

MAYORAL EXECUTIVE ORDER
FURTHER CLARIFYING GUIDANCE
Effective November 12, 2020

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 exists;

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, to that end, Governor Hogan has issued a number of Executive Orders allowing for relaxation of certain restrictions on activities and businesses in the State the most recent being an Executive Order dated October 16, 2020 allowing reopening of certain businesses and facilities, subject to local regulation, and generally requiring use of face coverings (“Order No. 20-16-10-02”);

WHEREAS, in response to the various executive orders of the Governor and taking into account the data related to Baltimore City, the Mayor has issued a number of Mayoral Orders aimed at reducing community transmission rates while strategically advancing Baltimore's Public Health & Economic Recovery to COVID-19, the most recent being the September 8, 2020 Mayoral Executive Order Partial Reopening Pursuant to Phase Two;

WHEREAS, Order No. 20-16-10-02 authorizes political subdivisions such as Baltimore City to issue local orders that are more restrictive than Order No. 20-16-10-02, 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;

WHEREAS, between October 12, 2020 and Oct 31, 2020, the 7-day averages for rate of new COVID-19 cases per 100,000 increased 125% among Baltimore City residents and for percent positivity for COVID-19 tests among city residents increased by 124%;

WHEREAS, for the period October 2, 2020 through November 7, 2020, the number of COVID-19 patients in acute care beds increased 123% and the number of COVID-19 patients in ICU beds increased 113% in Baltimore City hospitals;

WHEREAS, between September 30, 2020 and November 5, 2020 the daily number (7-day average) of COVID-19 admissions to city hospitals increased by 100%;

WHEREAS, in light of these findings and in order to lessen the economic impact of restaurant and bar closures but still address these increases and slow any further spread of COVID-19, it is necessary to impose additional restrictions; and

WHEREAS, the Mayor of Baltimore City has consulted with public health experts and has concluded that the City must reintroduce certain restrictions in order to save lives or prevent exposure to COVID-19, as set forth herein.

NOW THEREFORE, I, Mayor Bernard C. “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.

B. Residents and visitors should practice safe physical distancing, comply with the Health Commissioner Updated Directive and Order Regarding Face Coverings in Public dated November 12, 2020 (the “Updated Masking Order”) and frequently wash their hands and sanitize high-touch areas. Employers should continue to encourage telework for their employees when possible.

C. The Mayoral Orders of June 22, 2020, July 22, August 7, 2020 and September 8, 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.

D. 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.

E. In accordance with Order No. 20-16-10-02, 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 10 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 with no fire marshal-rated certificate of maximum occupancy are limited to 10 persons.

D. Sports gatherings are permitted. Spectators are permitted only as provided in B and C above, whichever is applicable; provided however, that the limit for spectators at home Baltimore Ravens professional football games shall be governed by Order No. 20-16-10-02 which provides in pertinent part that the number of spectators for each designated section in the stadium is limited to 10%. Face covering and social distancing is required for anyone not participating in the sporting activity.

E. Permitted or otherwise authorized youth Sports gatherings are authorized

with no spectators (except parents or legal guardians) and face covering and social distancing are required.

III. Religious Facilities

A. Subject to any applicable State Orders, Secretary's Directives or Local Health orders, 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 25% 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 State Orders, Secretary's Directives or Local Health orders:

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 25% of that Retail Establishment's Maximum Occupancy (defined below).

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 25% capacity at any one time.

C. Businesses with a BD7 or D tavern license and with a separate packaged goods section that was in operation prior to March 5, 2020, may operate under and subject to this section IV.

D. In accordance with Maryland State interpretive guidance issued by the Office of Legal Counsel on March 23, 2020, businesses in the food and agriculture sector were permitted to remain open including, but not limited to, grocery stores and farmer's markets. As such, Northeast Market, Lexington Market, Hollins Market, Avenue Market and similar markets are permitted to remain open subject to the CDC guidance, social distancing and masking guidelines.

