may be amended from time to time (the "Face Coverings Order").

c. 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.

d. 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.

e. In accordance with the Governor's Order allowing for local decision making, the Mayor reserves the right to rescind any or all parts of this Order and the Stay at Home Order or issue a new order revising this mayoral order, in the event that this Order is not complied with or if it is in the public health interest of the citizens of Baltimore City to reinstate restrictions.

f. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, until rescinded, superseded, amended, or revised by additional orders.

g. 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.

h. The bold paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

1. 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 Tuesday, September 8, 2020 at 5:00 p.m.

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

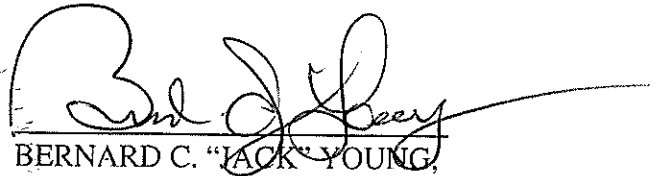
THIS 8th DAY OF September, 2020

ATTEST:




CUSTODIAN OF THE CITY SEAL





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