



**EXECUTIVE ORDER
No. 2021-015**

**RESCINDING EXECUTIVE ORDER NO. 2021-008 AMENDING EXECUTIVE ORDER
NO. 2020-025 EXTENDING EXECUTIVE ORDER 2020-002 TO RESTRICT THIRD-
PARTY FOOD DELIVERY SERVICE FEES, FOOD SERVICE ESTABLISHMENT
DELIVERY FEES AND PICK-UP COMMISSION FEES**

- 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, February 19, 2021, March 18, 2021, April 16, 2021 and May 12, 2021 by Governor Larry Hogan of the State of Maryland to control and prevent the spread of COVID-19 within the State, and the state of emergency and catastrophic health emergency still exists;
- 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 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 Food Service Establishments with enforced face covering and 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 had 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; and
- WHEREAS, The COVID-19 pandemic had a significant impact on the local economy impacting Food Service Establishments and other related industries

resulting in economic hardship for business owners due to loss of business income, layoffs, and reduced work hours for a significant percentage of this workforce; and

WHEREAS, Public health orders addressing COVID-19 limited indoor dining capacity at Food Service Establishments, which increased the utilization of take-out and delivery service and limited capacity, placed a necessary but sudden and severe financial strain on many food service establishments, particularly those that are small, independently-owned or minority-owned businesses that already operate on thin margins, adding to financial pressures in the industry that predate the current public health crisis; and

WHEREAS, This limitation resulted in many Food Service Establishments utilizing third-party food and drink delivery services often by phone or with web based mobile or home computer delivery application platforms, which charge a commission and delivery fee based on the purchase price to the customer and the Food Service Establishment; and

WHEREAS, The fees that were charged by third-party food and drink delivery services could have potentially been so high that they resulted in financial burden for the Food Service Establishments, thereby limiting their ability to continue to provide the essential service of feeding the citizens of the County; and

WHEREAS, It was determined to be in the best interests of the citizens of the County that Food Service Establishments provide food in ways that minimized contact, including curbside and home delivery, at a reasonable fee at times when some citizens were in quarantine or isolation or restricted movements due to an immune compromised status; and

WHEREAS, The County Executive determined, as a result, that it was in the best interest of public safety, health, welfare, rescue and recovery efforts, and the protection of property that the exercise of certain rights be temporarily limited during the duration of the Declaration of State of Emergency or one year from December 22, 2020 whichever is shorter;

WHEREAS, The County Executive issued Executive Order 2020-025 dated December 22, 2020, which extended Executive Order 2020-002 to restrict Third-party food delivery services fees, food service establishment delivery fees and pick-up commission fees, and

WHEREAS, The County Executive issued Executive Order 2021-008 dated March 12, 2021 amending Executive order 2020-025 dated December 22, 2020; and

WHEREAS, On May 12, 2021, the Governor of the State of Maryland issued Order No. 21-05-12-01 amending and restating Order No. 21-04-28-01 which

amended certain restrictions and lifted certain restrictions related to Food Service Establishments; and

WHEREAS, On May 12, 2021, the Maryland Department of Health issued a COVID-19 advisory concerning the lifting of certain restrictions related to Food Service, Retail and Personal Establishments; and

WHEREAS, In light of Order No. 21-05-12-01, Executive Order No. 2021-008 restricting Third-party food delivery services fees, food service establishment delivery fees and pick-up commission fees is no longer necessary;

NOW, THEREFORE, I, JOHN A. OLSZEWSKI, JR., COUNTY EXECUTIVE OF BALTIMORE COUNTY, MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY SECTION 3-1-504 OF THE BALTIMORE COUNTY CODE, DO HEREBY ORDER THAT:

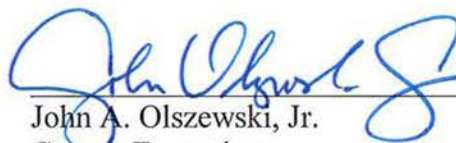
- I. Executive Order 2021-008 dated March 12, 2021, is hereby **RESCINDED** in its entirety.
- II. The effect of any statute, rule or regulation of any agency of Baltimore County, Maryland inconsistent with this Order is hereby suspended.
- III. A copy of this Executive Order shall be made available on-line at www.baltimorecountymd.gov for the public.

ISSUED under My Hand this 14th day of May, 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