



EXECUTIVE ORDER
No. 2021-009

**AMENDING EXECUTIVE ORDER NO. 2021-004 EXTENDING CERTAIN LICENSES,
PERMITS, REGISTRATIONS, AND OTHER GOVERNMENTAL AUTHORIZATIONS,
AUTHORIZING SUSPENSION OF LEGAL TIME REQUIREMENTS, AND HANDLING
OF ESSENTIAL GOVERNMENT BUSINESS OF COUNTY BOARDS, COMMISSIONS
AND/OR COMMITTEES**

- WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020 and renewed on March 17, 2020, April 10, 2020, May 6, 2020, June 3, 2020, July 1, 2020, July 30, 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 by Governor Larry Hogan of the State of Maryland;
- WHEREAS, A state of emergency was declared on March 13, 2020 by the County Executive of Baltimore County, Maryland to control and prevent the spread of COVID-19 within Baltimore County, and the state of emergency and catastrophic health emergency still exists;
- WHEREAS, COVID-19, an infectious and contagious respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe;
- WHEREAS, The U.S. Centers for Disease Control and Prevention has advised employers, such as Baltimore County, Maryland, to prepare for increased employee absence and possible alternative working arrangements (such as teleworking) in response to an outbreak of COVID-19;
- WHEREAS, Pursuant to Baltimore County Code, §3-1-504, the County Executive hereby has all authority necessary to protect the health, safety, and welfare of persons within the County to control the spread of COVID-19 including, but not limited to, the right to control traffic, including public and private transportation, designate zones in which the occupancy and use of buildings and vehicles may be controlled; establish requirements to shelter in place, control the sale, transportation, and use of alcoholic beverages, control

individuals on public streets, and control places of amusement and places of assembly;

WHEREAS, Increased employee absence and alternative working arrangement within Baltimore County's workforce may impact the County's ability to timely process renewals of expiring permits, licenses, registrations, and other governmental authorizations;

WHEREAS, The outbreak of COVID-19 may significantly disrupt access to or the operations of one or more of Baltimore County's tribunals, boards, commissions and/or committees;

WHEREAS, The U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend social distancing to reduce the spread of COVID-19;

WHEREAS, Renewal of expiring permits, licenses, registrations, and other governmental authorizations often requires the public to enter public buildings and interact with County employees and other persons, which may be contrary to prudent social distancing;

WHEREAS, The conducting of public business by County tribunals, boards, committees and commissions often require members of those tribunals, boards, committees and commissions as well, as members of the public, to enter public buildings and interact with County employees and other persons, which may be contrary to prudent social distancing;

WHEREAS, To reduce the threat to human health caused by the transmission of COVID-19, and to protect and save lives, it is necessary and reasonable that permits, licenses, registration, and other governmental authorizations be extended until after the state of emergency has ended;

WHEREAS, To the extent possible, County tribunals boards, commissions and committees have remained operational and provided scheduled and required events while seeking to balance the health and safety needs of County personnel, members of the boards, commissions and committees, and the public;

WHEREAS, To reduce the threat to human health caused by the transmission of COVID-19, it is necessary to prohibit the public from attending, in-person, all hearings of County tribunals, boards, commissions and committees deemed necessary for essential government business so as to exercise prudent social distancing, but to provide alternative means for public to have the best possible opportunity to observe essential government business of County tribunals, boards, commissions and/or committees;

WHEREAS, Nothing herein shall be construed to limit or conflict with any order or authority of the local Health Officer;

WHEREAS, On March 9, 2021, the Governor of the State of Maryland issued Order No. 21-03-09-01 lifting certain restrictions related to gatherings, business organizations, establishments and facilities; and

WHEREAS, On March 9, 2021, the Governor of the State of Maryland issued Order No. 21-03-09-03 which allows for permits, licenses, registrations, and other governmental authorizations be extended until after the state of emergency and catastrophic health emergency has ended; and

WHEREAS, The County desires to support local business organizations, establishments and facilities and assist them in increasing revenues and employment opportunities which will help stimulate the economy, and the County desires to support workers by ensuring the availability of safe employment opportunities;

NOW, THEREFORE, I, JOHN A. OLSZEWSKI, JR., COUNTY EXECUTIVE OF BALTIMORE COUNTY, MARYLAND, BY VIRTURE OF THE AUTHORITY VESTED IN ME BY SECTION 3-1-504 OF THE BALTIMORE COUNTY CODE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN BALTIMORE COUNTY, MARYLAND, DO HEREBY ORDER THAT:

- I. Executive Order 2021-004 dated January 29, 2021 entitled "Amending Executive Order No. 2020-009 Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, Authorizing Suspension of Legal Time Requirements, and Handling of Essential Government Business of County Boards, Commissions and/or Committees," is amended and restated in its entirety as set forth herein.
- II. The foregoing Executive Order applies to all licenses, permits, registrations, and other authorizations issued by Baltimore County, Maryland or any department or agency of the County (collectively, the "Covered Authorizations"), that would otherwise:
 1. expire prior to June 30, 2021 during the state of emergency and catastrophic health emergency; and
 2. be renewable during the state of emergency and public health catastrophe under applicable laws and regulations.
- III. The expiration date of each Covered Authorization (other than Covered Authorizations excluded pursuant to Paragraph IV below) is hereby extended to June 30, 2021.

