



ARUNDEL CENTER
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STEUART PITTMAN
County Executive

EXECUTIVE ORDER NUMBER 43

RESTATING, REVISING AND CLARIFYING CERTAIN 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, November 25, 2020, December 23, 2020, January 21, 2021, and February 19, 2021, 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 January 28, 2021, the Governor issued Executive Order No. 21-01-28-01, 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. 21-01-28-01 allows local jurisdictions to issue orders more restrictive than Governor's Executive Order No. 21-01-28-01 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;

WHEREAS, the U.S. Centers for Disease Control and Prevention has advised that social distancing is necessary to contain the deadly spread of COVID-19, and, as a result of COVID-19, there is limited capacity at restaurants, with enforced social distancing measures to contain the spread of this potentially deadly infectious disease;

WHEREAS, the Governor and the County Executive and other federal, State, and local agencies have recommended that citizens of the County limit contact and utilize various options, such as curbside delivery and home delivery, for purchases, including prepared food from restaurants;

WHEREAS, public health orders limiting indoor dining capacity at restaurants has increased the utilization of take-out and delivery services;

WHEREAS, this limitation has resulted in many restaurants utilizing third-party food delivery services, by telephone or through web-based delivery application platforms, which charge commissions and fees to customers and the Food Service Establishments;

WHEREAS, the fees charged by third-party food and drink delivery services may be so high that they result in financial burden for the restaurants and may limit their ability to continue to provide the essential service of feeding the citizens of the County through pick-up and delivery services that minimize contact and provide protection from the COVID virus;

WHEREAS, it is in the best interests of the citizens of the County that restaurants continue to provide food in ways that minimize contact, including pick-up and delivery, at a reasonable fee;

WHEREAS, while arrangements between restaurants and third-party delivery services vary, all these agreements include fees of up to 30 percent or more of the purchase price, which increases the price for vulnerable citizens in need of delivery and pick-up services from restaurants due to COVID-19;

WHEREAS, limiting the fees charged by third-party food delivery services accomplishes the fundamental government purposes of easing the financial burden on struggling restaurants and their customers, allowing restaurants to provide the essential service of providing food to County citizens, including vulnerable populations, and allowing County citizens to obtain food at a reasonable price while avoiding or minimizing exposure to the potentially deadly COVID virus;

WHEREAS, the County Executive and the Department of Health constantly review the health care metrics, case trends, hospital capacity, positivity rate, and other factors to ensure that

the restrictions imposed are fairly applied, effective, and reasonable and necessary to save lives or prevent the spread of COVID-19;

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 the Governor's Executive Order No. 21-01-28-01, and to save lives or prevent further exposure to the COVID-19 virus within Anne Arundel County and the State of Maryland, do hereby proclaim and order on this 25th day of February, 2021:

1. This Executive Order No. 43 is a Local Order as described in, contemplated by, and authorized by the Governor's Executive Order No. 21-01-28-01, to impose additional restrictions deemed reasonable and necessary to save lives or prevent exposure to COVID-19.

2. Local Executive Order Nos. 25, 27, 29, 32, 33, 35, 37, 38, 39, 40, 41, 42, and Amended and Restated Executive Order 42 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 Executive Order No. 43: (a) "Maximum Occupancy" and "Face Coverings" have the meaning as set forth in the Governor's Executive Order No. 21-01-28-01; (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. 21-01-28-01, and complying with the latest guidance from the Centers for Disease Control ("CDC") and the Maryland Department of Health ("MDOH") regarding social distancing.

4. For the purposes of this Executive Order, the following terms have the meanings stated:

A. "Delivery fee" means a fee charged by a third-party food delivery service for providing a service delivering or facilitating the ordering or delivery of food or beverages from a restaurant to a customer, including food that is picked up by the customer, but does not include any optional fees that may be charged by a third-party food delivery platform or third-party food delivery service to a restaurant to obtain additional products or services;

B. "Delivery" includes curbside delivery of restaurant orders, restaurant orders picked up by customers, and restaurant orders delivered to a customer's location;

C. "Online order" means any restaurant order placed by a customer through or with the assistance of a platform provided by a third-party food delivery service, including a telephone order;

