



ARUNDEL CENTER
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STEUART PITTMAN
County Executive

AMENDED AND RESTATED EXECUTIVE ORDER NUMBER 39

**RESTATING AND CLARIFYING CERTAIN RESTRICTIONS AND
IMPOSING ADDITIONAL RESTRICTIONS**

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, October 6, 2020, October 29, 2020, and November 25, 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 November 17, 2020, the Governor issued Executive Order No. 20-11-17-01, restating and revising portions of the Governor's prior Executive Orders, and imposing stricter capacity limits and closing times on Foodservice Establishments;

WHEREAS, the Governor's Executive Order No. 20-11-17-01 allows local jurisdictions to issue orders more restrictive than Governor's Executive Order No. 20-11-17-01 if the local

jurisdiction determines doing so is necessary and reasonable to save lives or prevent exposure to COVID-19;

WHEREAS, the spread of COVID-19 within Anne Arundel County has increased dramatically over the past several weeks and has caused an unprecedented impact on hospital capacity, necessitating additional restrictive measures to save lives and prevent further exposure to 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 the Governor's Executive Order No. 20-11-17-01, 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 16th day of December, 2020:

1. This Amended and Restated Executive Order No. 39 is a Local Order as described in, contemplated by, and authorized by the Governor's Executive Order No. 20-11-17-01, to impose additional restrictions deemed necessary to save lives and prevent exposure to COVID-19.
2. Local Executive Order Nos. 25, 27, 29, 32, 33, 35, 37, and 38 are hereby further amended and restated in their entirety, the intent being that all restrictions imposed by Local Executive Orders are set out in full herein and shall control in the event of a conflict with any previous Local Executive Order.
3. As used in this Amended and Restated Executive Order No. 39: (a) "Maximum Occupancy" and "Face Coverings" have the meaning as set forth in the Governor's Executive Order No. 20-11-17-01; (b) "Mandatory Health & Safety Protocols" means social distancing of at least 6 feet, wearing Face Coverings as required by the Governor's Executive Order No. 20-11-17-01, and complying with the latest guidance from the Centers for Disease Control and the Maryland Department of Health regarding social distancing.
4. All persons at any establishment, facility or venue covered under this Amended and Restated Executive Order No. 39 or the Governor's Executive Order 20-11-17-01 shall comply with the Mandatory Health & Safety Protocols.
5. The County Executive strongly recommends that all persons within Anne Arundel County continue following the latest guidance from the Centers for Disease Control and the Maryland Department of Health regarding social distancing, including, without limitation, avoidance of large gatherings and crowded places.
6. All Personal Services Establishments (as defined in the Governor's Executive Order No. 20-11-17-01) shall continue to comply with the "Revised COVID-19 (Coronavirus) Guidance for Personal Services Establishments at Stage 2 Recovery," issued by the Anne Arundel County Department of Health on June 3, 2020, a copy of which is attached hereto and adopted by reference herein, and all applicable Orders for Public Safety issued by the Department. The total number of persons permitted in a Personal Services Establishment at any one time shall not exceed 25% of that Establishment's Maximum Occupancy.

7. The total number of persons permitted in a Religious Facility (as defined in the Governor's Executive Order No. 20-11-17-01) at any one time shall not exceed 33% of that Religious Facility's Maximum Occupancy. A Religious Facility may hold outdoor services for Christmas, Hanukkah or other recognized religious holidays with a gathering limit of no more than 250 persons, provided the Facility requires strict adherence to the Mandatory Health and Safety Protocols.

8. The total number of persons permitted in a Retail Establishment (as defined in the Governor's Executive Order No. 20-11-17-01) at any one time shall not exceed 25% of that Retail Establishment's Maximum Occupancy, or for any Retail Establishment without a posted Maximum Occupancy, 150 square feet of public space per person. All Retail Establishments shall comply with the Order for Public Safety issued by the County Department of Health on April 14, 2020, a copy of which is attached hereto.

9. Fellowship Addiction Recovery meetings are permitted, including, without limitation, Alcoholics Anonymous and Narcotics Anonymous, with a capacity limit of 25% of the Maximum Occupancy of the facility where the meeting is held or 50 persons, whichever is less.

