



**EXECUTIVE ORDER
OF THE MAYOR
OF
CITY OF ANNAPOLIS, MARYLAND**

AMENDED AND RESTATED EXECUTIVE ORDER NO. 17

October 6, 2020

WHEREAS, Governor Lawrence J. Hogan, Jr., pursuant to the Maryland Constitution and Title 14 of the Public Safety Article, proclaimed a state of emergency and a catastrophic health emergency for the entire State of Maryland on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, and May 6, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists; and

WHEREAS, a local state of emergency was declared on March 12, 2020, and renewed on April 13, 2020, and May 11, 2020, to control and prevent the spread of COVID-19 within the City of Annapolis, and the local state of emergency still exists; and

WHEREAS, COVID-19 is a severe respiratory disease that may result in serious illness or death and is transmitted easily from person to person; and

WHEREAS, COVID-19 continues to pose an immediate and serious threat to the public health, safety, welfare, and security of the citizens of Annapolis, particularly older individuals and those who are immunocompromised; and

WHEREAS, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings; and

WHEREAS, on March 30, 2020, Governor Hogan issued Executive Order 20-03-30-01 directing all nonessential employees in Maryland to stay at home in an effort to control the spread of COVID-19 ("Stay-at-Home Order"); and

WHEREAS, both Governor Hogan and Anne Arundel County Executive Steuart Pittman have issued various Executive Orders relaxing the provisions of the Governor's Stay-at-Home

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Order and allowing businesses previously ordered to be closed to reopen under certain conditions to ensure public safety; and

WHEREAS, on June 12, 2020, County Executive Pittman issued Executive Order No. 25, Terminating Certain Executive Orders and Imposing Certain Restrictions, which allows foodservice establishments to utilize outdoor areas for the consumption of food and beverages as a temporary use; and

WHEREAS, on September 18, 2020, Governor Hogan issued Executive Order 20-09-18-01, increasing the capacity of persons permitted in a foodservice establishment to 75% of the foodservice establishment's maximum occupancy; and

WHEREAS, on September 18, 2020, Governor Hogan issued Executive Order 20-09-28-01, restating portions of Governor Hogan's Executive Order 20-09-18-01 relevant to this Amended and Restated Executive Order No. 17; and

WHEREAS, Governor Hogan's Executive Orders 20-09-18-01 and 20-09-28-01 grant leaders of political subdivisions to issue more restrictive orders if the local jurisdiction determines doing so is necessary and reasonable to save lives or prevent exposure to COVID-19; and

WHEREAS, on September 21, 2020, County Executive Pittman issued Executive Order No. 32, Imposing Local Restrictions on Certain Uses, which is more restrictive than Governor Hogan's Executive Order 20-09-18-01, but still provides relief to many businesses affected by COVID-19; and

WHEREAS, on October 1, 2020, County Executive Pittman issued Executive Order No. 33, restating and rescinding portions of County Executive Order No. 32 relevant to this Amended and Restated Executive Order No. 17; and

WHEREAS, to reduce the threat to public health caused by the transmission of COVID-19, it is necessary and reasonable to issue a local Executive Order that is identical County Executive Pittman's Executive Order No. 25 in all respects except this Amended and Restated Executive Order No. 17 shall require a foodservice establishment or retail establishment to obtain a permit prior to utilizing outdoor areas in the City of Annapolis, and County Executive Pittman's Executive Order Nos. 32 and 33 in all respects; and

WHEREAS, the City seeks to create a safe, unique and inviting environment within primary shopping and dining districts, known as Recovery Zones, to restore a sense of confidence for residents and visitors to shop, eat, and stay in Annapolis while maintaining physical distancing; and

WHEREAS, the Recovery Zones will offer flexible, outdoor space to both foodservice establishments and retail establishments; and

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NOW, THEREFORE, I, Gavin Buckley, Mayor of the City of Annapolis, by virtue of the authority vested in me by the Charter and Code of the City of Annapolis, and Chapter 11.48 of the City Code, and in an effort to control and prevent the spread of COVID-19 within the City, do hereby order on this 6th day of October, 2020:

1. Executive Order No. 17, dated May 29, 2020, is hereby amended and restated in its entirety as set forth herein.
2. This Amended and Restated Executive Order No. 17 is a “Local Order” as described in Governor Hogan’s Executive Orders 20-09-18-01 and 20-09-28-01, which authorizes the modification of provisions of § III of Governor Hogan’s Executive Orders 20-09-18-01 and 20-09-28-01.
3. Except for §§ 6, 7, and any provision amended by County Executive Pittman’s Executive Order No. 32, all provisions of County Executive Pittman’s Executive Order No. 25 are unaffected by this Amended and Restated Executive Order No. 17 and shall apply in the City of Annapolis.
4. Except for § 4, all provisions of County Executive Pittman’s Executive Order No. 32 are unaffected by this Amended and Restated Executive Order No. 17 and shall apply in the City of Annapolis.
5. Consistent with County Executive Pittman’s Executive Order No. 33, effective as of 5:00 p.m. on October 2, 2020, all foodservice 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.
6. All other provisions of Governor Hogan’s Executive Order Nos. 20-09-18-01 and 20-09-28-01 that are not inconsistent with this Amended and Restated Executive Order No. 17 and County Executive Pittman’s Executive Order Nos. 25, 32, and 33 shall apply in the City of Annapolis.
7. Recovery Zones
 - a. Recovery Zones will be implemented beginning June 8, 2020.
 - b. Recovery Zones shall be located in the following areas:
 - i. Downtown: Top of Main Street
 - ii. Downtown: Market Square
 - iii. Downtown: Dock Street
 - iv. Downtown: Maryland Avenue

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- v. Eastport: Fourth Street
 - vi. Inner West Street: First block of West Street
 - vii. West Annapolis: Annapolis Street
 - viii. SOFO
- c. The Recovery Zones may be increased in size or decreased in size by the Mayor as may be necessary from time to time.
 - d. A Special Events Application and Agreement (“Application”) must be submitted to the City for approval before foodservice establishments or retail establishments located in the Recovery Zones can utilize outdoor space.
 - i. One special events permit covering all applicable establishments can be granted for each Recovery Zone, provided that the Business Association for that Recovery Zone is the applicant and the Application includes a detailed plan from each foodservice establishment and retail establishment that desires to participate in the Recovery Zone.
 - ii. Fees pursuant to §§ 14.18.100, 17.12.052, 17.12.056, 17.20.100, and 17.60.060 of the City Code are waived for these Applications only.
 - e. Upon approval of the Application, foodservice establishments located in the Recovery Zones are permitted to provide outdoor seating on sidewalks, in public parking spaces, and, with owner permission, in private parking spaces and on adjacent properties in accordance with the Application.
 - f. Upon approval of the Application, retail establishments located in the Recovery Zones are permitted to display merchandise on sidewalks, in public parking spaces, and, with owner permission, in private parking spaces and on adjacent properties in accordance with the Application.
 - g. All individuals will have their temperature taken prior to entering Recovery Zones and will be required to wear masks while within the Recovery Zones.
8. Those foodservice establishments and retail establishments geographically located outside of the Recovery Zones shall also submit an Application, through a Business Association or individually, to the City for approval before utilizing outdoor space.
- a. The provisions of § 6(d)(ii) and (e) of this Order also apply to such foodservice establishments.
 - b. The provisions of § 6(d)(ii) and (f) of this Order also apply to such retail establishments.
9. Foodservice establishments with an approved Application can serve food and alcoholic beverages in the outdoor areas described in the Application until the time stated in the approved Application.

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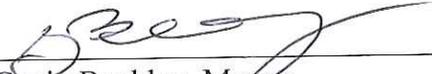
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- a. Foodservice establishments with an approved Application that also have a sidewalk café extension or otherwise have been previously approved by the Alcoholic Beverage Control Board for the service of alcoholic beverages in certain outdoor areas may serve food and alcoholic beverages in those previously approved certain outdoor areas only until the time stated in its alcoholic beverage license.
10. This Amended and Restated Executive Order No. 17 does not constitute an extension or renewal of Governor Hogan’s Stay-at-Home Order contained in § II of Governor Hogan’s Executive Order 20-03-30-01; however, all City of Annapolis residents are strongly encouraged to avoid unnecessary travel and social gatherings.
11. This Amended and Restated Executive Order No. 17 remains effective until after the termination of the local state of emergency expires or is terminated, or until rescinded, superseded, amended, or revised by additional orders.
12. The effect of any statute, rule, or regulation of an agency of the City inconsistent with this Amended and Restated Executive Order No. 17 is hereby suspended to the extent of the inconsistency.

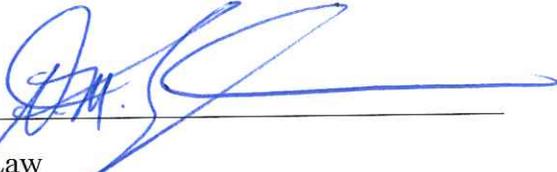
ATTEST:

CITY OF ANNAPOLIS


Regina C. Watkins-Eldridge, MMC,
City Clerk

By: 
Gavin Buckley, Mayor

APPROVED FOR FORM AND LEGAL SUFFICIENCY:


Office of Law
D. Michael Lyles, City Attorney