



CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH: July 9, 2020  
LAW DEPARTMENT: July 10, 2020  
RECORDS DEPARTMENT:

**EIGHTH SUPPLEMENTAL EMERGENCY REGULATION GOVERNING  
THE CONTROL AND PREVENTION OF COVID-19  
(AMENDMENTS TO YELLOW PHASE AND MODIFIED GREEN PHASE)**

**WHEREAS**, the Pennsylvania Disease Control and Prevention Act of 1955, 1956, April 23, P.L. 1510, 35 P.S. § 52.1 *et seq.*, (the DCPA) and Chapter 6-200 of The Philadelphia Code authorize the Board of Health to establish lists of reportable diseases and conditions, and further provide that the Board and the Department of Public Health are responsible for implementing appropriate disease control and prevention measures in order to limit the spread of disease in an epidemic emergency; and

**WHEREAS**, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of the Commonwealth 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 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

**WHEREAS**, beginning on March 17, 2020, the Mayor and the Health Commissioner as well as the Governor and the Secretary of Health issued a series of orders requiring certain businesses to close across the City and Commonwealth, respectively, and requiring individuals to remain at home with certain exceptions which were subsequently adopted as regulations by the Board of Health; and

**WHEREAS**, on March 26, 2020, the Board of Health approved an Emergency Regulation Governing the Control and Prevention of COVID-19 (effective March 27, 2020), which adopted the Mayor and the Health Commissioner's March 22, 2020 Prohibition on Non-Essential Business and expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate control or prevention measures to limit the spread of COVID-19; and

**WHEREAS**, on April 15, 2020, the Secretary of Health of the Commonwealth of Pennsylvania issued an Order requiring comprehensive safety measures to be employed in all businesses maintaining physical operations, including standards for cleaning and disinfecting high-touch areas, establishing protocols for businesses exposed to probable or confirmed cases of COVID-19, limiting the numbers of employees on the premises and ensuring access to protective gear; and

**WHEREAS**, on April 23, 2020, the Governor issued a document entitled “Guidance for Businesses in the Construction Industry Permitted to Operate During the COVID-19 Disaster Emergency,” which stated that, absent the establishment or maintenance of more stringent requirement by local governments, such limited construction activity could begin on May 1, 2020, which provided additional detail regarding safety and mitigation measures required to be followed in connection with such construction activity; and

**WHEREAS**, on April 29, 2020, the Mayor of the City of Philadelphia and the Health Commissioner determined that, in order to allow limited economic activity to protect existing construction sites, and to protect jobs and investment in the City, within strict limitations appropriate to the situation and the need to limit the spread of COVID-19, construction activity may resume in the City on the bases outlined in an Order signed April 29, 2020, entitled “Authorization for the Conduct of Certain Construction Activity Currently Prohibited by the March 22, 2020 Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses And Individual Activity to Prevent the Spread of 2019 Novel Coronavirus (COVID-19),” which was adopted by this Board effective April 30, 2020 as a “Third Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Authorized Construction Activity);” and

**WHEREAS**, the Board of Health has recognized that the situation involving the COVID-19 pandemic is fast moving and often requires changes to control measures both to impose additional measures and to roll back required measures when appropriate; and

**WHEREAS**, consistent with the foregoing, on May 14, 2020 the Board approved the Fourth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Delegation of Authority), effective May 15, 2020, which adopted the Mayor and Health Commissioner’s May 11, 2020 Delegation, and expressly authorized the Health Commissioner to modify prior controls that are no longer necessary and to delegate such authority where appropriate; and

**WHEREAS**, on May 29, 2020, the Mayor and the Health Commissioner issued an “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They Are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), Yellow Phase of Reopening” (“Safer at Home Yellow Phase Order”), which became effective on June 5, 2020, pursuant to the Governor and Secretary of Health’s Amendments to the Orders of the Governor of the Commonwealth of Pennsylvania and the Secretary of Health for Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, which suspended prior state orders ordering the closure of all businesses that are not life sustaining and directing individuals to stay at home with respect to Philadelphia; and

**WHEREAS**, on June 11, 2020, the Board of Health approved a “Fifth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Safer at Home Yellow Phase),” which adopted the Safer at Home Yellow Phase Order; and

**WHEREAS**, on June 16, 2020, the Mayor and the Health Commissioner issued an “Amendment Regarding Outdoor Dining to the Emergency Order Allowing Limited Reopening of

