



EXECUTIVE ORDER
No. 2021-029

**EXTENDING CERTAIN PERMITS AND OTHER GOVERNMENTAL
AUTHORIZATIONS, AND HANDLING OF ESSENTIAL GOVERNMENT BUSINESS
OF COUNTY TRIBUNALS, BOARDS, COMMISSIONS AND/OR COMMITTEES**

- 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, A Declaration of State of Emergency and Existence of a Catastrophic Health Emergency was declared by the County Executive on August 23, 2021 which expired on November 3, 2021;
- WHEREAS, After the expiration of the State of Emergency on November 3, 2021, outdoor table service was allowed to continue up to sixty (60) additional days;
- WHEREAS, Any Temporary Use Permit issued for outdoor dining was to automatically expire sixty (60) days after November 3, 2021;
- WHEREAS, On December 27, 2021, the County Executive declared per Executive Order No. 2021-028 that a State of Emergency again exists in Baltimore County due to significant community transmission of the COVID-19 virus and its variants within Baltimore County which has threatened the lives, health and safety of the citizens of Baltimore County;
- WHEREAS, Pursuant to Baltimore County Code, §3-1-504 and the Public Safety Article of the Maryland Annotated Code, 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, The outbreak of COVID-19 may disrupt access to or the operations of one or more of Baltimore County's tribunals, boards, commissions and/or committees and place attending members of the public at risk of exposure or spread of a contagious and communicable disease;
- WHEREAS, The U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommends social distancing among preventative measures to reduce the spread of COVID-19;
- 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, 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, for all hearings of County tribunals, boards, commissions and committees deemed necessary for essential government business, and to exercise prudent social distancing, alternative means for members of the public to have the best possible opportunity to observe essential government business of County tribunals, boards, commissions and/or committees may be provided as required by law or as practicable;
- WHEREAS, Nothing herein shall be construed to limit or conflict with any order or authority of the local Health Officer; 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 THE CHARTER OF BALTIMORE COUNTY, SECTION 3-1-504 OF THE BALTIMORE COUNTY CODE AND THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN BALTIMORE COUNTY, MARYLAND, DO HEREBY ORDER AS FOLLOWS:

I. Food Service Establishments

1. To facilitate an expedited approval process for outdoor table service:
 - a. Any County permit or licensing fee 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, subject to applicable state and federal law and regulations. Notwithstanding the relaxation of zoning requirements, a permit is still required for such outdoor table service, and approval of the Baltimore County Board of Liquor Commissioners may be required.
 - 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.
3. In consideration of efforts to mitigate transmission of COVID-19 and in consideration of the considerable investment in outdoor infrastructure made by local businesses who have struggled through, and may continue to struggle through, the COVID-19 pandemic, outdoor table

service may continue up to sixty (60) days after the conclusion of the state of emergency.

II. 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 or expires.
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.

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

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

V. Any Temporary Use Permit for Outdoor Dining Service that is issued will automatically expire sixty (60) days after the conclusion of the state of emergency.

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

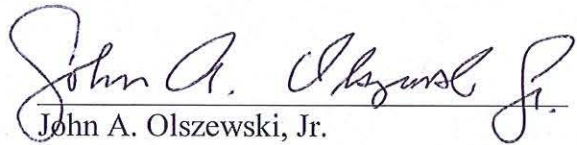
County, Maryland inconsistent with this Order is hereby suspended.

ISSUED under My Hand this 30th day of December, 2021, **EFFECTIVE IMMEDIATELY.**

ATTEST:

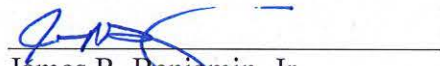


Dawn Kile
Executive Secretary



John A. Olszewski, Jr.
County Executive

Reviewed for Form and Legal Sufficiency and approved for Execution.



James R. Benjamin, Jr.
County Attorney