V. Indoor Recreational Establishments.

A. Provided that there is sufficient space for social distancing and masks are worn as required in the Updated Masking Order and subject to applicable State Orders, Secretary's Directives or Local Health orders, the following establishments in Maryland ("Indoor Recreation Establishments") may open to the general public, effective as of 5:00 p.m. on November 12, 2020 at 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;

B. As used in this paragraph:

1. the term "indoor area" has the meaning provided in COMAR10.19.04.02. 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 State Orders, Secretary's Directives or Local Health orders, the following establishments in Baltimore City may open to the general public at 25% of maximum capacity:

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. indoor pools – Subject to the requirements imposed by MDH Order 20-6-10-03:
 - I. The total number of persons permitted in an indoor facility (indoor pools, fitness centers or aquatic centers) at any one time shall not

exceed 25% of that facility's maximum occupancy as defined in the Executive Order No. 20-16-10-02.

7. outdoor day camps;
8. tour boats;
9. 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 State Orders, Secretary's Directives or Local Health orders, any indoor areas are limited to 25% of maximum capacity.

VII. Foodservice Establishments

A. Subject to B. below, any applicable State Orders, Secretary's Directives or Local Health orders, all restaurants, bars, nightclubs, adult entertainment and other similar establishments that sell food 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. 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 an indoor seating area of the Foodservice Establishment to exceed 25% of the Foodservice Establishment's Maximum Occupancy (defined below);
3. close indoor dining at 11:00 p.m.;
4. not serve food in a buffet format;
5. not serve customers who are not seated and eating;
6. not serve customers beverages in indoor seating areas 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. As used in this paragraph VII:

1. the term “indoor seating area” means a portion of a Foodservice Establishment that is an indoor area, as defined in COMAR 10.19.04.02.B(9);
2. the term “outdoor seating area” means a portion of a Foodservice Establishment that is not an indoor seating area; and
3. taverns and bars licensed as “Low Priority” food service facilities are not permitted to be open for indoor service but may provide carry out service provided that the beverages are in closed containers.

VIII. Fitness Centers

A. Subject to applicable State Orders, Secretary’s Directives or Local Health orders, 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 25% 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.

IX. Casinos

The total number of persons permitted in a casino at any one time shall not exceed 25% of its Maximum Occupancy (defined below).

X. Personal Services

A. Subject to applicable State Orders, Secretary’s Directives or Local Health orders 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 comply with the Updated Masking Order while inside any Personal Services Establishment.

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 25% 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.

XI. 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-critical-infrastructure-during-covid-19>) may open at 25% of maximum capacity to the general public including zoos, aquariums and museums.

XII. Theaters and Outdoor Entertainment Venues.

Subject to applicable State Orders, Secretary's Directives or Local Health orders:

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 25% of that Indoor Theaters’ Maximum Occupancy (defined below); 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 25% of that Outdoor Entertainment Venue’s Maximum Occupancy (defined below).

XIII. 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.

XIV. Face Coverings.

A. The use of face coverings is required as more fully set forth in the Updated Masking Order.

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

A. Senior Centers. All senior citizen activities centers (as defined in Section 10-501(a) 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:
 - if. 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.

XVI. 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:

- 1. Promptly and conspicuously post in the building or facility a copy of the MDH recommendations for social distancing; and
- 2. 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.

XVII. 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. Each law enforcement officer of the State or a political subdivision shall execute and enforce Order No. 20-10-16-02 and this Local Order pursuant to the terms of Order No, 20-10-16-02 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.

C. 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.

D. 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.

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.

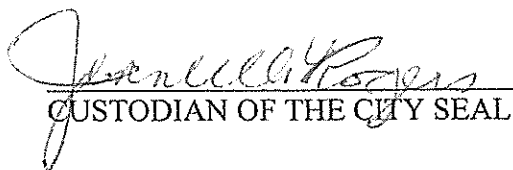
F. The bold paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

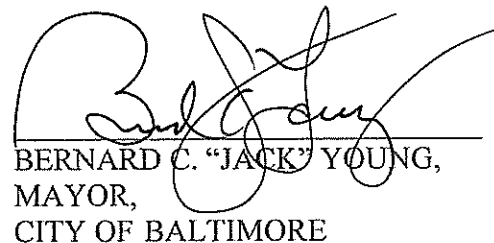
1. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve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

This Executive Order shall take effect Thursday, November 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 10th DAY OF November, 2020

ATTEST:


Jennell C. Rogers
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

A handwritten signature in blue ink that reads "Dana P. Moore". The signature is written in a cursive style with a large initial "D".

DANA P. MOORE
ACTING CITY SOLICITOR