Businesses, Advising Philadelphians That They Are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), Yellow Phase of Reopening,” (“June 16, 2020 Yellow Phase Order”) which permitted outdoor on-site dining activities, subject to certain limitations and requirements; and

**WHEREAS**, on June 26, 2020, the Mayor and the Health Commissioner issued an “Amendment Regarding Additional Permitted Activities to the Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They Are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), Yellow Phase of Reopening,” (“June 26, 2020 Yellow Phase Order”) which permitted certain activities related to pools, the Philadelphia Zoo, and personal care and grooming services, subject to certain limitations and requirements; and

**WHEREAS**, on June 26, 2020, the Mayor and the Health Commissioner issued an “Emergency Order Concerning the Use of Face Coverings to Prevent the Spread of 2019 Novel Coronavirus (COVID-19),” which made the use of face coverings that cover the nose and mouth mandatory in Philadelphia, subject to certain limitations; and

**WHEREAS**, on July 3, 2020, the Mayor and the Health Commissioner issued an “Amendment Regarding Additional Permitted Activities to the Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They Are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), Moving from Yellow Phase of Reopening to Modified Green Phase,” (“July 3, 2020 Modified Green Phase Order”) which permitted certain additional activities during the City’s modified green phase, subject to certain limitations and requirements, while continuing to prohibit indoor dining, gym and indoor fitness facility operations, indoor theater and indoor performance operations, and indoor gatherings of more than 25 people; and

**WHEREAS**, the Board of Health agrees with these determinations, and recognizes that a graduated approach to reopening the City is prudent; and

**WHEREAS**, consistent with the foregoing, the Board hereby promulgates the below Eighth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Amendments to Yellow Phase and Modified Green Phase) to adopt the Mayor and Health Commissioner’s June 16, 2020 Yellow Phase Order, June 26, 2020 Yellow Phase Order, and July 3, 2020 Modified Green Phase Order, as a temporary regulation effective upon delivery to the Department of Records, while the remaining procedures and formalities of Section 8-407 are followed to promulgate these amendments as a permanent regulation; and

**NOW, THEREFORE**, the Board of Health hereby adopts the following regulation, effective immediately:

1. This Emergency Regulation supplements the Philadelphia Department of Public Health’s *Regulations Governing the Control of Communicable and Non-communicable Diseases and Conditions* and its other emergency regulations governing the control and prevention of COVID-19.

2. The Board hereby fully adopts the Mayor and Health Commissioner's June 16, 2020 Yellow Phase Order, June 26, 2020 Yellow Phase Order, and July 3, 2020 Modified Green Phase Order, which are attached hereto as Attachments A, B, and C, respectively.

3. The Board's Fifth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Safer at Home Yellow Phase) is hereby revised pursuant to the terms of this Emergency Regulation, and superseded to the extent inconsistent with this Emergency Regulation.

4. This Emergency Regulation shall be effective upon filing with the Department of Records and remain effective until expressly superseded or repealed by the Board at the conclusion of the COVID-19 emergency.

Attachment A



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

**AMENDMENT REGARDING OUTDOOR DINING TO THE**

**EMERGENCY ORDER ALLOWING LIMITED REOPENING OF BUSINESSES,  
ADVISING PHILADELPHIANS THAT THEY ARE SAFER AT HOME, AND  
ESTABLISHING SAFETY MEASURES TO PREVENT THE SPREAD OF  
2019 NOVEL CORONAVIRUS (COVID-19)**

**YELLOW PHASE OF REOPENING**

**WHEREAS**, the 2019 novel coronavirus disease, COVID-19, can cause severe disease and death, particularly in older adult and other vulnerable populations; and

**WHEREAS**, on March 6, 2020, in response to the emerging spread of 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 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

**WHEREAS**, on March 17, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order prohibiting operation of non-essential businesses to prevent the spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor and the Secretary of the Pennsylvania Department of Health issued orders requiring all non-life-sustaining businesses to close across the Commonwealth, to help stop the spread of the virus and the Governor and Secretary updated the aforementioned orders and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and multiple times thereafter; and

**WHEREAS**, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and

Congregation of Persons to Prevent the Spread of COVID-19, which superseded the Emergency Order issued by the Mayor and Health Commissioner dated March 17, 2020, and which was approved as a regulation of the City by the Board of Health on March 26, 2020, which expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate to limit the spread of COVID-19; and