D. "Outdoor Garden Domes" are stand-alone weatherproof clear domes designed to fit over and enclose a single dining table that seats no more than six people and provides shelter and protection from outside personal contacts for restaurant patrons;

E. “Purchase price” means the total price of an online restaurant order based on prices contained on the restaurant’s menu, exclusive of taxes and gratuities;

F. “Restaurant” means an establishment that prepares or serves food and beverages for consumption onsite, through take-out, or through delivery; and

G. “Third-party delivery service” means any website, mobile application, internet, or other service that offers or arranges for the sale and same-day delivery or pick-up of food or beverages from restaurants.

5. All persons at any establishment, facility or venue covered under this Executive Order No. 43 or the Governor’s Executive Order 21-01-28-01 shall comply with the Mandatory Health & Safety Protocols.

6. The County Executive strongly recommends that all persons within Anne Arundel County continue following the latest guidance from the CDC and the MDOH regarding social distancing, including, without limitation, avoidance of large gatherings and crowded places.

7. All Personal Services Establishments (as defined in the Governor’s Executive Order No. 21-01-28-01) 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 50% of that Establishment’s Maximum Occupancy.

8. The total number of persons permitted in a Religious Facility (as defined in the Governor’s Executive Order No. 21-01-28-01) at any one time shall not exceed 50% of that Religious Facility’s Maximum Occupancy. Outdoor religious services are permitted provided the maximum number of persons attending does not exceed 250 persons, and provided all persons attending comply with the Mandatory Health & Safety Protocols.

9. The total number of persons permitted in a Retail Establishment (as defined in the Governor’s Executive Order No. 21-01-28-01) at any one time shall not exceed the lesser of 50% of that Retail Establishment’s Maximum Occupancy, or, for any Retail Establishment without a posted Maximum Occupancy, 120 square feet of gross area 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.

10. Fellowship Addiction Recovery meetings are permitted, including, without limitation, Alcoholics Anonymous and Narcotics Anonymous, with a capacity limit of 50% of the Maximum Occupancy of the facility where the meeting is held or 100 persons, whichever is less.

11. 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.

12. All Foodservice Establishments (as defined in Governor's Executive Order No. 21-01-28-01), including food courts in indoor shopping malls, and wineries or breweries that sell or serve beverages or food for consumption indoors, may open for carryout, delivery, curbside service, indoor, or outdoor dining. The total number of persons permitted inside Foodservice Establishments shall not exceed 50% of the establishment's Maximum Occupancy (as defined in Governor's Executive Order No. 21-01-28-01). Outdoor service of food and alcohol is permitted, provided any covering (except an Outdoor Garden Dome) over a seating area shall have no less than 50% of the number of sides up at all times, except that a round tent shall have no less than 50% of the area of the sides up at all times, and further provided that all service of food and alcohol complies with the Governor's Executive Order No. 21-01-28-01. Outdoor service in Outdoor Garden Domes is permitted but the maximum capacity added by the use of Outdoor Garden Domes may not exceed 75% of the total indoor capacity of the Foodservice Establishment, and provided the dome and tables are cleaned and disinfected between seatings in accordance with the CDC and the MDOH guidelines. All outdoor service is subject to the "Amended Criteria for Reopening Restaurants and Social Clubs as a Temporary Use," a copy of which is attached hereto. 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. All Foodservice Establishments are encouraged to maintain a log of all customers who dine on premises, to include patrons' names, contact information, and time of visit to assist with contact tracing.

13. It shall be unlawful for a third-party food delivery service to charge a restaurant any fee or fees, including a delivery fee, for the use of the third-party food delivery service that exceeds 15% of the purchase price of an online restaurant order.

14. It shall be unlawful for a third-party food delivery service to reduce the compensation rate paid to a delivery service driver or to garnish or reduce gratuities paid to a delivery service driver to comply with Paragraph 13, such that the compensation paid to the third-party food delivery service by a restaurant may not exceed 15% of the purchase price of an online order.

15. A restaurant may agree to pay a third-party food delivery service a fee that exceeds the limit in Paragraph 13 to obtain optional products or services, including, but not limited to, advertising, marketing, or access to customer subscription programs, in addition to delivery or pickup service.

