

CITY OF PHILADELPHIA
OFFICE OF THE MAYOR
DEPARTMENT OF PUBLIC HEALTH

**EMERGENCY ORDER TEMPORARILY PROHIBITING OPERATION OF
NON-ESSENTIAL BUSINESSES TO PREVENT THE SPREAD OF 2019 NOVEL
CORONAVIRUS (COVID -19)**

WHEREAS, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

WHEREAS, on March 11, 2020, the Mayor of Philadelphia issued a Declaration of Extraordinary Circumstance that allows City regulations related to addressing the pandemic to become effective immediately upon transmission to the Department of Records; and

WHEREAS, on March 12, 2020, the Board of Health added COVID-19 to the City's list of reportable and quarantinable diseases; and

WHEREAS, on March 12, 2020, the Commissioner of Health issue an Emergency Order that forbids gatherings of 1,000 or more persons to prevent the spread of COVID-19; and

WHEREAS, on March 13, 2020, the Mayor issued a Declaration of Emergency related to COVID-19 that, in conjunction with the Governor's proclamation, enhanced the City's ability to take action to address the pandemic's impact in Philadelphia;

WHEREAS, on March 16, 2020, the Governor of Pennsylvania announced that the Commonwealth of Pennsylvania is imposing mitigation efforts to curtail the spread of COVID-19 uniformly across the Commonwealth, calling upon nonessential businesses (excluding business such as grocery stores and medical facilities) to close beginning at midnight Tuesday March 17, 2020; and

WHEREAS, COVID-19 is easily transmitted, especially in group settings, including by people with no symptoms or mild symptoms who may unknowingly spread the disease to others; and

WHEREAS, COVID-19 may remain viable for hours to days on surfaces made from a variety of materials located in businesses and other places, thus contaminating certain property and places; and

WHEREAS, COVID-19 can cause severe disease and death, particularly in older adult and other vulnerable populations; and

WHEREAS, pursuant to authority set forth in The Philadelphia Code and inherent authority set forth in The Philadelphia Home Rule Charter, the Mayor has broad authority to set forth limitations on public activities during a state of national health emergency; and

WHEREAS, Section 6-206 of The Philadelphia Code provides that the Department may by order forbid the congregation of persons when necessary to prevent the further spread of a communicable and quarantinable disease; and

WHEREAS, scientific evidence shows that preventing unnecessary close contact of individuals is an effective way to mitigate the spread of communicable diseases like COVID-19; and

WHEREAS, the Mayor of the City of Philadelphia and the Health Commissioner have determined that, in order to limit the spread of COVID-19, it is immediately necessary to forbid the operation of businesses that do not provide essential services to the public, in accordance with the terms and conditions set forth herein;

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 and the Regulations of the Board of Health of the City of Philadelphia, hereby **ORDER** as follows:

Section 1. Prohibition on Operation of Non-Essential Businesses in Philadelphia

- A. No person or entity shall operate a non-essential place of business. This prohibition does not apply to virtual or remote operations (e.g., work from home).
- B. Essential Businesses may operate during the term of this Order.
- C. **Essential Retail Businesses** include:
 - 1. Supermarkets, grocery stores, farmers' markets, convenience stores, and mini-markets
 - 2. Restaurants and food vendors providing food through online, delivery, pickup, or walk-in (dine-in service is strictly prohibited)
 - 3. Pharmacies and retail sellers of medicines not requiring a prescription
 - 4. Suppliers of medical equipment such as hearing aids, eyeglasses, walkers and wheelchairs
 - 5. General building maintenance and household repairs (HVAC, plumbing, electrical, utilities)
 - 6. Stores selling general merchandise and household consumer products, such as chain drugstores, food access, technology equipment, and hardware

7. Hardware stores and stores supplying paint, flat glass, electrical, plumbing, heating, automotive parts, and other construction materials
8. Gas stations, automotive repair service shops, and bicycle stores
9. Banks and related financial institutions
10. Post offices
11. Laundromats and dry cleaners
12. Veterinary clinics and pet stores
13. Hotels
14. Domestic workers
15. Delivery, shipping, and courier services
16. Sellers, installers, and maintenance-providers of computers, telecommunications equipment, audio and video consumer electronics, household appliances
17. Retail vendors of optics and photography equipment
18. Vendors of sanitary equipment
19. Businesses that supply Essential Businesses with indispensable support services or supplies necessary to operate

D. **Essential Infrastructure and Industrial Businesses** include businesses providing work necessary for the following:

1. General construction services
2. Utilities (plumbing water, sewer, gas, electrical, energy production)
3. Roads and highways
4. Transportation services, including public and private transportation; automotive services
5. Delivery and distribution services
6. Waste collection and removal; janitorial services; and extermination services
7. Telecommunications, internet, and radio systems
8. Manufacturing, industrial production, and warehousing
9. Ports and port-related functions
10. Security services
11. News media and press (print and online newspapers, broadcast radio and television, magazines, and all other news outlets)

E. **Essential Healthcare and Social Services Businesses** include:

1. Hospitals, physician offices, urgent care, clinics, dentists, pharmaceutical and biotechnology companies, home healthcare services providers, mental and behavioral health providers, or any related medical or healthcare services.
2. Businesses that provide essential food, shelter, and critical social services for economically disadvantaged or otherwise needy individuals are not prohibited from providing essential food, shelter, and services
3. Residential facilities and shelters for seniors, adults, and children.

F. Additional Essential Businesses may be determined by the Department of Public Health and shall be identified at phila.gov/COVID-19.

G. Nothing in this Order should be interpreted to permit the operation of a business that the Commonwealth has prohibited from operating.

Section 2. Prohibition on Operation of Office-Based Businesses

A. No office-based business or organization, other than an Essential Business, may operate the business generally with personnel located in such office. Nothing in this Order prohibits a person or entity that owns a non-essential office-based business from: allowing limited physical access to the place of business by such personnel necessary for the purposes of securing and maintaining the premises, preserving the property or inventory within, processing payroll and benefits, and facilitating remote access to documents, data, and technology that are indispensable to operating the business.

Section 3. Other Non-Essential Businesses

A. For the avoidance of doubt, non-essential retail businesses that cannot operate include, among other things, movie theaters, clothing-only stores, fitness clubs, arts and music venues, tour operators, social clubs, night clubs, bars, amusement facilities, and event halls.

B. Child daycare facilities are non-essential business, unless they obtain a waiver to operate from the Commonwealth of Pennsylvania or the City of Philadelphia.

C. Law firms are non-essential businesses and should endeavor to provide legal services remotely, except for when physical access to office premises is necessary to seek emergency relief in court or to assist clients in complying with legally mandated activities that cannot be done remotely.

Section 4. Social Distancing Rules

Any business operating under and during the term of this Order must adhere to Social Distancing Rules, which include making efforts to maintain at least six-feet of space between individuals; frequently washing hands with soap and running water for at least thirty seconds and/or using hand sanitizer, refraining from shaking hands; covering coughs or sneezes with a sleeve or elbow (not hands); and regularly cleaning frequently touched surfaces, such as desks, tables, countertops, computers, phones, and door handles.

Section 5. Effective Date and Duration

This Order shall be effective as of 5:00 p.m., Monday March 16, 2020, and shall remain in effect until the end of March 27, 2020, unless otherwise rescinded, superseded, amended, or extended by further Order. Failure to comply with this Order shall result in orders to cease operations and the imposition of such other remedies and penalties as provided for by law.

Date: March 17, 2020

James F. Kenney, Mayor
City of Philadelphia

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