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STEUART PITTMAN
County Executive

EXECUTIVE ORDER NUMBER 32

IMPOSING LOCAL RESTRICTIONS ON CERTAIN USES

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, and September 8, 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 in an effort to arrest the increase in the number of residents contracting the virus (the "Stay At Home" Order);

WHEREAS, on May 13, 2020, the Governor issued Executive Order No. 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, 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, 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 September 1, 2020, the Governor issued Executive Order No. 20-09-01-01, increasing the capacity limits for religious facilities and retail establishments from 50% of capacity to 75% of capacity, and allowing indoor theaters and outdoor entertainment venues to open, provided the capacity for indoor theaters does not exceed 50% of the facility's maximum capacity or 100 persons, whichever is less, and that the capacity for outdoor venues does not exceed 50% of the facilities maximum capacity or 250 persons, whichever is less. Said capacity limits were maintained in Executive Order 20-09-18-01 issued on September 18, 2020;

WHEREAS, on September 18, 2020, the Governor issued Executive Order No. 20-09-18-01, increasing the capacity of persons permitted in a Foodservice Establishment to 75% of the Foodservice Establishment's Maximum Occupancy;

WHEREAS, the Governor's Executive Order No. 20-09-18-01 also allows local jurisdictions to issue orders more restrictive than Executive Order 20-09-18-01 if the local jurisdiction determines doing so is necessary and reasonable to save lives or prevent exposure to COVID-19;

WHEREAS, the County Executive and the County Health Officer have determined that the health metrics and current COVID-19 data require the imposition of further protective measures to slow and stop the transmission of COVID-19.

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 No. 20-09-18-01, 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 21st day of September, 2020:

1. This Executive Order No. 32 is a Local Order as described in, contemplated by, and authorized by Governor Hogan's Executive Order No. 20-09-18-01, to modify certain provisions of Governor Hogan's Executive Order No. 20-09-18-01 by imposing more restrictive limitations on certain uses.
2. The total number of persons permitted in a Religious Facility (as defined in the Governor's Executive Order 20-09-18-01) at any one time shall not exceed 50% of that Religious Facility's Maximum Occupancy (as defined in the Governor's Executive Order 20-09-18-01).
3. The total number of persons permitted in a Retail Establishment (as defined in the Governor's Executive Order 20-09-18-01) at any one time shall not exceed 50% of that Retail

Establishment's Maximum Occupancy (as defined in the Governor's Executive Order 20-09-18-01).

4. The total number of persons permitted in Foodservice Establishments (as defined in Governor's Executive Order 20-09-18-01) shall not exceed 50% of the establishment's Maximum Occupancy (as defined in Governor's Executive Order 20-09-18-01). Restaurants, bars, and similar establishments that sell food and alcoholic beverages, or alcoholic beverages only, for consumption on-premises in indoor dining facilities shall cease all indoor service at 10:00 p.m. daily.

5. Indoor Theaters and Outdoor Entertainment Venues (as defined in the Governor's Executive Order 20-09-18-01) may commence operations at 9:00 a.m. on September 25, 2020 under the terms set forth in the Governor's Executive Order 20-09-18-01, except that Outdoor Entertainment Venues where live performances occur or motion pictures are shown outdoors may open to the general public at 50% capacity, or 100 people, whichever is less, with appropriate health and safety protocols in place.

6. Indoor social gatherings of more than 25 people are hereby prohibited. Outdoor social gatherings of more than 50 people are hereby prohibited. For the purposes of this Executive Order No. 32, "social gatherings" do not include gatherings at retail stores, offices, restaurants, casinos, youth sports, gatherings for religious or spiritual purposes on the premises of a religious or spiritual facility, wedding receptions (subject to the restrictions for Foodservice Establishments in the Governor's Executive Order 20-09-18-01), Indoor Theaters and Outdoor Entertainment Venues (as defined in the Governor's Executive Order 20-09-18-01), or organized events covered by ¶ 7 hereof. "Social gatherings" include, but are not limited to, parties, cookouts, parades, festivals, conventions, fundraisers, and other gatherings that are not associated with operating or patronizing a business that sells merchandise.

7. Organized outdoor events with designated event organizers to ensure compliance with face covering and social distancing requirements, but the total number of persons permitted at such an event is limited to 100 people.

8. All businesses and uses permitted to be open under the Governor's Executive Order 20-09-18-01 or any other State or local Executive Order, shall also comply with:

A. The County Executive's Executive Order Nos. 25, 27, and 29, and all Orders and guidance from the County Health Officer, including any "Order for Public Safety" issued by the County Health Officer, to the extent such Orders are not inconsistent with this Executive Order No. 32;

B. All State Executive Orders (as amended), as modified by this Executive Order No. 32 and local Executive Order Nos. 25, 27, and 29;

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.

9. All other provisions of the Governor's Executive Order No. 20-09-18-01 dated September 18, 2020, shall apply in Anne Arundel County.

10. In addition to the authority of the County Health Officer to order the closure of any Religious Facility, Retail Establishment, Indoor Theater or Outdoor Entertainment Venue for a violation of any State or local Executive Order or Order for Public Safety, the owner of a business that violates this Executive Order No. 32 is guilty of a misdemeanor under Governor Hogan's Executive Order 20-06-10-01 and shall be subject to imprisonment not exceeding one year and a fine not to exceed \$5,000, based on the following fine schedule: \$500 for a first offense, \$1,000 for a second offense, and \$5,000 for a third offense.

11. This Executive Order shall take effect as of 5:00 p.m. on Monday, September 21, 2020, and shall continue until terminated by subsequent Executive Order or until the local proclamation of emergency expires or is terminated.

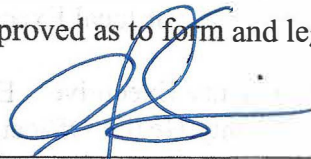
12. The Public Information Officer shall immediately disseminate notice of this Executive Order to the appropriate news media and to the general public.

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