10. Foodservice Establishments (as defined in the Governor's Executive Order No. 20-11-17-01) located in food courts in indoor shopping malls may open for carryout, delivery, or curbside service only. Pedestrian areas in indoor shopping malls may remain open to provide access to Retail Establishments and Foodservice Establishments, provided congregation in any indoor areas outside any Retail Establishment is prohibited.

11. All Foodservice Establishments (as defined in Governor's Executive Order No. 20-11-17-01), including wineries or breweries, that sell or serve beverages or food for consumption indoors, may open for carryout, delivery, curbside service, or outdoor dining. Outdoor service of food and alcohol is permitted, provided any covering over a seating area shall have no less than 50% of the sides up at all times, and provided that all service of food and alcohol complies with the Governor's Executive Order No. 20-11-17-01. All outdoor service is subject to the "Criteria for Reopening Restaurants and Social Clubs as a Temporary Use," a copy of which is attached hereto, but is not limited to the 50% capacity stated therein. Food distribution sites that serve or donate food to people in need at no cost may continue to operate subject to Mandatory Health and Safety Protocols.

12. Social Clubs (as defined in the Governor's Executive Order No. 20-11-17-01) including American Legion posts, VFW posts, and Elks Clubs, may not sell or serve food or beverages for consumption on-premises in indoor or outdoor dining areas or facilities. The total number of persons permitted in a Social Club at any one time shall not exceed 25% of that Social Club's Maximum Occupancy.

13. Indoor social gatherings of more than 10 people are hereby prohibited. Outdoor social gatherings of more than 25 people are hereby prohibited. For the purpose of this Amended and Restated Executive Order No. 39, "social gatherings" does not include activities, facilities or venues that have a specific capacity limit or are ordered closed under this Amended and Restated

Executive Order No. 39. "Social gatherings" includes, but is not limited to, family gatherings, parties, cookouts, parades, festivals, conventions, fundraisers, flea markets, yard sales, and other gatherings that are not associated with operating or patronizing a business that sells merchandise from a location with a posted Maximum Occupancy.

14. All organized sports and sports practices in Anne Arundel County, including private school sports, are suspended.

15. Private gyms and religious facilities with gyms or activity or play spaces may not allow those spaces to be used for sports, sports practices, or group classes for fitness, training, or conditioning. Fitness Centers (as defined in the Governor's Executive Order No. 20-11-17-01) may not allow sports or sports practices but may conduct classes or group fitness activities provided said activities are held in a space that provides at least 150 square feet per participant. 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. All staff and customers shall wear face coverings at all times and meet the Mandatory Health and Safety Protocols.

16. Gaming Facilities (as defined in the Governor's Executive Order No. 20-11-17-01), including casinos, may not serve or sell alcohol or food except for carryout, delivery or curbside service. The total number of persons permitted in a Gaming Facility at any one time shall not exceed 25% of that Gaming Facility's Maximum Occupancy.

17. Indoor Theaters (as defined in the Governor's Executive Order No. 20-11-17-01) shall close.

18. Indoor or outdoor venues where live performances occur shall close.

19. Pool halls and billiard halls shall close.

20. Live call bingo is not permitted.

21. Roller rinks and indoor ice rinks may operate, but no more than 10 persons may be on the ice or on the rink at any one time, and no more than 10 additional persons who are non-employees may be in the facility at any one time. Bowling Alleys may continue to operate, provided there is no sale or service of alcohol or food, and provided further that the total number of persons permitted in a Bowling Alley at any one time shall not exceed 25% of that Bowling Alley's Maximum Occupancy. Electronic bingo (no live call) is permitted, provided it is held in a space that provides at least 150 square feet per occupant, and provided the total number of persons permitted in any such facility at any one time shall not exceed 25% of that facility's Maximum Occupancy.

22. Outdoor Sporting Venues (as defined in the Governor's Executive Order No. 20-11-17-01), including professional, semi-professional, amateur, recreational, collegiate, high school and motor sports venues, shall close, except that professional or collegiate sports at an Outdoor Sporting Venue may be conducted provided spectators are not permitted.

