

MAYORAL EXECUTIVE ORDER  
CONTINUATION OF GOVERNOR'S STAY AT HOME ORDER  
LIMITED OPENING OF RETAIL BUSINESSES  
LIMITED OUTDOOR FITNESS CLASSES

WHEREAS, a state of emergency and catastrophic health emergency was proclaimed by the Governor of Maryland on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, the mayor has declared a State of Emergency for Baltimore City due to the spread of COVID-19. This declaration 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, the Centers for Disease Control (CDC) advises that social distancing is the most effective way of slowing the spread of COVID-19;

WHEREAS, COVID-19/Novel Coronavirus 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, on March 30, 2020, the Governor issued Executive Order 20-03-30-01 which ordered all nonessential employees in the State to remain in their homes for an undetermined period of time in an effort to arrest the increase in the number of residents contracting the virus;

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, there are now measures in place such as personal protection equipment and sanitation protocols to reduce community transmission;

WHEREAS, Baltimore is making progress in expanding access to COVID-19 testing;

WHEREAS, on May 13, 2020 Governor Hogan issued Executive Order 20-05-13-01 (the “Governor’s Order”), authorizing Maryland counties to lift their stay at home orders as they see fit based on the conditions in their jurisdictions.

WHEREAS, the Governor’s May 13, 2020 Order provides that if a political subdivision 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 (“Local Orders”) that are more restrictive than the Governor’s Order:

- i. requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or
- ii. requiring individuals to remain indoors or to refrain from congregating.
- iii. Local Orders may remain in effect for so long as the Governor’s Order (as it may be amended from time to time) remains in effect. The authority granted by the Governor’s Order is in addition to, not in derogation of, any authority of a political subdivision under its charter, laws, ordinances, or regulations and;

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 Order, do hereby issue the following Executive Order:

BE IT ORDERED THAT

1. The Mayor of Baltimore City hereby exercises the authority granted local governments in the Governor’s Order dated May 13, 2020 to allow retail curbside pickup as a gradual but logical “next step” in the plan to reopen the City.
2. Allowing retail curbside pickup, walkup or by vehicle, can be accomplished with social distancing (maintaining six feet distance from others) and the use of facial coverings.

3. Retail curbside pickup, as contemplated, will not involve prolonged contact nor, clustering of groups of more than ten people.
4. Retail curbside pickup, as contemplated, can be accomplished in a safe and, cost effective manner for the City's many retail outlets.
5. The May 6, 2020 Governor's Executive Order including the provisions enumerated below will continue in place in Baltimore City as provided below:

I. *Opening Outdoor Spaces*

a. Political subdivisions are not prohibited from opening outdoor public spaces to the general public (such as parks, sports fields and courts, beaches, dog parks, and playgrounds), subject to the following:

i. The decision to do so shall be made after consultation with the Commissioner of Health for Baltimore City) (the "Local Health Officer").

ii. The Local Health Officer may issue such directives or orders as may be necessary to monitor, prevent, reduce the spread of, and suppress COVID19 with respect to the use of the outdoor public space ("Health Officer Directives").

iii. The City must require persons using the outdoor public space to comply with applicable Secretary's Directives, applicable Health Officer Directives, and applicable social distancing guidance published by the U.S. Centers for Disease Control and Prevention ("CDC") and the Maryland Department of Health ("MDH").

b. If the City determines that doing so is necessary and reasonable to save lives or prevent exposure to COVID-19, it is authorized to issue orders that are more restrictive than the Governor's Order ("Local Orders"):

i. requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or

ii. requiring individuals to remain indoors or to refrain from congregating.

c. Local Orders may remain in effect for so long as the Governor's Order (as it may be amended from time to time) remains in effect. The authority granted herein is in addition to, not in derogation of, any authority of the City under its charter, laws, ordinances, or regulations.

## II. *Stay-at-Home Order.*

a. All persons living in the State of Maryland are hereby ordered under the Governor's March 30, 2020 order, effective as of 8:00 p.m. on March 30, 2020, to stay in their homes or places of residence ("Homes") except:

i. to conduct or participate in Essential Activities (defined below) or Permitted Outdoor Activities (defined below);

ii. staff and owners of businesses and organizations that are not required to close pursuant to paragraph IV or paragraph V below may travel:

1. between their Homes and those businesses and organizations; and
2. to and from customers for the purpose of delivering goods or performing services; and

iii. staff and owners of Non-Essential Businesses may travel:

1. between their Homes and those Non-Essential Businesses for the purpose of engaging in Minimal Operations; and
2. to and from customers for the purpose of delivering goods.

