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STEUART PITTMAN
County Executive

EXECUTIVE ORDER NUMBER 46

**TERMINATING PRIOR EXECUTIVE ORDERS AND ELIMINATING
RESTRICTIONS RELATED TO COVID-19**

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, February 19, 2021, March 18, 2021, and April 16, 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 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 March 12, 2021, the County Executive issued local Executive Order No. 45, prohibiting delivery fees for food delivery that exceed 15% of the purchase price and eliminating use restrictions for uses other than for social gatherings;

WHEREAS, on April 21, 2021, the Governor issued Executive Order No. 21-04-21-01, restating and revising portions of the Governor's prior Executive Orders, lifting use restrictions on

most restricted businesses and terminating the delegation of authority to local jurisdictions to issue executive orders stricter than the State executive orders;

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;

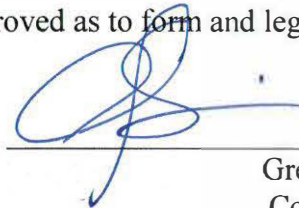
NOW, THEREFORE, I, Stuart Pittman, County Executive, by virtue of the authority vested in me by the Charter and laws of Anne Arundel County, Maryland and §§ 1-6-101 *et. seq.* of the Anne Arundel County Code, do hereby proclaim and order on this 27th day of April, 2021:

1. Local Executive Order Nos. 25, 27, 29, 32, 33, 35, 37, 38, 39, 40, 41, 42, Amended and Restated Executive Order No. 42, and local Executive Order Nos. 43 and 45, are hereby terminated. The local limitations or restrictions arising out of the COVID-19 pandemic and imposed by local Executive Order No. 45, or any previous local Executive Order enumerated herein, are hereby terminated; provided, however, that the "Criteria for Reopening Restaurants and Social Clubs as a Temporary Use" dated May 29, 2020, which allows outdoor seating areas for restaurants as a temporary use, shall remain in effect for the duration of the local emergency proclamation. A copy of the Criteria, in the same form as attached to previous local Executive Orders, is attached hereto and adopted by reference herein.
2. This Executive Order No. 46 shall take effect at 5:00 p.m. on April 27, 2021.
3. 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



M A R Y L A N D

Office of Planning and Zoning

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Steve Kaii-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.

