

DEPARTMENT OF HEALTH  
**CITY OF NEW ORLEANS**

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**CITY OF NEW ORLEANS HEALTH DEPARTMENT**

**GUIDELINES FOR COVID-19 REOPENING — MODIFIED  
PHASE TWO**

**November 25, 2020**

**I. PURPOSE**

Mayor LaToya Cantrell issued a “Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19” (“Mayoral Proclamation”) on May 15, 2020, which allows the City of New Orleans to enter into a phased reopening of businesses following a two month Stay at Home Mandate. These phases will continue to prohibit certain activities in the interest of public health and to prevent the further spread of the SARS-CoV-2 virus. The New Orleans Health Department provides this document to aid in the interpretation and implementation of the May 15, 2020 Mayoral Proclamation and to provide additional guidance and mandates for residents and businesses in the City of New Orleans.

**II. FACTUAL BACKGROUND**

SARS-CoV-2, the virus that causes Coronavirus 2019 Disease (“COVID-19”) is a communicable respiratory disease that can be easily transmitted especially in group settings. It is believed to be spread easily amongst the population by various means of exposure, including person to person transmission and attaching to surfaces for prolonged periods of time. Due to the contagious nature of the virus and emerging scientific evidence regarding transmission, non-pharmacological interventions are indicated to slow the spread of the virus, such as physical and social distancing, increased sanitation protocols, and use of personal protective equipment as much as possible while in public. Slowing transmission through these measures safeguards public health and safety, protects the most vulnerable populations that have been disproportionately affected by COVID-19, and protects the ability of health care providers to avoid surge conditions in response to an influx of patients. As a novel virus, there is a limited scientific understanding of this virus, and measures specific to reducing harm from COVID-19 must be guided by sound evidence-based research as it emerges. One known proven way to slow transmission is to limit interactions among people to the greatest extent practicable through non-pharmacological interventions such as those described above.

Due to the direct and definitive threat to public health and safety from COVID-19, Mayor LaToya Cantrell has taken emergency actions to mitigate the effects and prevent further deaths and illness for the people of the City of New Orleans from COVID-19. On March 11, 2020, Mayor Cantrell filed a “Mayoral Proclamation of a State of Emergency Due to COVID-19,” which allowed Mayor Cantrell to exercise the emergency authorities provided to the Mayor in La. R.S. 29:727, and in coordination with state and federal agencies, to thoroughly prepare for and respond to the COVID-19 emergency. Following the dramatic increase in the number of positive cases in New Orleans, from one (1) case on March 9, 2020 to seventy-five (75) cases and two deaths in Orleans Parish as of March 15, 2020, Mayor Cantrell filed the March 16, 2020 Mayoral Proclamation to impose restrictions on public and private gatherings, to close businesses where large gatherings routinely occur, and to limit restaurant operations to take out and delivery. On April 16, 2020, there were 5,847 positive cases and 302 deaths due to COVID-19; therefore, Mayor Cantrell extended the Mayoral Proclamation due to the continued high number of new cases and deaths.

On May 15, 2020, Mayor Cantrell issued a Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, which extends the April 15th restrictions until Health Department guidance provides otherwise. The Proclamation directs the Department of Health to promulgate temporary regulations to introduce a phased approach to easing the restrictions in place, with flexibility provided to the public health professionals to immediately respond in real time and adjust restrictions if necessary with adjustments based on public health data, guidance of the CDC and State health department, or applicable law.

### **III. PUBLIC HEALTH MILESTONES**

As of May 15, 2020, the City of New Orleans had met the public health milestones for entering a phased reopening process as described by evidence-based guidance for jurisdictions and health departments issued by the World Health Organization, White House, Centers for Disease Control and Prevention (CDC), and Johns Hopkins University. This guidance identifies when it may be safe to enter a phased easing of restrictions, which allows the reopening of some businesses during the COVID-19 emergency. It requires jurisdictions to meet the following four public health milestones in order to enter a phased reopening process. The four public health milestones and thresholds are currently defined as follows.