16. The total number of persons permitted in a Social Club (as defined in the Governor's Executive Order No. 21-01-28-01), including American Legion posts, VFW posts, and Elks Clubs, at any one time shall not exceed 50% of that Social Club's Maximum Occupancy. Social Clubs may sell or serve food or beverages for consumption on-premises in indoor or outdoor dining areas or facilities subject to the requirements of Paragraph 12 of this Executive Order.

17. Home expo shows and home product exhibitions may open, provided the total number of persons permitted at a home expo show or home product exhibition at any one time shall not exceed 50% of the facility's Maximum Occupancy.

18. 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 Executive Order No. 43, "social gatherings" does not include activities, facilities or venues that have a specific capacity limit under this Executive Order No. 43. "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.

19. Organized sports, including games, practice or skill sessions, held outdoors shall not be subject to capacity limits. Organized sports, including games, practice or skill sessions, held at indoor facilities shall be limited to 50% of the facilities' Maximum Occupancy. This includes organized sports at private schools, Fitness Centers, church gyms, and the permitted use of County fields/gyms. All staff, coaches, and spectators shall wear face coverings at all times and shall meet the Mandatory Health and Safety Protocols. Participants are required to wear face coverings except while on the field of play. Spectators are subject to the gathering limits for social gatherings in Paragraph 18. Outdoor sports activities and indoor sports facilities are encouraged to maintain a log of all persons who participate in the activity or enter an indoor facility, to include patrons' names, contact information, and time of visit to assist with contact tracing.

20. Fitness Centers (as defined in the Governor's Executive Order No. 21-01-28-01) may allow organized sports as provided in Paragraph 19. The total number of persons permitted in a Fitness Center at any one time shall not exceed 50% of that Fitness Center's Maximum Occupancy. Persons engaged in fitness activities shall wear face coverings. All staff, coaches, and spectators for organized sports shall wear face coverings at all times and shall meet the Mandatory Health and Safety Protocols. Participants in organized sports are required to wear face coverings except while on the field of play. All Fitness Centers are encouraged to maintain a log of all persons who enter, to include patrons' names, contact information, and time of visit to assist with contact tracing.

21. Organized outdoor events with designated event organizers to ensure compliance with Mandatory Health and Safety Protocols are permitted, provided the total number of persons attending an event is no more than 100 persons; and provided further, that the total number of persons permitted at any organized outdoor event held at an outdoor pavilion at a County park shall be the lesser of 50% of the capacity of the outdoor pavilion, or 50 persons.

22. The total number of persons permitted in a Gaming Facility (as defined in the Governor's Executive Order No. 21-01-28-01) at any one time shall not exceed 50% of that Gaming Facility's Maximum Occupancy.

23. Indoor Theaters (as defined in the Governor's Executive Order No. 21-01-28-01) may open, provided the total number of persons permitted in an Indoor Theater at any one time shall not exceed the lesser of 50% of that Indoor Theater's Maximum Occupancy, or 100 persons.
24. Outdoor Entertainment Venues (as defined in the Governor's Executive Order No. 21-01-28-01) may open, provided the total number of persons permitted in an Outdoor Entertainment Venue at any one time shall not exceed the lesser of 50% of that Venue's Maximum Occupancy, or 250 persons.
25. Pool halls and billiard halls may open, provided the total number of persons permitted in a pool or billiard hall at any one time shall not exceed 50% of that facility's Maximum Occupancy.
26. Roller rinks and indoor ice rinks may operate, provided the total number of persons permitted in a roller rink or ice rink at any one time shall not exceed 50% of the rink's Maximum Occupancy. Bowling Alleys may continue to operate provided that the total number of persons permitted in a Bowling Alley at any one time shall not exceed 50% of that Bowling Alley's Maximum Occupancy.
27. Live call bingo and electronic Bingo is permitted, provided the total number of persons permitted in any such facility at any one time shall not exceed 50% of that facility's Maximum Occupancy.
28. Roller rinks, indoor ice rinks, bowling alleys, live call bingo and electronic bingo facilities may sell or serve food or beverages for consumption on-premises in indoor or outdoor dining areas or facilities subject to the requirements of Paragraph 12 of this Executive Order. All staff, customers, participants and spectators shall wear face coverings at all times and meet the Mandatory Health and Safety Protocols. All roller rinks, ice rinks, Bowling Alleys, live call bingo and electronic bingo facilities are encouraged to maintain a log of all persons who enter, to include patrons' names, contact information, and time of visit to assist with contact tracing.
29. Outdoor Sporting Venues (as defined in the Governor's Executive Order No. 21-01-28-01), including professional, semi-professional, amateur, recreational, collegiate, high school and motor sports venues, may open, provided the total number of persons permitted in an Outdoor Sporting Venue at any one time shall not exceed the lesser of 50% of that facility's Maximum Occupancy, or 250 persons.
30. Cigar and hookah lounges may open, provided the total number of persons permitted in a cigar or hookah lounge at any one time shall not exceed 50% of that facility's Maximum Occupancy. Adult entertainment venues may open, provided the total number of persons permitted in an adult entertainment facility at any one time shall not exceed 50% of that facility's Maximum Occupancy.
31. Wedding venues may open, provided the total number of persons permitted in a wedding venue at any one time shall not exceed 50% of that facility's Maximum Occupancy, or, for outdoor- only wedding venues, 100 persons.

