

State of Alabama)
City of Tuscaloosa)

EXECUTIVE ORDER OF THE MAYOR

To: All Departments, Incident Commander

Number: **2020-025**

Date: September 4, 2020 (*Amended September 24, 2020*)

Regarding: Bar and Restaurant Dining Room Operation
 (A20-1003)

Authority:

By the authority vested in me by the applicable provisions of the laws of the State of Alabama, including but not limited to Ala. Code §11-44B-7 (1975), pursuant to which the Mayor of the City as the Chief Executive Officer has the general supervision and control of all other officers and the affairs of the City, and pursuant to the emergency powers vested in me as Mayor by Alabama State Law and the ordinances and resolutions of the City of Tuscaloosa, and including without limitation Ala. Code §11-45-1, Ala. Code §31-9-10, and §9-11 of the Code of Tuscaloosa, the Proclamation of Existence of a Local Disaster And Emergency issued by me on August 4, 2020, and the resolution of the Tuscaloosa City Council adopted on August 4, 2020, and as otherwise provided by law, I, Walter Maddox, as Mayor do hereby order and direct as follows:

The purpose of this Order is to promote the health, safety, and welfare of the citizens of Tuscaloosa and mitigate the spread of infectious diseases by reducing the risk of exposure during a time of outbreak.

The University of Alabama began activities related to the fall semester in mid-August and resumed in-person classes on August 19, 2020. Since that time, the University has seen a dramatic increase in positive COVID-19 students. It is essential we take steps to protect our healthcare system’s capacity and staffing capability.

The University of Alabama is a large economic engine for the City and a move to virtual classes for the fall semester of 2020 would devastate our local economy and spell disaster for our service industry establishments.

The University of Alabama has taken on-campus measures to reduce the spread of COVID-19. Those measures include the cancellation of all non-academic events, the closing of dining rooms, and restrictions in access to fraternity and sorority houses. The University of Alabama recognizes there are areas of student gatherings beyond the University's control. In an effort to continue in-person schooling this semester the University has asked the City of Tuscaloosa to take measures to reduce the spread of COVID-19 in bars and restaurants.

Bars and restaurants present a unique risk for the spread of COVID-19 based upon the length of time people spend in close proximity indoors and the inability to wear a face covering while eating and drinking.

SECTION 1. Effective *September 24, 2020*, beginning at *5:01 p.m.*, all ABC lounge licensed establishments may operate at a reduced interior capacity of 50% of their occupancy as established by the fire marshal, *but in no event shall any establishment's capacity be reduced below 100 people based solely upon this Order.*

For example: an establishment with an occupancy of 40 people may operate with an interior capacity of 40 people, an establishment with an occupancy of 120 people may operate with an interior capacity of 100 people, and an establishment with an occupancy of 300 people may operate with a capacity of 150 people.

SECTION 2. All other ABC licensed establishments, authorized for on premises consumption, shall suspend walk up bar service and only allow alcohol sales to seated customers. Establishments shall not admit customers unless there is an available seat for said customer. Customers shall remain seated at all times while eating and/or drinking, and an establishment may not allow customers to move about the premises while eating and/or drinking. *A restaurant may elect to operate under the restrictions of Section 1 above by notifying Lt. Beams at the Tuscaloosa Police Department at least 24 hours before utilizing this election. Any election to operate under Section 1 shall be for the duration of this Order.*

For example: A restaurant with a bar top may serve guests seated at the bar top food and/or alcohol, but guests may not carry products served at the bar top away from the bar top. A restaurant may serve guests alcohol while they are seated

at their tables, but guests may not move around the establishment with their food or drink.

SECTION 3. Private clubs and entertainment venues shall have an occupancy limit of 25 percent of the normal occupancy limit as determined by the fire marshal.

SECTION 4. All licensed establishments must follow the ADPH State Health Order regulations including limiting parties to eight people and maintaining six feet of separation between parties. Customers must follow ADPH State Health Order regulations including wearing face coverings while not eating and drinking.

SECTION 5. To the extent that this Order is in conflict with other executive orders, this Order shall supersede the others until this Order is amended or repealed.

SECTION 6. Failure to comply with this Order is punishable by a fine of up to \$500.00 and/or up to one hundred eighty (180) days in the county jail.

SECTION 7. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.

SECTION 8. Executive Order 2020-022 is withdrawn and replaced by this Order.

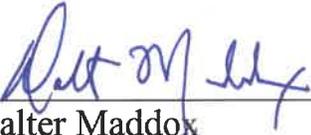
SECTION 9. *This order is effective on September 24, 2020 at 5:01 p.m. and expires on October 8, 2020 at 5:00 p.m.*

Implementation:

All Departments of the City and their respective employees to whom this Executive Order applies shall forthwith implement the same in accordance with its terms and requirements. Nothing contained in this Order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations. This Order is not intended to conflict with, supersede or contradict any lawful ordinance or resolution duly enacted by the City

Council. This Order does not create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by a party against the City, its departments, agencies, entities, officers, employees, or agents, or any other person.

So Ordered from City Hall on this the 22nd day of September, 2020.



Walter Maddox
Mayor, City of Tuscaloosa