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STEUART PITTMAN
County Executive

EXECUTIVE ORDER NUMBER 33

**EASING LOCAL RESTRICTIONS ON MALL FOOD COURTS
AND INDOOR 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, 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 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;

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

WHEREAS, on September 28, 2020, the Governor issued Executive Order No. 20-09-28-01, restating portions of the Governor's Executive Order No. 20-09-28-01 relevant to this Executive Order No. 33;

WHEREAS, the Governor's Executive Order Nos. 20-09-18-01 and 20-09-28-01 also allow local jurisdictions to issue orders more restrictive than Executive Order No. 20-09-18-01 or 20-09-28-01 if the local jurisdiction determines doing so is necessary and reasonable to save lives or prevent exposure to COVID-19;

WHEREAS, on September 21, 2020, the County Executive issued local Executive Order No. 32, imposing stricter restrictions on certain uses than the Governor's Executive Order No. 20-09-18-01, including limiting the capacity of Foodservice Establishments to 50% of capacity and requiring indoor dining facilities to cease all indoor service at 10:00 p.m.;

WHEREAS, the County Executive and the County Health Officer have determined that the health metrics and current COVID-19 data allow previously imposed restrictions on certain uses to be eased.

NOW, THEREFORE, I, Steuart 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. 20-09-18-01 and 20-09-28-01, 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 1st day of October, 2020:

1. This Executive Order No. 33 is a Local Order as described in, contemplated by, and authorized by Governor Hogan's Executive Order Nos. 20-09-18-01 and 20-09-28-01, to modify certain provisions of local Executive Order Nos. 27, as amended, and 32.

2. Paragraph No. 5 of local Amended and Restated Executive Order No. 27 is hereby rescinded. Foodservice Establishments located in food courts in indoor shopping malls may open for dining at tables or other spaces in food courts, provided the total number of persons in a food court at any one time does not exceed 50% of the area's Maximum Occupancy (as defined in the Governor's Executive Order No. 20-09-18-01). Pedestrian areas in indoor shopping malls may remain open to provide access to retail stores and food service establishments, provided congregation in any indoor areas outside retail stores is prohibited.

3. Paragraph No. 3 of local Amended and Restated Executive Order No. 27 and Paragraph No. 4 of local Executive Order No. 32 are hereby rescinded. The total number of persons permitted in Foodservice Establishments (as defined in Governor's Executive Order No. 20-09-18-01) shall not exceed 50% of the establishment's Maximum Occupancy (as defined in Governor's Executive Order No. 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 facilities shall cease alcohol service in indoor facilities at 10:00 p.m. daily, and shall require and ensure that all customers vacate indoor facilities by 11:00 p.m.

4. All businesses and uses permitted to be open under the Governor's Executive Order Nos. 20-09-18-01 or 20-09-28-01, or any other State or local Executive Order, shall also comply with:

A. The County Executive's Executive Order Nos. 25, 27, as amended, 29, and 32, 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. 33;

B. All State Executive Orders (as amended), as modified by this Executive Order No. 33 and local Executive Order Nos. 25, 27, as amended, 29, and 32;

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.

5. All other provisions of the Governor's Executive Order No. 20-09-18-01, dated September 18, 2020, and the Governor's Executive Order 20-09-28-01, dated September 28, 2020, shall apply in Anne Arundel County.

6. 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. 33 is guilty of a misdemeanor under Governor Hogan's Executive Order No. 20-06-10-01 and shall be subject to imprisonment not to exceed 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.

7. This Executive Order shall take effect as of 5:00 p.m. on Friday, October 2, 2020, and shall continue until terminated by subsequent Executive Order or until the local proclamation of emergency expires or is terminated.

8. 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