#### **Sustained decrease in number of new cases**

Jurisdictions must see a downward trajectory of documented cases within a 14 to 21-day period. The New Orleans Health Department will continue to monitor new positive cases to determine the need to reissue restrictions if cases increase above 50 per day (averaged over at least 3 days) or consecutive increase in cases for more than 5 days. The positivity rate showing the percent of new cases over the total number of tests reported and the R0 which shows the transmission rate will also be factors to consider. The positivity rate should fall below 5% and R0 should remain at or below 1.0. As of November 24, 2020, there have been over 50 cases per day and a transmission rate (R0) over 1.0 for the last 14 days.

### **Consistently testing at 4-5% of population**

Jurisdictions must be able to test 4-5% of their population over the course of a month to ensure that all symptomatic individuals have access to testing, and that the number of new cases is representative of the disease spread within the community and not a result of diminished testing capacity. The City of New Orleans continues to have high rates of testing through healthcare providers and community-based testing locations. The number of tests completed will be monitored by the New Orleans Health Department to ensure that testing remains at this capacity of at least 15,000 per month. Across New Orleans, there have been over 1,000 tests per day since July 2020.

### **Adequate staffing for contact tracing**

In order to isolate and identify exposure of close contacts, the Louisiana Department of Health will need to increase their ability to implement contact tracing. As of June 8, 2020, there were over 600 individuals able to provide contact tracing in Louisiana and this number is expected to grow to 700 individuals. The number of contact tracers is based on the ability to contact all new positive cases within 24 hours of LDH receiving the test results. The New Orleans Health Department will work with LDH to determine the levels of contact tracing necessary and provide assistance if necessary.

### **Adequate healthcare system capacity**

Healthcare systems, especially hospitals, must be able to care for all COVID-19 and non-COVID-19 patients without using surge capacity. The New Orleans Health Department utilizes data from regional hospitals and LDH to monitor hospitalization rates and availability of hospital beds, intensive care unit (ICU) beds, ventilators, and personal protective equipment supplies.

As of November 24, 2020, the Governor of Louisiana has issued a proclamation that includes more restrictions and states that the state of Louisiana will operate under Modified Phase Two. These guidelines reflect those changes made by the Governor.

## **IV. REOPENING MODIFIED PHASE TWO): MANDATES FOR RESIDENTS AND BUSINESSES IN THE CITY OF NEW ORLEANS**

Pursuant to the May 15th Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, the New Orleans Health Department provides the following general directives to all individuals and businesses to best mitigate the further spread of COVID-19 in New Orleans. The CDC advises the best way to prevent the spread of the illness is to avoid being exposed to the virus, so individuals and businesses should follow these directives to the maximum extent feasible.

- All residents and visitors to the City of New Orleans should take personal responsibility to prevent the further spread of COVID-19, including but not limited to, remaining in their homes whenever possible and avoiding gatherings;

- Individuals who are considered high risk for complications due to COVID-19, such as the elderly and people with pre-existing health conditions should remain at home unless accessing essential services;
- Individuals should maintain social distancing of at least six feet from other (non-household) individuals, wash hands with soap and water for at least 20 seconds as frequently as possible or use hand sanitizer, and avoid shaking hands;
- Individuals over the age of 2 and without breathing complications (i.e. use of oxygen) should wear a face covering at all times when in public, unless performing outdoor recreation or athletic competition with proper social distancing;
- Employers in the City of New Orleans should take all necessary steps for employees to work remotely or from home;
- Businesses not considered essential service providers should have the least number of employees on premises necessary to continue minimum basic operations and must comply with all safety requirements as set forth herein;
- Movement around the City should be limited to only that necessary for travel to and from authorized businesses, accessing essential services, and for personal recreation (i.e. walking, biking, and running), with strict adherence to social distancing guidelines;
- Indoor live entertainment is only allowed with a special event permit or certification of registration in restaurants, indoor event venues, and concert halls. Singing, karaoke, and wind-blown instruments are prohibited indoors.
- Outdoor live entertainment is only allowed with a special event permit.

