

[Skip to main content](#)

Menu

 [Image of the Baltimore County Seal](#)

Main navigation

- [Services](#)
- [Report](#)
- [Pay](#)
- [Apply](#)
- [Contact](#)

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Search for agencies, services, and more

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Use the dropdown menu to select your preferred language

Breadcrumb

1. [Home](#)
2. [Departments](#)
3. [County Executive](#)
4. [Executive Orders and Speeches](#)
5. Executive Order 2020-016

Executive Order 2020-016

INCORPORATING GOVERNOR LAWRENCE J. HOGAN, JR.'S EXECUTIVE ORDER 20-09-01-01 DATED SEPTEMBER 1, 2020 AMENDING AND RESTATING GOVERNOR LAWRENCE J. HOGAN JR.'S EXECUTIVE ORDER 20-08-03-01 DATED AUGUST 3, 2020 ALLOWING REOPENING OF CERTAIN BUSINESSES AND FACILITIES, SUBJECT TO LOCAL REGULATION, AND GENERALLY REQUIRING USE OF FACE COVERINGS

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 and August 10, 2020 by Governor Larry Hogan of the State of Maryland;

Whereas, On March 13, 2020, a local state of emergency was declared by County Executive John A. Olszewski, Jr., to control and prevent the spread of COVID-19 within Baltimore County, Maryland (the “County”), and the state of 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 and has been confirmed in the County,

therefore the County may take such action as is necessary to maintain health and control and prevent the spread of any contagious or infectious diseases within the jurisdiction;

Whereas, To reduce the spread of COVID-19, 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;

Whereas, The currently known and available scientific evidence and best practices support limitations on large gatherings and the use of social distancing to prevent exposure and transmissions, and reduce the transmission to especially vulnerable populations, including older individuals and those with chronic health conditions;

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, To reduce the threat to human health caused by the transmission of COVID-19 in the County, and to protect and save lives, it is necessary and reasonable that individuals in the County refrain from congregating in a manner that may exacerbate the spread of COVID-19, such as, but not limited to, a physical environment in which large numbers of people are in close proximity and have multiple opportunities for close contact with one another that facilitates the spread of COVID-19;

Whereas, The County is continuously expanding COVID-19 laboratory testing capacity and locations throughout the County, and the State of Maryland has increased its disease-investigation capabilities by implementing operations to trace the contacts of up to 1,000 new cases per day;

Whereas, The State has implemented measures to reduce community transmission rates of COVID-19, while strategically activating the Maryland Strong: Roadmap to Recovery plan (the “Plan”);

Whereas, On June 3, 2020, the Governor of the State of Maryland issued Order No. 20-06-03-01 further lifting certain restrictions related to gatherings, business organizations, establishments and facilities in accordance with Phase 2 of the Plan, while continuing to permit local jurisdictions and local health officers to extend restrictions based upon the need to contain the spread of COVID-19;

Whereas, On June 10, 2020, the Governor of the State of Maryland issued Order No. 20-06-10-01 further lifting certain restrictions related to gatherings, business organizations, establishments and facilities in accordance with Phase 2 of the Plan, while continuing to permit local jurisdictions and local health officers to extend restrictions based upon the need to contain the spread of COVID-19; and

Whereas, On July 29, 2020, the Governor of the State of Maryland issued Order No. 20-07-29-01 reiterating certain restrictions related to gatherings, business organizations, establishments and facilities as well as requiring the use of face coverings, while continuing to permit local jurisdictions and local health officers to extend restrictions based upon the need to contain the spread of COVID-19; and

Whereas, On August 3, 2020, the Governor of the State of Maryland issued Order No. 20-08-03-01 amending Order No. 20-07-29-01 which reiterated certain restrictions related to gatherings, business organizations, establishments and facilities as well as requiring the use of face coverings, while continuing to permit local jurisdictions and local health officers to extend restrictions based upon the need to contain the spread of COVID-19;

