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STUART PITTMAN
County Executive

EXECUTIVE ORDER NUMBER 35

**EXTENDING AUTHORIZATION FOR OUTDOOR SEATING
FOR DINING 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, April 10, 2020, May 6, 2020, June 3, 2020, July 1, 2020, August 10, 2020, September 8, 2020, and October 6, 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 Stuart 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;

WHEREAS, on March 30, 2020, the Governor issued Executive Order No. 20-03-30-01 which ordered all nonessential employees in the State to stay at home for an undetermined period of time and imposed operating restrictions on business in the State in an effort to arrest the increase in the number of residents contracting the virus (the "Stay At Home" Order);

WHEREAS, since March 30, 2020, both the Governor and the County Executive have issued various Executive Orders relaxing the provisions of the Governor's Stay At Home Order and allowing certain businesses formerly ordered to be closed to reopen, under certain conditions to ensure public safety;

WHEREAS, on October 16, 2020, the Governor issued Executive Order No. 20-10-16-02, restating and revising portions of the Governor's prior Executive Orders;

WHEREAS, the Governor's Executive Order No. 20-10-16-02 also allows local jurisdictions to issue orders more restrictive than Executive Order No. 20-10-16-02 if the local jurisdiction determines doing so is necessary and reasonable to save lives or prevent exposure to COVID-19;

WHEREAS, on June 12, 2020, the County Executive issued local Executive Order No. 25, imposing stricter restrictions on certain uses than the Governor's Executive Order No. 20-06-10-01, including restrictions on restaurants, bars, and similar establishments that sell food or beverage for consumption on-premises in outdoor dining facilities;

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 to local jurisdictions in Governor Hogan's Executive Order Nos. 20-10-16-02, 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 26th day of October, 2020:

1. This Executive Order No. 35 is a Local Order as described in, contemplated by, and authorized by Governor Hogan's Executive Order No. 20-10-16-02, to modify certain provisions of local Executive Order No. 25.

2. Paragraph No. 6 of local Executive Order 25 is restated and revised herein to extend the authorization for outdoor seating for food and beverage services as a temporary use. Restaurants, bars, and other similar establishments in Anne Arundel County that sell food or beverages for consumption on-premises in outdoor dining facilities ("Restaurants"), including social and fraternal clubs, including without limitation, American Legion posts, VFW posts, and Elks Club ("Social Clubs") shall comply with the "Criteria for Reopening Restaurants and Social Clubs as a Temporary Use" attached to County Executive Order 25, except that the 180 day temporary use period stated therein shall hereby be extended to 360 days.

3. All provisions of any local or State Executive orders not specifically revised herein shall remain in full force and effect.

4. This Executive Order shall take effect as of October 26, 2020, at 5:00 p.m., and shall continue until terminated by subsequent Executive Order or until the local proclamation of emergency expires or is terminated.

5. 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.



STEUART PITTMAN
County Executive

Approved as to form and legal sufficiency:

Gregory J. Swain
County Attorney