**WHEREAS**, on April 15, 2020, the Secretary of Health of the Commonwealth of Pennsylvania issued an Order “Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations,” which requires comprehensive safety measures to be employed in all businesses maintaining physical operations, including standards for cleaning and disinfecting high-touch areas, establishing protocols for businesses exposed to probable or confirmed cases of COVID-19, limiting the numbers of employees on the premises and ensuring access to protective and sanitary equipment and supplies; and

**WHEREAS**, on April 23, 2020, the Governor announced a *Plan for Pennsylvania* that set residents and businesses on a path to recovery from the COVID-19 pandemic while continuing to protect life from the dangers of this deadly virus, which included, *inter alia*, Red, Yellow, and Green Phases of reopening; and

**WHEREAS**, on May 22, 2020, the Governor of Pennsylvania announced that Philadelphia, among other counties was expected to move to the Yellow Phase of reopening by June 5, 2020; and

**WHEREAS**, Philadelphians are working hard to turn back COVID-19, and they are succeeding; because of social-distancing actions and the stay-at-home order, daily COVID-19 case counts have fallen significantly from counts in mid-May and mid-April and continue to decline; and

**WHEREAS**, the Mayor and Health Commissioner determined on May 29, 2020, that Philadelphia could move to the Yellow Phase with additional, Philadelphia-specific restrictions that would apply in addition to restrictions established by the Governor, including limitations on outdoor dining, and executed an Order entitled “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians hat They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening” (“Yellow Phase Order”) to implement that decision, effective on the date determined by the Governor that the City of Philadelphia should move into the Yellow Phase, expected to be June 5, 2020; and

**WHEREAS**, on or around May 28, 2020, the City’s Department of Public Health released *Safe Mode: Guidelines for Safer Operations During the COVID-19 Pandemic*, which

provides specific reopening guidance for types of facilities that may be able to open or expand operations when we reach the Yellow Phase; and

**WHEREAS**, on June 4, 2020, the Governor and Secretary of Health's amended their respective orders Order for Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, to apply to Philadelphia effective June 5th, which generally moved the City into the Yellow Phase pursuant to the Governor's guidelines; and

**WHEREAS**, on or around June 12, 2020, the City's Department of Public Health released an addition to the *Safe Mode* Guidelines that updated guidance for restaurants and mobile food vendors, and specifically with respect to outdoor dining activities; and

**WHEREAS**, the Mayor and Health Commissioner have determined that, under applicable safety requirements and guidelines, operation of outdoor dining activities is within the range of acceptable activities in the Yellow Phase; 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**, Sections 6-205 and 6-206 of The Philadelphia Code provide 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 may take such other measures as are necessary to prevent the spread of such disease;

**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. Operation of Outdoor Dining.**

Outdoor on-site dining activities at restaurants and cafes may operate in the Yellow Phase, beginning on June 12, 2020, subject to the following:

a. All operations must adhere to all restrictions and guidance applicable to restaurants and mobile vendors generally, and to outdoor dining specifically, including the Commonwealth's *Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public*, as subsequently amended, and all orders and guidance cited therein; all applicable City orders and guidance, including the City of Philadelphia's *Safe Mode: Guidelines for Safer*



*Operations During the COVID-19 Pandemic*, as amended; and the specific health and safety requirements specifically identified in the Yellow Phase Order.

b. Customer seating for outdoor dining must remain entirely outside of the indoor portion of the premises. Dining at portions of the indoor space open in some respects to the outside, such as by open windows, is not permitted.

c. If emergency safety orders or safety guidance documents from multiple government agencies differ or conflict, the Philadelphia Department of Public Health recommends that businesses follow the most restrictive applicable order or guidance.

d. All permitting, licensing and other requirements and limitations of City and Commonwealth law applicable to restaurants and food establishments, including with respect to outdoor dining and authorized locations for such activities, remain in place and are not superseded or impacted by this Order.