Whereas, On September 1, 2020, the Governor of the State of Maryland issued Order No. 20-09-01-01 amending Order No. 20-08-03-01 which further reiterated certain restrictions related to gatherings, business organizations, establishments, facilities, indoor theaters and outdoor entertainment venues as well as requiring the use of face

coverings, while continuing to permit local jurisdictions and local health officers to extend restrictions based upon the need to contain the spread of COVID-19; and

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

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, and in an effort to continue to control and prevent the spread of COVID-19 within Baltimore County do hereby order that:

1. Except as herein otherwise provided, and except as modified by any local guidance issued by Baltimore County, all provisions of Governor Lawrence J. Hogan, Jr.'s Executive Order No. 20-09-01-01 are hereby adopted and incorporated as if restated herein, and Baltimore County Executive Order 2020-014 dated August 5, 2020, which incorporated Governor Hogan's August 3, 2020 Executive Order No. 20-08-03-01 and rescinded Baltimore County Executive Order 2020-013 dated July 31, 2020, which incorporated Governor Hogan's July 29, 2020 Executive Order No. 20-07-29-01 and rescinded Executive Order No. 10 dated June 12, 2020, which incorporated Governor Hogan's Executive Order No. 20-06-10-01 and rescinded Executive Order No. 2020-008 dated June 4, 2020, which incorporated Governor Hogan's June 3, 2020 Executive Order 20-06-03-01 and rescinded Executive Order 2020-007 dated May 29, 2020, which amended and restated Executive Order 2020-006 dated May 22, 2020, which amended and restated Executive Order 2020-005 dated May 15, 2020, which amended and restated Executive Order 2020-003 dated March 16, 2020, is hereby rescinded.
2. This Executive Order shall continue until the local proclamation of emergency expires or is terminated.
3. Residents should continue to stay home when possible. Older and more vulnerable residents, and those who live with them, are strongly advised to stay home whenever possible.

Residents and visitors should continue to practice safe physical distancing, and frequently wash their hands and sanitize high-touch areas. Employers should continue to encourage telework for their employees when possible. Individuals who can work from home should continue to do so.

4. The local Health Officer is authorized further to adopt rules/regulations, as needed, to prevent the spread of COVID-19 and protect public health and safety. The local Health Officer may issue orders modifying any business operation or closing any unsafe facility if the Health Officer determines that a specific business operation or facility poses an unreasonable risk of exacerbating the spread of COVID-19, which would include an unreasonable risk deemed to be the result of non-compliance with Social Distancing Guidelines. The local Health Officer is hereby authorized to request the assistance of Baltimore County Code Enforcement in accordance with the penalties set forth therein, in addition to any enforcement measures authorized by the Governor of the State of Maryland. Any and all businesses, gatherings and activities that open as a result of this Order must abide by:
 1. All State Executive Orders (as amended) and modified by this Local Order; and
 2. Any applicable directives from the State Secretary of Health; and
 3. Any applicable social distancing guidance published by the Center for Disease Control, the Maryland Department of Health and the Baltimore County Health Department; and
 4. Any applicable Federal, State or local laws or Health Directives or Orders by the local Health Officer.
5. A copy of this Executive Order shall be made available online at www.baltimorecountymd.gov for the public.
6. Each law enforcement officer and local Health Officer of the County shall execute and enforce this Executive Order.
7. This Order remains effective until rescinded, superseded, amended, or revised by additional orders.
8. The effect of any local statute, rule, or regulation of an agency/department of the County inconsistent with this Executive Order is hereby suspended.

Issued under My Hand this 4th day of September, 2020, effective 5:00 p.m. September 4, 2020.

Signed:

John A. Olszewski, Jr., Baltimore County Executive

Reviewed for Form and Legal Sufficiency and approved for Execution:

James R. Benjamin, Jr., County Attorney

Contact Us

Office of the County Executive

*400 Washington Avenue
Mezzanine Level
Towson, Maryland 21204*

Hours

Monday through Friday
9 a.m. to 4:30 p.m.

Email

kathyk@baltimorecountymd.gov

Phone

[410-887-2450](tel:410-887-2450)

Fax

410-832-8496

County Executive

Katherine A. Klausmeier

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