

**County Executive
of
Howard County, Maryland**

Executive Order: 2020-10

Dated: May 29, 2020

**Subject: Exercise of Emergency Powers --
Restrictions applicable to State Executive
Order 20-05-27-01 related to the
consumption of food and drink at religious
institutions, operations of Foodservice
Establishments and the computation of
capacity at barber shops/hair salons**

WHEREAS, on March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency and catastrophic health emergency to control and prevent the spread of COVID-19, a communicable respiratory disease, and that emergency still exists; and

WHEREAS, on March 15, 2020, by Executive Order No. 2020-02, pursuant to the authority granted by Howard County Code sections 6.103 & 6.104, I declared a state of emergency in Howard County and ordered the closure of specified businesses and places of public assembly, and Council Resolution No. 41-2020 continues the state of emergency while the state of emergency and/or the catastrophic health emergency declared by Governor Hogan remains in effect or until terminated by Executive Order issued by the County Executive, whichever is later; and

WHEREAS, the U.S. Center for Disease Control and Prevention and the Maryland Department of Health recommend social distancing and limitations on the size of large gatherings to reduce the spread of COVID-19; and

WHEREAS, on May 27, 2020, Governor Hogan issued State Executive Order Number 20-05-27-01 that continues to restrict gatherings of more than ten people for social, community, recreational, leisure, and sporting activities and events, requires the continued closure of certain non-essential businesses, and allows for the limited re-opening of certain businesses and activities under certain conditions; and

WHEREAS, State Executive Order Number 20-05-27-01 provides that political subdivisions may continue to impose limitations on business and personal activities that are more restrictive than those permitted by State Executive Order Number 20-05-27-01, if the political subdivision determines that it is necessary and reasonable to do so in order to prevent the spread of COVID-19; and

WHEREAS, section 6.104(a) of the Howard County Code authorizes the County Executive to exercise certain emergency functions during a declared state of emergency within the County, including, but not limited to the following:

- (1) Control traffic, including public and private transportation;
- (2) Designate zones in the area of the emergency in which occupancy and use of buildings and vehicles may be controlled;
- (3) Control places of amusement and places of assembly; and
- (4) Control individuals on public streets.

WHEREAS, on May 15, 2020, I issued Executive Order No. 2008-08 that set forth restrictions applicable to religious services, retail, manufacturing, barber shops/ hair salons, archery/shooting ranges, campgrounds, marinas/watercraft rental, horse boarding/riding facilities, and malls; and

WHEREAS, on May 26, 2020, I issued Executive Order No. 2008-09 that allowed for reopening of barber shops and hair salons, religious institutions and retail establishments subject to certain restrictions; and

WHEREAS, the County has continued to monitor criteria for re-opening, including the number of new cases of COVID-19, the number of new hospitalizations, the number of patients admitted to the ICU, the number of tests conducted, the amount of available PPE, and the surge capacity at Howard County General Hospital and continued to follow the Governor's guidance on the building blocks for re-opening; and

WHEREAS, in the almost two-week period beginning on May 10, 2020:

- After a spike of 78.8 percent on May 15, the Howard County General Hospital utilization rate has either stayed the same or fallen on seven of the last 14 days, and, as of May 23, was its lowest level since April 1, 2020;
- The Howard County General Hospital's ventilator utilization rate is 18.6 percent;
- The daily average number of COVID-19 cases in Howard County, which was expected to rise as more testing became available, has fallen to a rate of 27 cases per day;
- The County currently has PPE available for the next 30 days;
- The number of contact tracers working in Howard County has increased from 11 to 29; and
- Howard County has conducted over 8,000 tests for COVID-19; and

WHEREAS, in consideration of the data points set forth above, it is reasonable and appropriate to allow increased operation of restaurants for dine-in customers located in outdoor seating areas, only, and to lift certain restrictions relative to religious institutions, subject to certain

conditions necessary to minimize the spread of COVID-19.

WHEREAS, the method of computation for determining the maximum occupancy of barber shops and hair salons also needs to be corrected to reflect the proper formula for calculation.