23. Adult Entertainment venues shall close.

24. Cigar and hookah lounges shall close, but retail sales are still permitted, subject to the Retail Establishment capacity limits.
25. Local annual license fees for Foodservice Establishments assessed under § 11-6-101 of the County Code are waived and deemed paid for calendar year 2021.
26. This Amended and Restated Executive Order No. 39 shall control in the event of a conflict between the terms of this Local Executive Order and any previous Local Executive Order.
27. All businesses and uses permitted to be open under the Governor's Executive Order No. 20-11-17-01 or any other State or local Executive Order, shall also comply with:
- A. All previous Local Executive Orders 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 Amended and Restated Executive Order No. 39;
 - B. All State Executive Orders (as amended), as modified by this Amended and Restated Executive Order No. 39;
 - C. Any applicable directives from the State Secretary of Health;
 - D. Mandatory Health & Safety Protocols and any additional guidance published by the Centers for Disease Control and the Maryland Department of Health, and requirements for Face Coverings as set forth in the Governor's Executive Order No. 20-11-17-01; and
 - E. All applicable Federal, State and local laws.
28. All other provisions of the Governor's Executive Order No. 20-11-17-01 shall apply in Anne Arundel County, unless specifically modified herein.
29. In addition to the authority of the County Health Officer to order the closure of any business, organization, establishment or facility for a violation of any State or Local Executive Order or Order for Public Safety, the owner of a business that violates this Amended and Restated Executive Order No. 39 is guilty of a misdemeanor under the Governor's Executive Order No. 20-11-17-01 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.
30. This Amended and Restated Executive Order shall take effect as of 5:00 p.m. on Wednesday, December 16, 2020, and shall continue until terminated by subsequent Executive Order, or the local proclamation of emergency expires or is terminated, or January 13, 2021, whichever occurs first.

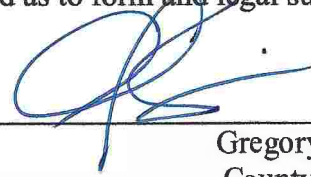
31. The County Public Information Office shall immediately disseminate notice of this Executive Order to the appropriate news media and to the general public.

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



This guidance is based on current information known about the COVID-19 (Coronavirus). The Centers for Disease Control and Prevention (CDC) and the AACO DOH will provide updated guidance as needed and as additional information becomes available. Please continue to check the [CDC](#) and the [AACO DOH](#) websites routinely for updated guidance.

This guidance is intended for Personal service establishments including Barber Shops, Beauty Salons, tattoo parlors, tanning salons, massage parlors and establishments that provide esthetic services in Anne Arundel County based on meeting social distance, large gatherings and face mask requirements. These requirements will stay in effect until further notice.

Guidance for Personal Service Establishments During COVID19 Social Distancing Limitations

Personal Service Establishments are allowed to operate only under the following circumstances:

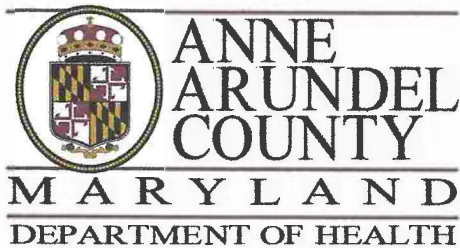
- Services can only be provided by appointment, no walk in services;
- Customers cannot wait inside the shop. If you wait outside the shop, you must be six feet from any other people waiting. Shop attendant will text you making you aware your appointment is now ready;
- Suggest customers bring their individual towel to sneeze into in case of the need to sneeze;
- Screening for COVID-19 symptoms must be provided prior to performing services; sick patrons should not enter the premise;
- Salon chairs and service stations for services must be at least six (6') apart when occupied for services OR a partition should be installed in-between chairs or stations that are less than six (6') apart.;
- Maximum occupancy will be based on 100 square foot per person. Example a 2,000 square foot establishment can have twenty (20) people in the salon at one time;
- Since COVID-19 is airborne consider eliminating blow drying at this time;
- Assure HVAC systems are in proper working order and filters are changed on a regular basis; Doors should not be propped open to allow excessive air circulation;
- Both the customer and Personal Service Establishment staff must wear face coverings, in accordance with Executive Order of The Governor No. 20-04-15-01, dated April 15, 2020, except to the extent that a Face Covering on the customer would make it impossible for services to be performed;
- Allow sufficient time in between appointments for proper disinfection;
- After each customer, the Personal Service Establishment staff must clean and disinfect the area where services were performed. Wear disposable gloves when cleaning and disinfecting surfaces. Use of an approved disinfectant is required. Properly wash your hands after each customer;

