

MAYORAL EXECUTIVE ORDER  
LIMITED OPENING OF RETAIL ESTABLISHMENTS

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 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, 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, 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 provided that restrictions of Local Orders are no less strict than the Governor’s Order;

WHEREAS, Governor’s Order No. 20-05-27-01 authorizes political subdivisions such as Baltimore City to issue Local Orders that are more restrictive than Order No. 20-05-27-01, 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, Order 20-05-27-01 also authorized local governments to relax certain restrictions on activities and businesses in the State;

WHEREAS, the state and local governments continue to increase their testing capacities and their contact tracing capabilities and continue to closely monitor hospitalization and hospital capacity;

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;

WHEREAS, The City desires to support local business organizations, establishments and facilities and assist them in increasing revenues and employment opportunities which will help stimulate the economy, and the City desires to support workers by ensuring the availability of safe employment Opportunities.

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 rescinded the Stay at Home provisions in prior Mayoral Orders. 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. This Order amends previous orders of the Mayor of Baltimore City regarding operations of retail establishments.

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. Non-Essential Businesses.**

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. Except as specifically provided in this Mayoral Order or any previous Mayoral order that provides for reopening of businesses and facilities in Baltimore City, Non-Essential Businesses shall remain closed to the general public.

1. Staff and owners may continue to be on-site at Non-Essential Businesses 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.

c. Closure By Other Order.

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

### **III. Retail Establishments**

a. Subject to applicable Local Orders and Secretary's Directives:

1. 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 does not exceed 5 people per 1,000 square feet.

b. Retail Establishments must comply with the following parameters when opening to the general public:

1. All breakrooms and other common areas should be limited to a maximum occupancy of 10 or fewer people, assuming physical distancing guidelines are met.

2. All staff and customers must wear masks or facial coverings and practice physical distancing of at least six feet apart at all times.
3. High touch areas (i.e. doorknobs, credit card machines, countertops, etc.), restrooms, breakrooms, and other common areas, must be cleaned and decontaminated frequently.
4. Retailers should institute screening procedures for employees before every shift.
5. All retailers must post signage at or near the front door reminding customers to wear masks and maintain physical distancing.

Retail Establishments.

#### **IV. Maximum Capacity**

a. With respect to any facility that is authorized to open under this Mayoral Order (a “Facility”), “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; or
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.

#### **V. 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 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

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.

b. For avoidance of doubt, businesses 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. 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.

f. 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.

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

h. 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 Friday, June 12, 2020 at 5:00 p.m.

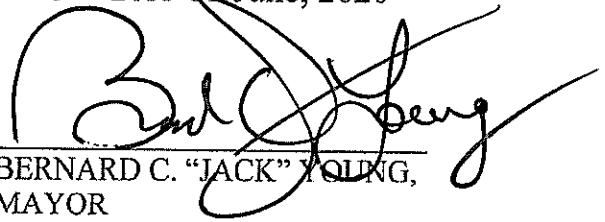
IN WITNESS WHEREOF I HAVE  
HEREUNTO PLACED MY HAND AND  
THE GREAT SEAL OF THE CITY OF  
BALTIMORE

THIS DAY OF June, 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