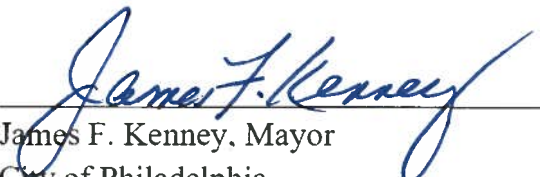
## **2. Interpretation and Implementation.**

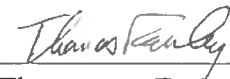
a. Unless otherwise stated, this Order shall be interpreted as consistent with applicable orders and requirements of the Commonwealth of Pennsylvania. The City shall continue to adhere to waivers, exemptions, or recategorizations issued by the Commonwealth from its emergency orders, subject to all applicable laws and regulations. The City shall continue reviewing inquiries and submissions regarding the applicability of the City's orders to businesses and activities.

b. 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.

c. This Order shall remain in effect until rescinded, superseded, or amended by further Order.

Date: June 16, 2020

  
James F. Kenney, Mayor  
City of Philadelphia

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

Attachment B



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

**AMENDMENT REGARDING ADDITIONAL PERMITTED ACTIVITIES TO  
EMERGENCY ORDER ALLOWING LIMITED REOPENING OF BUSINESSES,  
ADVISING PHILADELPHIANS THAT THEY ARE SAFER AT HOME, AND  
ESTABLISHING SAFETY MEASURES TO PREVENT THE SPREAD OF  
2019 NOVEL CORONAVIRUS (COVID-19)**

**YELLOW PHASE OF REOPENING**

**WHEREAS**, the 2019 novel coronavirus disease, COVID-19, can cause severe disease and death, particularly in older adult and other vulnerable populations; and

**WHEREAS**, on March 6, 2020, in response to the emerging spread of 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 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

**WHEREAS**, on March 17, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order prohibiting operation of non-essential businesses to prevent the spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor and the Secretary of the Pennsylvania Department of Health issued orders requiring all non-life-sustaining businesses to close across the Commonwealth, to help stop the spread of the virus and the Governor and Secretary updated the aforementioned orders and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and multiple times thereafter; and

**WHEREAS**, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and

Congregation of Persons to Prevent the Spread of COVID-19, which superseded the Emergency Order issued by the Mayor and Health Commissioner dated March 17, 2020, and which was approved as a regulation of the City by the Board of Health on March 26, 2020, which expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate to limit the spread of COVID-19; and

**WHEREAS**, on April 15, 2020, the Secretary of Health of the Commonwealth of Pennsylvania issued an Order “Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations,” which requires comprehensive safety measures to be employed in all businesses maintaining physical operations, including standards for cleaning and disinfecting high-touch areas, establishing protocols for businesses exposed to probable or confirmed cases of COVID-19, limiting the numbers of employees on the premises and ensuring access to protective and sanitary equipment and supplies; and

**WHEREAS**, on April 23, 2020, the Governor announced a *Plan for Pennsylvania* that set residents and businesses on a path to recovery from the COVID-19 pandemic while continuing to protect life from the dangers of this deadly virus, which included, *inter alia*, Red, Yellow, and Green Phases of reopening; and

**WHEREAS**, the Mayor and Health Commissioner determined on May 29, 2020, that Philadelphia could move to the Yellow Phase with additional, Philadelphia-specific restrictions that would apply in addition to restrictions established by the Governor, including limitations on outdoor dining, and executed an Order entitled “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians that They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening” (“Yellow Phase Order”) to implement that decision, effective on the date determined by the Governor that the City of Philadelphia should move into the Yellow Phase, expected to be June 5, 2020; and

**WHEREAS**, on or around May 28, 2020, the City’s Department of Public Health released *Safe Mode: Guidelines for Safer Operations During the COVID-19 Pandemic*, which provides specific reopening guidance for specific types of facilities that may be able to open or expand operations during the Yellow Phase; and

**WHEREAS**, on June 4, 2020, the Governor and Secretary of Health’s amended their respective orders Order for Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, to apply to Philadelphia effective June 5th, which generally moved the City into the Yellow Phase pursuant to the Governor’s guidelines; and

**WHEREAS**, Philadelphians are working hard to turn back COVID-19, and they are succeeding; because of social-distancing actions and the various City Orders protecting the public health, daily COVID-19 case counts have fallen significantly from counts in mid-April and mid-May, and continue to decline; and

**WHEREAS**, the Mayor and Health Commissioner have determined that, under applicable safety requirements and guidelines, certain additional activities are within the range of acceptable activities in the Yellow Phase; and