32. 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.

33. This Executive Order No. 43 shall control in the event of a conflict between the terms of this Local Executive Order and any previous Local Executive Order.

34. All businesses and uses permitted to be open under the Governor's Executive Order No. 21-01-28-01 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 Executive Order No. 43;

B. All State Executive Orders (as amended), as modified by this Executive Order No. 43;

C. Any applicable directives from the State Secretary of Health;

D. Mandatory Health & Safety Protocols and any additional guidance published by the CDC and the MDOH, and requirements for Face Coverings as set forth in the Governor's Executive Order No. 21-01-28-01; and

E. All applicable Federal, State and local laws.

35. All other provisions of the Governor's Executive Order No. 21-01-28-01 shall apply in Anne Arundel County, unless specifically modified herein.

36. The County Health Officer or their designee may enter and inspect any facilities for compliance with the terms of this Executive Order, or any other Executive Order in effect, in the performance of official duties pursuant to Section 3-307(b) of the Health General Article of the Maryland Code. Any attempt to prevent that entry or inspection is a violation of this Executive Order.

37. 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 Executive Order No. 43 is guilty of a misdemeanor under the Governor's Executive Order No. 21-01-28-01 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.

38. In addition to any authority of the State or the County Health Officer to take any action for any violation of State or local law or Executive Order, a violation of Paragraphs 13 through 15 of this Executive Order shall be a misdemeanor and upon conviction, the person is subject to a fine

not exceeding \$1,000 or imprisonment not exceeding six months or both, in accordance with §§ 1-6-105 and 9-1-101 of the County Code.

39. This Executive Order No. 43 shall take effect immediately and shall continue until terminated by subsequent Executive Order or until the local proclamation of emergency expires or is terminated, whichever occurs first.

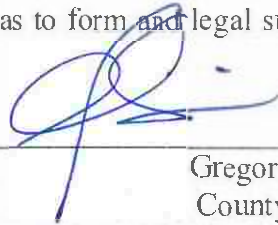
40. The County Public Information Office shall immediately disseminate notice of this Executive Order to the appropriate news media and to the general public.

This Executive Order shall be archived at the Office of Law.



STUART 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:

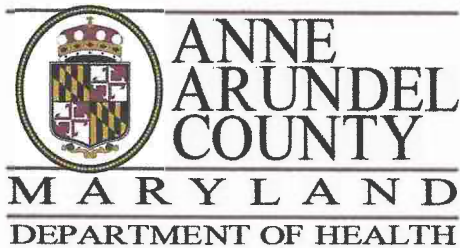
- Services can only be provided by appointment, no walk in services;
- Customers cannot wait inside the shop. If you wait outside the shop, you must be six feet from any other people waiting. Shop attendant will text you making you aware your appointment is now ready;
- Suggest customers bring their 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.