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STEUART PITTMAN
County Executive

EXECUTIVE ORDER NUMBER 22

REOPENING ADDITIONAL BUSINESSES AND FACILITIES

WHEREAS, a state of emergency and catastrophic health emergency was proclaimed by Lawrence J. Hogan, the Governor of the State 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, on March 13, 2020, County Executive Steuart Pittman issued Executive Order No. 16 proclaiming a civil emergency in Anne Arundel County due to the rapid onset of the COVID-19 pandemic, which Executive Order was extended by the County Council on March 20, 2020, to continue for the duration of the Governor's state of emergency proclamation; and

WHEREAS, the effects of COVID-19 require that local officials be vigilant in advising the residents 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 continues to pose serious health risk for the citizens of Anne Arundel County, 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 stay at home for an undetermined period of time in an effort to arrest the increase in the number of residents contracting the virus;

WHEREAS, on May 13, 2020 the Governor issued Executive Order 20-05-13-01 which gave Maryland counties the discretion to review local data and make independent decisions about when it is appropriate to relax certain restrictions;

WHEREAS, at that time Anne Arundel County had met some, but not all, of the criteria that the Governor outlined in his four building blocks to reopen, and with the recommendation of
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the County Health Officer, on May 15, 2020, County Executive Stuart Pittman issued Executive Order No. 21, reopening certain businesses to customers with certain restrictions, and on May 29, 2020, issued Amended and Restated Executive Order No. 21, reopening additional businesses, including retail businesses, with certain restrictions;

WHEREAS, on May 27, 2020, the Governor issued Executive Order No. 20-05-27-01, allowing restaurants and certain outdoor facilities to open, with restrictions, and granting local governments the right to issue local orders more restrictive than Executive Order 20-05-27-01 if necessary and reasonable to save lives or prevent exposure to COVID-19;

WHEREAS, the County's Local Health Officer has identified certain criteria for determining when the restrictions imposed by the Governor's Executive Order 20-03-30-01 may be lifted, including ensuring adequate hospital capacity to provide care for COVID-19 positive patients; decreasing community spread and deaths due to COVID-19; sufficient testing capacity to test all symptomatic and high-risk asymptomatic individuals; sufficient supplies of personal protective equipment ("PPE"); adequate contact tracing capacity to suppress disease spread; and providing supplemental resources to at-risk populations;

WHEREAS, the County Executive and the County Health Officer have determined that the criteria identified by the Health Officer have been partially met in Anne Arundel County, and that the restrictions imposed by Amended and Restated County Executive Order No. 21 may be further relaxed but with restrictions that are necessary and reasonable to save lives and prevent exposure to COVID-19;

WHEREAS, to save lives and prevent further exposure to the COVID-19 virus in Anne Arundel County, it is necessary and reasonable to issue a local Executive Order that is more Restrictive than the Governor's Executive Order 20-05-27-01, while at the same time providing relief to the many businesses affected by the COVID-19 pandemic;

NOW, THEREFORE, I, Stuart Pittman, County Executive, by virtue of the authority vested in me by the Charter and laws of Anne Arundel County, Maryland, and §§ 1-6-101 *et. seq.* of the Anne Arundel County Code, and pursuant to the authority granted in Governor Hogan's Executive Order 20-05-27-01, and to save lives and prevent further exposure to the COVID-19 virus within Anne Arundel County and the State of Maryland, do hereby proclaim and order on this 29th day of May, 2020:

1. This Executive Order No. 22 is a Local Order as described in, contemplated by, and authorized by Governor Hogan's Executive Order 20-05-27-01, to modify certain provisions of Section III of Governor Hogan's Executive Order 20-05-27-01.
2. Restaurants, bars, and other similar establishments in Anne Arundel County that sell food or beverages for consumption on-premises with dining facilities ("Restaurants") and social and fraternal clubs including, without limitation, American Legion posts, VFW posts, and Elks Club ("Social Clubs") may, to the extent permitted by applicable law, serve food and beverages for

consumption in outdoor seating areas; sell food and beverages that are promptly taken from the premises on a carry-out or drive-through basis; and deliver food and beverages to customers off the premises.

3. All Restaurants and Social Clubs that serve food and beverages to customers in outdoor areas shall:

- a. Require all staff to wear face coverings, in accordance with the Governor's Executive Order No. 20-04-15-01, dated April 15, 2020;
- b. Ensure that patrons are seated at least six feet away from each other, except for households seated together;
- c. Not allow groups of more than six persons to be seated together, except members of the same household;
- d. Not serve food in a buffet format;
- e. Clean and disinfect each table between each seating in accordance with DCD and MDH guidelines, using cleaning products that meet the criteria of the U. S. Environmental Protection Agency for use against COVID-19; and
- f. Comply with the "Criteria for Reopening Restaurants and Social Clubs as a Temporary Use," attached hereto and adopted by reference herein.

4. The County Planning and Zoning Officer, after consultation with the County Health Officer, may amend or modify the "Criteria for Reopening Restaurants and Social Clubs as a Temporary Use" if necessary to save lives and prevent further exposure to the COVID-19 virus in Anne Arundel County.

5. The following additional outdoor recreation uses may open:

- A. drive-in movie theaters;
- B. outdoor swimming pools may open starting June 5, provided each such pool is first inspected and approved by the County Health Department, and all pools shall operate in compliance with the "Directive and Order regarding Swimming Pools issued by the Maryland Department of Health pursuant to Executive Order 20-05-27-01, No. MDH 2020-05-27-01" dated May 27, 2020;
- C. outdoor day camps in accordance with the Governor's Executive Order No. 20-05-27-01; and
- D. tour boats.

