



CITY OF PHILADELPHIA

**OFFICE OF THE MAYOR
DEPARTMENT OF PUBLIC HEALTH**

**AMENDMENT TO THE EMERGENCY ORDER ESTABLISHING
SAFETY MEASURES FOR FURTHER REOPENING
TO PREVENT THE SPREAD OF THE 2019 NOVEL CORONAVIRUS (COVID-19)**

WHEREAS, on May 20, 2021, the Mayor and Acting Health Commissioner issued the “Emergency Order Establishing Safety Measures for Further Reopening to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19),” which allowed additional activities, subject to certain limitations (“Reopening Order”); and

WHEREAS, the introductory clauses from the Reopening Order are incorporated herein by reference; and

WHEREAS, case rates for COVID-19 have continued to fall rapidly and there are now fewer than one-hundred (100) new cases identified per day in Philadelphia, the percentage of individuals testing positive for COVID-19 has dropped to two percent (2%) per day, and hospitalizations have also fallen significantly from the last week of April; and

WHEREAS, vaccination rates in Philadelphia have continued to rise; and

WHEREAS, pursuant to authority set forth in The Philadelphia Code and 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, Sections 6-205 and 6-206 of The Philadelphia Code, the Disease Prevention and Control Law of 1955, 35 P.S. § 521.1 *et seq.*, and Board of Health regulations provide that the Department of Public Health may by order forbid the congregation of persons when necessary to prevent the further spread of a communicable and quarantinable disease and may take such other measures as are necessary to prevent the spread of such disease; and

WHEREAS, given the positive trends with respect to falling COVID-19 case rates and hospitalization, and the rise in vaccination rates, the City has determined it is appropriate to roll back restrictions that were previously put in place; and

NOW, THEREFORE, James F. Kenney, Mayor of the City of Philadelphia, and Dr. Cheryl Bettigole, 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 A: Section 1 of the Reopening Order is hereby amended as follows (***bold italics*** indicates new matter added; ~~strike-through~~ indicates matter deleted):

Section 1. Relationship to Prior COVID-19 Emergency Orders

This Order replaces and supersedes the Spring 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, as it has been ~~amended~~ ***amended, as well as the April 29, 2020, Authorization for Conduct of Certain Construction Activity Currently Prohibited by the March 22, 2020 Emergency Order, as it has been and may subsequently be amended by, inter alia, the May 26, 2020 Relaxation of Certain Restrictions on Construction, Real Estate Businesses, Walk-Up Food Service Ordering and Mobile Food Venders Currently Prohibited by the March 22, 2020 Emergency Order.*** This Order does not replace or supersede emergency orders issued by the Health Commissioner that were not joint orders with the Mayor, including, but not limited to:

* * *

SECTION B: Effective June 2, 2021, Sections 6 of the Reopening Order is repealed and replaced with the following:

Section 6. Restaurants, Bars, Clubs, and Any Other Establishments Where Food or Drink is Served for Onsite Consumption.

Restaurants, bars, clubs, and any other establishments where food or drink is served for onsite consumption, are permitted to operate at full capacity in compliance with restrictions concerning the face coverings and permitted hours of operation as shall be provided in guidance posted by the Philadelphia Department of Health.

SECTION C: Section 9 of the Reopening Order is hereby amended as follows (***bold italics*** indicates new matter added; ~~strike-through~~ indicates matter deleted):

Section 9. Interpretation and Implementation.

A. Except to the extent of a direct conflict, this Order shall be interpreted as

consistent with applicable orders and requirements of the Commonwealth of Pennsylvania. In the event of a direct conflict, the most restrictive order or requirement controls. The City shall continue reviewing inquiries and submissions regarding the applicability of the City's orders to businesses and activities.

B. Consistent with prior emergency health orders of the City, this Order does not apply to government operations of the City of Philadelphia. Individuals interacting with government officers and employees must comply with the requirements of this Order and other City orders and guidance.

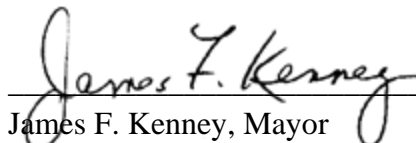
C. The owners, operators and individuals in possession of any facility subject to this Order must allow inspection of ongoing operations as a condition of operation.

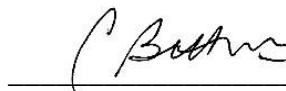
D. Failure to comply with this Order shall result in orders to cease operations and the imposition of penalties, fines, license suspensions, and other remedies as provided for by law, including such penalties and remedies set forth in the April 29, 2020 Emergency Regulation of the Board of Health Governing the Control and Prevention of COVID-19 Pertaining to Fines and Penalties (providing for fines of up to \$2,000 per violation for businesses and \$500 per violation for individuals).

E. Effective Date: This Order shall be effective on **May 21, 2021 at 12:00 a.m.**

F. Expiration Dates: Sections 3-5 of this Order, *and subsection A of Section 7 of this Order*, shall expire on ~~June 10, 2021~~ **June 1, 2021 at 11:59 p.m.**, unless otherwise rescinded, superseded, or amended by further Order. The remainder of this order shall remain in effect until rescinded, superseded or amended by further Order.

Date: June 1, 2021


James F. Kenney, Mayor
City of Philadelphia


Cheryl Bettigole, MD, MPH
Acting Health Commissioner
City of Philadelphia