NOW, THEREFORE, BE IT ORDERED AND PROCLAIMED by the County Executive of Howard County, Maryland, that, in accordance with the authority granted by section 6.104(a) of the Howard County Code and the State Executive Order Number 20-05-27-01, that:

- I. Religious Institutions.** Effective 5:00 pm on Friday, May 29, Section II, Paragraph 4 of County Executive Order 2020-09 is rescinded, and all other provisions in Section II shall remain in full force and effect.
- II. Foodservice Establishments.** Effective 5:00 pm on Friday, May 29, restaurants, bars, and other similar establishments and social and fraternal clubs with dining facilities (including without limitation, American Legion posts, VFW posts, and Elks Clubs) (collectively “Foodservice Establishments”) may open for on-site sale and consumption of food and beverages, subject to conditions set out herein. The on-site sale and consumption of food and beverages is limited to OUTSIDE SEATING AREAS only. In addition, Foodservice Establishments may continue to provide carryout and curbside pickup to provide food and beverages to customers.

A. Dining Area

1. No more than six people shall be seated at one table, unless they are members of the same household.
2. Tables shall be placed at least six feet from any other tables or customer seating. Foodservice Establishments shall design their seating areas to accommodate these minimum specifications.
3. Customers may not stand in the outdoor seating area and must be assigned a table.
4. While waiting to be seated, customers shall maintain appropriate physical distancing from other individuals or groups. If space does not allow for appropriate physical distancing, customers shall be asked to wait in their cars or other off-premise areas where physical distancing can be maintained.
5. Self-serve buffets are prohibited.
6. Clear signage shall be displayed addressing proper social distancing procedures while at the Foodservice Establishment, including signage delineating methods and patterns of ingress and egress to ensure proper social distancing at all times.
7. If a Foodservice Establishment is also engaging in curbside pickup, those operations shall be separate and separate staff shall be assigned to each operation without crossover.
8. Customers may be seated at an outdoor bar. Customers shall be separated by at least six feet from other individual customers or groups unless a temporary barrier, such as plexiglass, is placed between individuals or groups in order to maintain physical distance.

B. Sanitation

1. Foodservice Establishments shall adhere to the guidelines and best practices from the CDC, the FDA and the National Restaurant Association COVID-19 Reopening Guidance document.
2. Handwashing station(s) shall be provided in outdoor areas for employees to wash their hands (may be a temporary set-up or portable sink).
3. Hand sanitizer shall be available upon entry and exit for guests, or hand washing facilities will be readily available.
4. Tables and chairs shall be sanitized after each use.
5. Menus shall be used that can be printed daily and disposed of after each use.
6. Single serving condiment containers shall be used so there are no shared condiments between different customer groups.
7. Bathrooms shall be frequently cleaned. The number of customers allowed access to the bathroom shall be managed so that there is no congregating while using or waiting for the bathroom.
8. Except when eating or drinking, customers shall wear face coverings while waiting for a table, waiting to pay, walking through an area within the Foodservice Establishment, and whenever possible.

C. Staff

1. All employees shall complete a health screening prior to their shift in line with the recommended guidance from Governor.
2. Consistent with public health guidelines related to COVID-19, employees interacting with customers shall wear face coverings and use other appropriate protective equipment, such as plexiglass barriers in front of counters and cash registers (where no touchless payment option exists).
3. If there is no touchless payment option, there shall be dedicated staff to handle payments. This dedicated staff shall have no interaction with food handling or serving. Customers should pay in a location that is incorporated into the egress flow as the last stop of the operation with appropriate social distancing.
4. There shall be different employees for bussing the tables versus serving food and staff who are bussing tables should not be handling food.
5. Staff should undergo training on appropriate measures to use to minimize the risk of transmission of the COVID-19 virus in the food service setting and proper hygiene and sanitation. The employer shall keep records indicating that all staff have satisfactorily completed the required training.
6. If management becomes aware of staff members who are confirmed COVID positive, management shall contact the Health Department through the warm line (410) 313-6284 so any needed follow-up can occur.

III. Barber shops and hair salons. All other provisions of Executive Order No. 2020-09 shall remain in full force and effect except that the method of computation for determining maximum occupancy in a barber shop and hair salon is as follows:

- A. Maximum occupancy means the total number of persons (including staff) allowed to occupy a building or portion of a building at any one time.
- B. Maximum occupancy is calculated by dividing the square footage by 100.

IT IS FURTHER ORDERED that all other provisions of Executive Order No. 2020-08 and Executive Order No. 2020-09 shall remain in full force and effect.

IT IS FURTHER ORDERED, that:

- 1. This Executive Order shall be promptly publicized; and
- 2. A copy filed with the Administrator to the County Council of Howard County.

IN WITNESS WHEREOF, I, Calvin B. Ball, as County Executive of Howard County, Maryland, have hereunto set my hand and caused the seal of Howard County to be affixed this 29th day of May 2020.



Calvin B. Ball
County Executive