**WHEREAS**, although the Governor is expected to announce that Philadelphia is authorized to join other counties in moving to the Green Phase of reopening on June 26, 2020, the Mayor and Health Commissioner are not ending the City's general status as operating in the Yellow Phase at this time; 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**, Sections 6-205 and 6-206 of The Philadelphia Code 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;

**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. Additional Activities Permitted Under the Yellow Phase.**

The following activities may be resumed, provide they are conducted pursuant to all applicable guidance and requirements of the Commonwealth and the City:

- a. All pools may be operated, provided CDC Guidance with respect to aquatic facilities and all other applicable guidelines for businesses are followed, with the following occupancy limits for the pool and the area within the immediate vicinity of the pool: 50 people for an outdoor pool; 25 people for a pool enclosed within a structure.
- b. The Philadelphia Zoo, except for indoor exhibition areas.

- c. Personal care and grooming services, including hair salons, barbershops, nail salons and similar services may operate at 50% occupancy and by appointment only, subject to strict compliance with all applicable Commonwealth and City guidance and requirements.

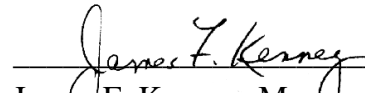
## **Section 2. Interpretation and Implementation.**

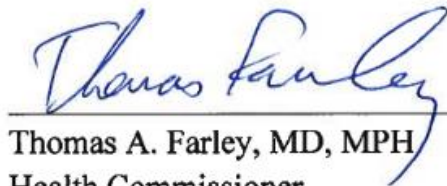
a. Unless otherwise stated, this Order shall be interpreted as consistent with applicable orders and requirements of the Commonwealth of Pennsylvania. The City shall continue to adhere to waivers, exemptions, or recategorizations issued by the Commonwealth from its emergency orders, subject to all applicable laws and regulations. The City shall continue reviewing inquiries and submissions regarding the applicability of the City's orders to businesses and activities.

b. 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.

c. This Order shall remain in effect until rescinded, superseded, or amended by further Order.

Date: June 26, 2020

  
James F. Kenney, Mayor  
City of Philadelphia

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

Attachment C



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

**AMENDMENT REGARDING ADDITIONAL PERMITTED ACTIVITIES TO THE  
EMERGENCY ORDER ALLOWING LIMITED REOPENING OF BUSINESSES,  
ADVISING PHILADELPHIANS THAT THEY ARE SAFER AT HOME, AND  
ESTABLISHING SAFETY MEASURES TO PREVENT THE SPREAD OF 2019  
NOVEL CORONAVIRUS (COVID-19)**

**MOVING FROM YELLOW PHASE OF REOPENING  
TO MODIFIED GREEN PHASE**

**WHEREAS**, the 2019 novel coronavirus disease, COVID-19, can cause severe disease and death, particularly in older adult and other vulnerable populations; and

**WHEREAS**, on March 6, 2020, in response to the emerging spread of 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 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

**WHEREAS**, on March 17, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order prohibiting operation of non-essential businesses to prevent the spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor and the Secretary of the Pennsylvania Department of Health issued orders requiring all non-life-sustaining businesses to close across the Commonwealth, to help stop the spread of the virus and the Governor and Secretary updated the aforementioned orders and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and multiple times thereafter; and

**WHEREAS**, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and



Congregation of Persons to Prevent the Spread of COVID-19, which superseded the Emergency Order issued by the Mayor and Health Commissioner dated March 17, 2020, and which was approved as a regulation of the City by the Board of Health on March 26, 2020, which expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate to limit the spread of COVID-19; and

**WHEREAS**, on April 15, 2020, the Secretary of Health of the Commonwealth of Pennsylvania issued an Order “Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations,” which requires comprehensive safety measures to be employed in all businesses maintaining physical operations, including standards for cleaning and disinfecting high-touch areas, establishing protocols for businesses exposed to probable or confirmed cases of COVID-19, limiting the numbers of employees on the premises and ensuring access to protective and sanitary equipment and supplies; and

**WHEREAS**, on April 23, 2020, the Governor announced a *Plan for Pennsylvania* that set residents and businesses on a path to recovery from the COVID-19 pandemic while continuing to protect life from the dangers of this deadly virus, which included, *inter alia*, Red, Yellow, and Green Phases of reopening; and