b. As used herein, "Essential Activities" means:

i. Obtaining necessary supplies or services for one's self, family, household members, pets, or livestock, including, without limitation: groceries, supplies for household consumption or use, supplies and equipment needed to work from home, laundry, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence;

ii. Engaging in activities essential for the health and safety of one's self, family, household members, pets, or livestock, including such things as seeking medical or behavior health or emergency services, and obtaining medication or medical supplies;

iii. Caring for a family member, friend, pet, or livestock in another household or location, including, without limitation, transporting a family member, friend, pet, or livestock animal for essential health and safety activities, and to obtain necessary supplies and services;

iv. Traveling to and from an educational institution for purposes of receiving meals or instructional materials for distance learning;

v. Travel required by a law enforcement officer or court order; or

vi. Traveling to and from a federal, State, or local government building for a necessary purpose.

c. As used herein, "Permitted Outdoor Activities" means the following, done in compliance with paragraph III below, applicable Secretary's Directives, Health Officer Directives, and social distancing guidance published by CDC and MDH:

i. Outdoor exercise activities, such as walking, hiking, running, biking, or individual and small group sports such as golfing, tennis, and similar activities;

- ii. Outdoor fitness instruction but without access to indoor areas of sponsoring entity and subject to paragraph V. c. and paragraph V., g.iv. thru vi. below regarding social distancing and all outdoor classes are limited to no more than 10 people;
- iii. Recreational fishing, hunting, shooting, and archery;
- iv. Recreational boating;
- v. Horseback riding; and
- vi. Visiting cemeteries.

### III. *Gatherings Larger Than 10 Persons Prohibited.*

a. Social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events of more than 10 people (“large gatherings and events”) are hereby prohibited at all locations and venues, including but not limited to parades, festivals, conventions, and fundraisers.

b. Planned 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.

### IV. *Closure of Non-Essential Businesses, Generally.*

- a. This Order controls the occupancy and use of all 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-critical-infrastructure-during-covid-19>) (collectively, “Non-Essential Businesses”).
- b. Subject to paragraph IV.c, and paragraph V. of this order. all Non-Essential Businesses shall remain closed to the general public.
- c. Staff and owners may continue to be on-site at Non-Essential Businesses for only the following purposes (“Minimal Operations”):
- d.
  - 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;
  - v. Caring for live animals; and
  - vi. Subject to paragraph V., in the case of Non-Essential Businesses that are retail establishments, continuing to sell retail products on a delivery basis.

- e. All businesses, organizations, establishments, and facilities that are required to close pursuant to paragraph V, pursuant to Order of the Governor of the State of Maryland 20-05-06-01., shall be and remain closed in accordance with paragraph V of that Order.

*V. Closure of Certain Specific Businesses, Organizations, and Facilities.*

- a. Senior Centers. All senior citizen activities centers (as defined in Section i. of the Human Services Article of the Maryland Code) shall remain closed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.
- b. Restaurants and Bars.
  - i. This Order controls the occupancy and use of restaurants, bars, and other similar establishments that sell food or beverages for consumption on premises in Maryland (“Restaurants and Bars”). This Order does not apply to food or beverage services in health care facilities, which are expressly excluded from the definition of “Restaurants and Bars.”
  - ii. All Restaurants and Bars shall remain closed to the general public, except that, to the extent permitted by applicable law, and in accordance with any social-distancing recommendations of MDH, food and beverages may be:
    - 1. sold if such food or beverages are promptly taken from the premises, i.e., on a carry-out or drive-through basis; or
    - 2. delivered to customers off the premises.
- c. Fitness Centers.
  - i. This Order controls the occupancy and use of fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools in Maryland (“Fitness Centers”).
  - ii. All Fitness Centers shall remain closed to the general public, except that the portion of any Fitness Center that is licensed or otherwise permitted by applicable law, regulation, or order to provide child care services may remain open to the general public for the purpose of continuing to provide such child care services.
  - iii. Fitness Centers may sponsor outdoor fitness classes but the building must remain closed with no access to those taking outdoor classes. Outdoor classes are subject to Part V. g. iv. thru vi. below regarding proper social distancing and limiting classes to no more than 10 people.
- d. Theaters.
  - i. This Order controls the occupancy and use of theatres in Maryland at which live performances occur or motion pictures are shown (“Theaters”).
  - ii. All Theaters shall remain closed to the general public.

e. Malls.

