



CITY OF PHILADELPHIA

OFFICE OF THE MAYOR
DEPARTMENT OF PUBLIC HEALTH

AMENDMENT REGARDING INDOOR DINING ACTIVITIES TO THE

RESTATED AND CONSOLIDATED EMERGENCY ORDER OF 2021
ESTABLISHING SAFETY MEASURES TO PREVENT
THE SPREAD OF THE 2019 NOVEL CORONAVIRUS (COVID-19) AND
CONTINUING TO ADVISE THAT PHILADELPHIANS ARE SAFER AT HOME

WHEREAS, on January 15, 2021, the Mayor and Health Commissioner issued the “Restated and Consolidated Emergency Order Establishing Safety Measures to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19) and Continuing to Advise that Philadelphians are Safer at Home,” which, among other things, allowed limited indoor dining activities to recommence, subject to certain limitations (“January 15, 2021 Restated and Consolidated Emergency Order”); and

WHEREAS, the introductory clauses from the January 15, 2021 Restated and Consolidated Emergency Order are incorporated herein by reference; and

WHEREAS, although daily COVID-19 case counts remain high, because of social-distancing actions and compliance with the various City Orders protecting the public health, daily case counts have fallen significantly from counts in November and December; and

WHEREAS, the success of the restaurant industry is important to the economy of Philadelphia overall, and the Mayor and Health Commissioner have determined that it is appropriate to modify the occupancy limitations on indoor dining activities under such circumstances;

NOW, THEREFORE, James F. Kenney, Mayor of the City of Philadelphia, and Dr. Thomas A. Farley, Health Commissioner of the City of Philadelphia, pursuant to all authority granted under the Philadelphia Home Rule Charter, The Philadelphia Code, the Regulations of the Board of Health of the City of Philadelphia and applicable state law, hereby **ORDER** as follows:

Section 1. Section 7 of the January 15, 2021 Restated and Consolidated Emergency Order is hereby amended as follows (**bold** indicates new matter added):

Section 7. Restaurants and Catering.

* * *

B. Indoor Dining at Restaurants

Indoor on-site dining activities at restaurants, cafes, retail food service businesses may operate, subject to the following:

* * *

9. Occupancy limits and spacing requirements:

a. Indoor occupancy must be limited to 25% of the stated fire code occupancy for seated dining, **except as follows:**

i. **Upon certification by an HVAC maintenance company or the restaurant owner or manager that a restaurant has met the following ventilation standards, through submission of a completed certification to the Department of Public Health in a form and manner as established by the Department, and notification of approval of such certification by the Health Department, indoor occupancy at 50% of the stated fire code occupancy for seated dining is permitted. Such approval may be revoked based upon City inspection or other evaluation of the accuracy of the restaurant certification.**

ii. **Ventilation Standards:**

(1) If an HVAC system or standalone ventilation unit is in use:

- **HVAC system must be fully operational and must ventilate entire indoor dining area;**
- **HVAC system must circulate at least 20% outside air;**
- **Filtration in use must be MERV 11 or higher;**
- **Exhaust vent must have a minimum 6-foot clearance; from tables, chairs or other furniture or equipment; and**
- **System must provide at least 15 air exchanges per hour.**

(2) If window fans are used instead of an HVAC system:

- **System must provide at least 15 air exchanges per hour.**

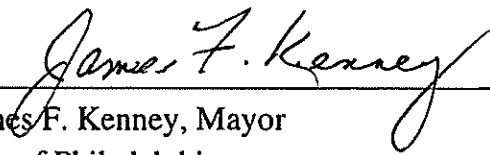
b. Tables must be arranged as follows: Customers sitting at a table must not be within six feet of any customer sitting at another table or customers passing by, in all directions.

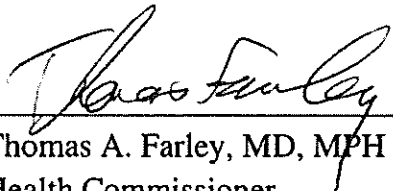
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Section 2. All applicable restrictions and guidance with respect to indoor on-site dining operations remain in full force and effect and are not otherwise impacted by this amendment.

Section 3. This Order shall be effective February 12, 2021 and shall remain in effect until rescinded, superseded, or amended by further Order.

Date: February 9, 2021


James F. Kenney, Mayor
City of Philadelphia


Thomas A. Farley, MD, MPH
Health Commissioner
City of Philadelphia