**WHEREAS**, the Mayor and Health Commissioner determined on May 29, 2020, that Philadelphia could move to the Yellow Phase with additional, Philadelphia-specific restrictions that would apply in addition to restrictions established by the Governor, including limitations on outdoor dining, and executed an Order entitled “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians that They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening” (“Yellow Phase Order”) to implement that decision, effective on the date determined by the Governor that the City of Philadelphia should move into the Yellow Phase; and

**WHEREAS**, on or around May 28, 2020, the City’s Department of Public Health released *Safe Mode: Guidelines for Safer Operations During the COVID-19 Pandemic*, which provides specific reopening guidance for specific types of facilities that may be able to open or expand operations during the Yellow Phase; and

**WHEREAS**, on June 4, 2020, the Governor and Secretary of Health amended their respective orders for Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, to apply to Philadelphia effective June 5th, which generally moved the City into the Yellow Phase pursuant to the Governor’s guidelines; and

**WHEREAS**, since that time, the Mayor and Health Commissioner, in recognition that cautious reopening with constant review of potential impacts on public health is in the best interests of Philadelphia, have issued a series of Orders gradually easing restrictions with respect to, *inter alia*, outdoor dining, use of pools and personal grooming services;

**WHEREAS**, although the Governor announced that Philadelphia was authorized to join other southeastern Pennsylvania counties in moving to the Green Phase of reopening on June 26, 2020, the Mayor and Health Commissioner, in consideration of public health data and the noted effects on public health in June in states that have hastily reopened, including marked increases of positively identified COVID-19 cases, has taken a cautious approach to moving to the Green Phase; and

**WHEREAS**, Philadelphians are working hard to turn back COVID-19, and they are succeeding. Because of social-distancing actions and the various City Orders protecting the public health, daily COVID-19 case counts have fallen significantly from counts in mid-April and mid-May. The rate of community spread of COVID-19 in Philadelphia remains high, however, and measures to continue to reduce its spread must be maintained and observed; and

**WHEREAS**, on June 26, 2020, the Mayor and Health Commissioner issued an order requiring the wearing of masks in many indoor and outdoor situations, and on July 1, 2020, the Secretary of Health issued a similar order; and

**WHEREAS**, the Mayor and Health Commissioner have determined that, under applicable safety requirements and guidelines, certain additional activities are within the range of acceptable activities that may resume in a modified Green Phase of reopening; 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 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;

**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. Additional Activities Permitted In the Move to a Modified Green Phase.**

The following activities may be resumed, provide they are conducted pursuant to all applicable guidance and requirements of the Commonwealth and the City, including occupancy and capacity limitations, masking and social distancing requirements:

- a. Shopping malls;
- b. Schools at all levels, including primary, secondary (high school), trade and technical schools and higher education;
- c. Libraries and museums;
- d. Formally organized and non-organized outdoor sports activities for youths and adults;
- e. Casinos, provided that food and beverage service and smoking are not permitted in any indoor area;
- f. Outdoor gatherings and small events of up to 50 people.
- g. Indoor gatherings of up to 25 people.
- h. Drive in events, where individuals remain in their own vehicles for the duration of the event with limited exceptions to obtain food or use restroom facilities, of up to 250 people.

## **Section 2. Certain Operations that Remain Prohibited.**

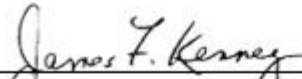
- a. Indoor dining, the operation of gyms and indoor fitness facilities, and the operation of indoor theaters and indoor performances remain prohibited at this time.
- b. Indoor gatherings of more than 25 people remain prohibited at this time.

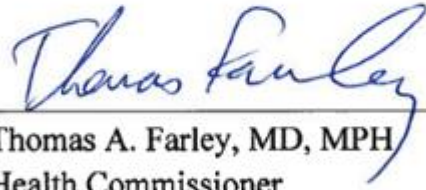
## **Section 3. Interpretation and Implementation.**

- a. Unless otherwise stated, this Order shall be interpreted as consistent with applicable orders and requirements of the Commonwealth of Pennsylvania. The City shall continue to adhere to waivers, exemptions, or recategorizations issued by the Commonwealth from its emergency orders, subject to all applicable laws and regulations. The City shall continue reviewing inquiries and submissions regarding the applicability of the City's orders to businesses and activities.
- b. 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.

c. This Order supplements the Yellow Phase Order, as amended, and shall remain in effect until rescinded, superseded, or amended by further Order.

Date: July 3, 2020

  
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James F. Kenney, Mayor  
City of Philadelphia

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