- At the end of a shift all tools and utensils must be properly disinfected; Have multiple tools available to be readily used;
- At the end of shifts all towels, gowns, sheets, and aprons should be washed in the warmest water recommended for the fabric;
- When at all possible promote payment by credit/debit card, if paper money must be handled limit hand to hand touch by having the customer place the money on the counter. Always wash your hands after touching money;
- Customers are not allowed to linger in the establishment. Once services are completed, please have customers leave the salon;
- The Establishment must obtain telephone contact information for each customer. If any staff of the Establishment test positive for COVID-19, the Establishment must promptly notify all customers who received services in the 14 day period immediately preceding the date on which the test results are positive; Contact the Department of Health so proper contact tracing can be performed limiting more risk to others;
- Have hand sanitizer readily available for employees and customers;
- It is each customer and establishment employees personal responsibility to protect others from any risk of infection;

Additional Information:

CDC Resources

- [What you need to know about coronavirus disease 2019 \(COVID-19\)](#)
- [COVID-19 Frequently Asked Questions and Answers](#)
- [What to do if you are sick with COVID-19](#)
- [Environmental Cleaning and Disinfection Recommendations](#)



Nilesh Kalyanaraman, M.D., F.A.C.P.
Health Officer

ANNE ARUNDEL COUNTY DEPARTMENT OF HEALTH

ORDER FOR PUBLIC SAFETY

REQUIRING FACE COVERINGS AND ENHANCED SOCIAL DISTANCING IN PUBLIC PLACES

NILESH KALYANARAMAN, M.D., Health Officer for Anne Arundel County, pursuant to COMAR 10.06.01.06 and the authority delegated to County Health Officers by Governor Larry Hogan's Executive Order No. 20-04-05-02, and finding it necessary for the control and medical containment of COVID-19 in Anne Arundel County, hereby orders and directs the following:

1. Customers of any retail business deemed essential and permitted to remain open by the Governor's Executive Order No. 20-03-30-01 (as amended) are hereby ordered and directed to wear face coverings when visiting the establishment, except where doing so would inhibit that individual's health or where the individual is under two years of age.
2. Employees of any retail business deemed essential and permitted to remain open by the Governor's Executive Order No. 20-03-30-01 (as amended) are hereby ordered and directed to wear face coverings when in any area of the establishment in which interactions with coworkers or the public are likely, except where doing so would inhibit that individual's health.
3. Employers of any employee of a retail business deemed essential and permitted to remain open by the Governor's Executive Order No. 20-03-30-01 (as amended) shall provide face coverings for employees if requested.
4. For the purposes of this Order, acceptable face coverings include cloth masks or coverings. Surgical grade masks (such as N95 masks) are not required.
5. All retail establishments deemed essential and permitted to remain open by the Governor's Executive Order No. 20-03-30-01 (as amended) are hereby ordered and directed to:
 - a. limit customer capacity to 50% of normal capacity;
 - b. maintain six feet between customers in checkout lines;
 - c. make aisles one-way wherever possible;

- d. clearly mark social distancing restrictions, including six-foot separations and one-way requirements, on the floor;
 - e. provide access to sanitary restrooms and soap and or hand sanitizer for customers and workers;
 - f. discontinue all self-service food counters; and
 - g. the installation of a physical barrier or shield (e.g., clear Plexiglas or heavy plastic sheeting) between cashiers and customers is highly encouraged.
6. The Public Information Officer shall disseminate notice of this Public Safety Order to the appropriate news media and to the general public.

THIS PUBLIC SAFETY ORDER IS ISSUED THIS 14th DAY OF APRIL 2020, AND SHALL BE EFFECTIVE AS OF WEDNESDAY, APRIL 15, 2020.



Niles Kalyanaraman, M.D., F.A.C.P.
Health Officer, Anne Arundel County



M A R Y L A N D
Office of Planning and Zoning

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

Steve Kai-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.