IV. The head of each unit of State or local government may opt to exclude any Covered Authorization from Paragraph III above; provided, that the unit head shall provide reasonable public notice of each exclusion pursuant to this Paragraph IV.

V. Food Service Establishments

1. To facilitate an expedited approval process for outdoor table service:

- a. Any permit or licensing fees normally required for the issuance of permits related to outdoor table service, including but not limited to Temporary Use Permits for Outdoor Table Service, Tent Permits, Temporary Road Closure Permits, and (Sidewalk Dining) Use Permits, are hereby temporarily waived.
- b. Any zoning conditions, restrictions and requirements in the Baltimore County Code, 2015, as amended, and Baltimore County Zoning Regulations, 2018, as amended, regarding conforming and permitted uses associated with outdoor table service are hereby temporarily relaxed as they may relate, but not limited to, expansion into sidewalks, public right-of-way, parking lots, building frontage, or other approved locations. Notwithstanding the relaxation of zoning requirements, a permit is still required for such outdoor table service.
- c. As it relates to certain License Agreements for approved food service establishments to locate on County-owned property (not including sidewalks or right of way), authority is hereby temporarily delegated to the Director of Permits, Approvals and Inspections solely for the purpose of executing the aforementioned License Agreements for outdoor table service. Any fees for License Agreements are hereby temporarily waived.

2. Outdoor table service areas must be vacated no later than 11:00 p.m., Monday through Sunday for any expanded outdoor table service area approved pursuant to a new temporary use permit.

VI. As to suspension of legal time requirements:

Suspensions of the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any State or local statute, rule, or regulation that were in effect immediately before prior to this Order shall continue to be in effect until the earlier of (i) the date the applicable unit head elects to end the suspension, or (ii) June 30, 2021. The applicable unit head shall provide

reasonable public notice regarding the end of each suspension. However, no new suspensions may be made on or after the date of this Order.

VII. Business of County Tribunals, Boards, Commissions and/or Committees

1. All non-essential meetings, programming and events of County tribunals, boards, commissions and committees may, at the discretion of said tribunal, board, commission and/or committee, be postponed until the state of emergency is terminated.
2. All hearings for County tribunals boards, commissions and/or committees which are deemed necessary for essential government business shall, to the extent possible, continue to be scheduled and heard, either in-person or remotely. For any such hearing that is conducted, in whole or in part, remotely, the applicable tribunal, board, commission and/or committee shall:
 - i. give notice of, and conduct such hearing or meeting in a manner that satisfies the due process requirements and/or other relevant constitutional requirements applicable to the hearing or meeting, if any; and
 - ii. conduct the hearing or meeting in a manner that allows for an exchange of information among the participants that is substantially equivalent to the exchange of information that would reasonably be expected to occur if the hearing or meeting was conducted in the manner prescribed by the applicable statute, rule, or regulation.
3. For hearings of County tribunals, boards, commissions and/or committees held remotely rather than in-person, guidance is to be provided by the County Attorney that will allow members of the public the best possible opportunity to observe such hearings pursuant to Maryland's Open Meetings Act.

VIII. A copy of this Executive Order shall be made available on-line at www.baltimorecountymd.gov for the public.

IX. This Order remains effective until rescinded, superseded, amended, or revised by additional orders.

X. The Temporary Use Permit for Outdoor Dining Service will automatically expire on June 30, 2021, or thirty (30) days after the Baltimore County state of emergency is lifted, whichever date occurs first.

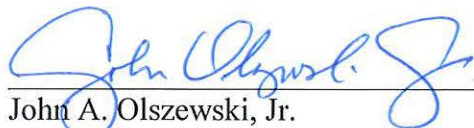
XI. The effect of any statute, rule or regulation of any agency of Baltimore

County, Maryland inconsistent with this Order is hereby suspended.


ISSUED under My Hand this 12th day of March, 2021, EFFECTIVE IMMEDIATELY.

ATTEST:


Dawn Kile
Executive Secretary


John A. Olszewski, Jr.
County Executive

Reviewed for Form and Legal Sufficiency and approved for Execution.


James R. Benjamin, Jr.
County Attorney