6. All Restaurants, Social Clubs, and outdoor recreational uses that are permitted to be open under this Executive Order shall comply with:

- A. All local Executive Orders (as amended) and all Orders and guidance from the County Health Officer, including the "Order for Public Safety" issued by County Health Officer Nilesh Kalyanaraman on April 14, 2020, to the extent such Orders are not inconsistent with this Executive Order;

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- B. All State Executive Orders (as amended) as modified by this Local Order;
 - C. Any applicable directives from the State Secretary of Health;
 - D. applicable social distancing guidance published by the Centers for Disease Control and the Maryland Department of Health; and
 - E. All applicable Federal, State and local laws.

7. The provisions of Article 9, Title 1, Subtitle 2 of the County Code (“Alcoholic Beverages”) are suspended for the duration of this Executive Order to the extent those provisions are inconsistent with the provisions of §§ 2 and 3 hereof.

8. Except for § III(e) and (f) as modified herein, all provisions of Governor Hogan’s Executive Order No. 20-05-27-01 dated May 27, 2020, are unaffected by this local Executive Order and shall apply in Anne Arundel County.

9. This Executive Order shall take effect as of 5:00 p.m. on May 29, 2020, and shall continue until the local proclamation of emergency expires or is terminated.

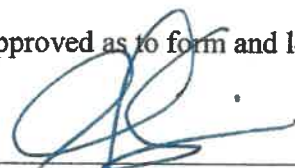
10. The Public Information Officer shall immediately disseminate notice of this Executive Order to the appropriate news media and to the general public.

This Executive Order shall be archived at the Office of Law and remain in existence until altered or terminated by a subsequent Executive Order.

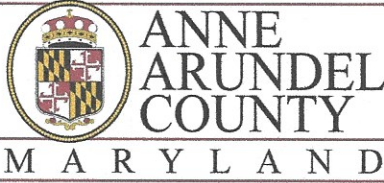


STEUART PITTMAN
County Executive

Approved as to form and legal sufficiency:



Gregory J. Swain
County Attorney



Office of Planning and Zoning

2664 Riva Road, P.O. Box 6675
Annapolis, MD 21401
410-222-7450

Steve Kaii-Ziegler, AICP
Planning and Zoning Officer

**Criteria for Reopening Restaurants and Social Clubs as a Temporary Use
Anne Arundel County, Maryland
Effective as of May 29, 2020, 5:00 p.m. per County Executive Order No. 22.**

Anne Arundel County understands this pandemic has had a significant impact on the health and well-being of our citizens as well as the business community. During these difficult times, we want to provide guidance to food service establishments for the **sale and consumption of food and beverages** to customers in outdoor seating areas.

We determined that within the confines of County law, there is an opportunity to provide guidelines for outdoor dining that would streamline the process and provide a path forward for an improved economic outlook for your business endeavors.

Anne Arundel County will authorize outdoor seating for food and beverage service uses as a temporary use for up to 180 days, until or unless the emergency is lifted or revised by executive order.

Of special importance, a permit application is not required for the temporary use. The temporary use may commence at 5:00 p.m. on 5/29/2020 if the use complies with the criteria listed below.

The following criteria are being established with the understanding that outdoor seating would have to be done with true adherence to social distancing and other public health and safety laws and practices. Anne Arundel County will adhere to the State of Maryland's "Best Practices for Businesses to Reopen for Restaurants and Bars." The link for that guidance is provided here:

<https://commerce.maryland.gov/Documents/BusinessResource/Restaurants-bars-COVID-19-Best-Practices.pdf>

Anne Arundel criteria for outdoor seating relating to food and beverage service as a Temporary Use are as follows:

- Up to 50% of the facilities approved capacity can be used for outside seating, providing a letter of permission is obtained from owners of the outside space (if applicable);
- If/When future executive orders allow for indoor seating within the facility at less than 100% capacity, the facility may combine use of indoor and outdoor seating to achieve up to the facilities approved capacity, providing a letter of permission is obtained from owners of the outside space (if applicable);
- Ensure the number and location of tables are spaced to accommodate 6 feet of social distancing between each seated party;
- Ensure patrons are seated at least six feet away from each other, except for households seated together;
- If the outside dining area includes use of sidewalk, grassed area, or parking pad or lot, the dining area should be clearly delineated as outside seating with use of bollards, landscaping planters, fencing, etc.;
- If outside dining area includes the use of parking lot(s):
 1. ADA accessible parking spaces cannot be used;
 2. Traffic flow into and out of the site shall not be blocked; and,
 3. Fire lanes for emergency vehicles shall remain unobstructed to maintain adequate clearance to meet Fire Code standards.
- If indoor restrooms facilities are to be used, provide points of access to restroom facilities;
- Outdoor seating space cannot be more than 500 feet away from the restrooms;
- Any tent over 200 square feet requires a building permit (visit the County website for instructions: https://www.aacounty.org/departments/inspections-and-permits/permit-center/IP_Projects/commercial-tent);
- Proposed use of electric or plumbing outdoors must comply with code requirements;
- Liquor Board approval may be needed, if not covered in the executive order; and,
- The land shall be entirely cleared of the temporary use within five days after the expiration of the period.

Failure to abide by any State or local executive orders regarding public gatherings and other COVID-19 related restrictions will be grounds for the County to revoke authorization of the temporary use for outdoor seating. As previously noted, all County laws that currently apply to your business remain in effect.

All business use must operate in accordance with CDC and MDH COVID guidelines.