- i. This Order controls the occupancy and use of shopping centers in Maryland that have one or more enclosed pedestrian concourses (“Enclosed Malls”).
- ii. The following portions of Enclosed Malls shall remain closed to the general public:
  1. pedestrian concourses and other interior common areas open to the general public, including without limitation, food courts; and
  2. retail establishments only accessible to the general public from enclosed pedestrian concourses or other interior areas.
- iii. This paragraph V.e does not require closure of retail establishments attached to Enclosed Malls that are directly accessible from the outside.
- iv. Notwithstanding paragraph V.e.ii, local governments may approve access by the general public to the following parts of Enclosed Malls:
  1. retail establishments (a) that primarily sell groceries or pharmacy products, or (b) at which licensed professionals provide health care services; and
  2. pedestrian concourses and other interior common areas, but solely to the extent necessary for the general public to access the retail establishments described in paragraph V.e.iv.1.

f. Other Recreational Establishments.

- i. This Order controls the occupancy and use of the following in Maryland (“Recreational Establishments”):
  1. bingo halls; 2. bowling alleys; 3. pool halls; 4. amusement parks;
  5. roller and ice-skating rinks; 6. miniature golf establishments; 7. Social and fraternal clubs, including without limitation, American Legion posts, VFW posts, and Elks Clubs; and 8. any other establishment not listed above that is subject to the admission and amusement tax under Title 4 of the Tax General Article of the Maryland Code.
- ii. All Recreational Establishments shall remain closed to the general public (including members, in the case of private clubs).
- iii. Effective as of 7:00 a.m. on May 7, 2020, notwithstanding anything to the contrary elsewhere in this Order, the following establishments in Maryland may open to the general public, subject to paragraph III above and all applicable Secretary’s Directives and physical distancing guidance published by CDC and MDH:
  1. golf courses and driving ranges; 2. outdoor archery and shooting ranges; 3. marinas and watercraft rental businesses; and
  4. campgrounds.

g. Retail Establishments – Effective May 27, 2020, at 9:00 a.m., retail businesses in Baltimore City that principally sell goods may open to the general public, *provided however*, that transactions shall occur curbside only.

- i. Employees of the establishment shall not allow customers into the premises and merchandise orders shall be brought out to them by the employees.
- ii. The retail businesses may provide customers with procedures for placing orders
- iii. Employees are required to wear protective face coverings at all times and maintain appropriate social distancing at all times.

iv. Operating Requirements.

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

1. applicable Local Orders;
2. applicable Secretary’s Directives;
3. applicable social distancing guidance published by CDC and MDH; and
4. orders issued by the applicable Local Health Officer pursuant to the Order of the Governor of the State of Maryland Number 20-0405-02, dated April 5, 2020, entitled “Delegating Authority to Local Officials to Control and Close Unsafe Facilities”, as it may be mended from time to time.

v. For avoidance of doubt, Retail Establishments shall continue to comply with the Order of the Governor of the State of Maryland Number 20-0415-01, 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”).

vi. Any business, organization, establishment, or facility in the State of Maryland 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, visitors, and/or staff about such requirement.

h. Other Miscellaneous Establishments.

i. This Order controls the occupancy and use of the following establishments Maryland:

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

ii. The establishments listed in paragraph V.h.i. above shall remain closed to the general public.



*VI. Specific Exclusions. For avoidance of doubt:*

- a. This Order does not require the closure of, or prohibit the movement of any staff or volunteer traveling to, from, or in connection with their duties at any:
  - i. federal, State, or local government unit, building, or facility;
  - ii. newspaper, television, radio, or other media service; or
  - iii. non-profit organization or facility providing essential services to low income persons, including, without limitation, homeless shelters, food banks, and soup kitchens.
- b. Paragraph II of this Order does not apply to:
  - i. Persons whose homes or residences have become unsafe, such as victims of domestic violence; and
  - ii. Persons who are experiencing homelessness, but governmental and other entities are strongly encouraged to make shelter available for such persons to the maximum extent practicable, in a manner consistent with the social distancing guidelines of the CDC and MDH.

*VII. 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.

*VIII. General Provisions*

- a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order under the terms of the Governor's Executive Orders.
- b. 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.
- c. 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.

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

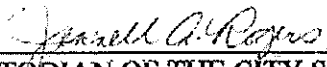
e. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

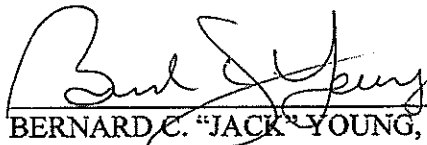
This Executive Order shall take effect immediately.

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

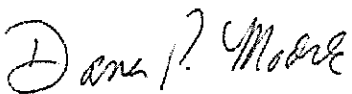
THIS 26<sup>th</sup> DAY OF May, 2020

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