Pursuant to the May 15th Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, the New Orleans Health Department further provides the following specific directives and guidance to best mitigate the further spread of COVID-19 in New Orleans:

1. All indoor public and private gatherings shall be limited to **25% capacity or 75** individuals and outdoor public and private gatherings shall be limited to **25% capacity or 150** individuals. All individuals in indoor and outdoor gatherings must wear masks. While attending such gatherings, individuals who do not live in the same household must maintain six feet in distance between themselves. Individuals who live in the same household are not required to maintain social distancing between themselves.
2. All businesses and institutions that provide essential services or have been exempted for Modified Phase Two shall be allowed to remain open or reopen if they follow mandatory safety requirements. These include:
  - Healthcare operations;
  - Public safety, emergency response, and first responders;
  - Any establishment engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish and poultry, and any other household consumer products (such as cleaning and personal care products), including stores that sell groceries and other non-grocery products, such as products necessary to maintain the safety, sanitation, and essential operation of residences;
  - Food cultivation, including farming, livestock, and fishing;

- Businesses that provide food, shelter and social services and other necessities of life for economically disadvantaged or otherwise needy individuals;
- Businesses necessary for required construction and/or infrastructure projects; ports and maritime, railroads, solid waste collections and removal; utilities; on- and offshore energy production, energy transmission, refineries and chemical plants, pipeline and telecommunication systems;
- Newspapers, television, radio and other media services;
- Banks and related financial institutions;
- Hardware stores;
- Any other service providers who provide services that are necessary to maintaining the safety, sanitation and essential operation of businesses or residents (e.g. plumbers, electricians, exterminators, security personnel);
- Businesses providing mailing and shipping service, including post office boxes;
- Educational institutions – including public and private K-12 schools, colleges, and universities – for the purpose of facilitating distance and in-person learning, while following Louisiana Department of Health and Department of Education guidance, or performing essential functions, provided that social distancing requirements are maintained to the greatest extent possible;
- Laundromats, dry cleaners and laundry service providers;
- Businesses that supply product needed for people to work from home;
- Businesses that supply other essential businesses with support or supplies necessary to operate
- Businesses that ship or deliver groceries, food, goods or services directly to residences
- Airlines, taxi, and other private transportation providers providing essential transportation services;
- Home-based care for seniors, adults or children;
- Residential facilities and shelters for seniors, adults and children;
- Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated services; and
- Childcare facilities, provided that social distancing is maintained to the greatest extent possible.

All essential businesses should take measures to prevent gatherings of employees, customers, visitors, and any other individuals while operating, to the maximum extent feasible. Loitering outside of any of these essential service providers or open businesses shall be prohibited.

3. All businesses and institutions other than those that provide essential services or have been explicitly listed below as exempted for Modified Phase Two shall remain closed, including but not limited to the following:
  - a. Amusement Parks
  - b. Fairs and Festivals
  - c. Arcades
  - d. Indoor playground and play centers
  - e. Second Lines and Parades
  - f. Dance clubs

## **Mandatory Safety Requirements for all Businesses and Institutions Operating in New Orleans**

All businesses and institutions allowed to operate in Modified Phase Two must implement and comply with identified specific safety requirements to limit interactions among individuals and limit virus transmission. In order to operate during Modified Phase Two, all such businesses and institutions must adhere to the following requirements:

- All Modified Phase Two exempt businesses and institutions (this does not apply to essential businesses) must register on the Louisiana State Fire Marshal website ([opensafely.la.gov](https://opensafely.la.gov)) to receive sector-specific guidelines for reopening and a certificate of Acknowledgement of Registration, which must be posted at all entrances, so it is visible before entering the premises;
- All businesses and institutions must prohibit individuals from entering the premises if they have symptoms of illness, must require that all customers, clients, and visitors wear face coverings while indoors or on the premises, should, to the extent feasible, have unused face coverings in stock to provide customers who do not have face coverings upon entry, and must post signage at all entrances clearly indicating such requirements and prohibitions;
- When working inside, open doors and windows to promote air flow to the greatest extent possible and limit the number of people occupying a single indoor space according to industry social distancing guidelines;
- When two or more people are occupying a vehicle for work related purposes, they must wear face coverings;
- Workers must have easy and frequent access to soap and water or hand sanitizer during the duration of work, and frequent handwashing or hand sanitizing is required including before entering and leaving job sites;
- All common spaces and equipment, including bathrooms, frequently touched surfaces and doors, tools and equipment, and vehicles must be cleaned and disinfected at the beginning, middle and end of each shift and, if possible, prior to transfer from one person to another;
- Workers must wear face coverings over their nose and mouth when in the presence of others;
- In the case of retail cashiers, a translucent shield or "sneeze guard" should also be provided, when applicable (the presence of this shield does not replace the need to wear a face covering);
- No congregation of workers is allowed and all common areas, such as break rooms and cafeterias, but excluding restrooms, shall be closed;
- If the nature of an employee's work, or the work area does not allow employees to safely consume meals in the workspace an employer may designate a common area or room where meals may be safely consumed provided the following conditions are met:
  - Limit occupancy to ensure that social distancing of at least 6 feet between all employees;
  - Hand washing facilities and/or hand sanitizer shall be immediately available at the entrances of designated common area or room;

- Employees shall be required to wipe down the area prior to leaving – or there shall be cleaning of the area at regular intervals throughout the day;
- At the entrances of the designated common area or room the employer shall clearly post the policy limiting the occupancy of the space, and the minimum social distancing, hand washing/hand sanitizing and space cleaning requirements;
- Workers shall not report to, or be allowed to remain at, a work or job site if sick or symptomatic (with fever higher than 100.4°F/38.0°C, cough, and/or shortness of breath, diarrhea, or any other symptom suggestive of COVID-19);
- Non-symptomatic COVID-19 positive workers are not allowed on site and any worker(s) who have contact with a worker or any other person who is diagnosed with COVID-19 are required to quarantine for 14 days;
- Individuals who have tested positive can be allowed to return to work if they have not had symptoms for at least 3 days and at least 10 days have passed since their symptoms began;
- To the extent feasible, prior to the start of each work shift, pre-screening or survey shall be required to verify each employee has no symptoms of illness (fever, cough, and/or shortness of breath), including temperature checks when feasible;
- To the extent feasible, employers should to be considerate of employees with pre-existing morbidities or health conditions;
- All workers must observe strict social distancing of at least six feet while on the job, unless noted, and should refrain from touching their faces; and
- All food handlers must wear a face covering that covers both the nose and the mouth.
- Service and sales of alcoholic beverages, whether for consumption on or off-premises, and including packaged alcohol sales, shall only occur between the hours of 8 a.m. and 11 p.m. in the French Quarter and Central Business District, which is defined to include all areas bounded by the Mississippi River, the center line of Esplanade Ave., the center line of Rampart St., and the center line of Common St.

### **Modified PhaseTwo Exempt Businesses and Institutions**

Certain businesses and institutions that do not provide essential services are exempted for Modified Phase Two and will be allowed to reopen. All Modified Phase Two exempt businesses and institutions must comply with the Louisiana State Fire Marshal guidelines for their sector in addition to the following requirements.

The following businesses and institutions shall qualify for a Modified PhaseTwo exemption and be allowed to open during Modified PhaseTwo under the following modified requirements:

- **Retail stores** shall be allowed to open at 50% of permitted occupancy while following all State Fire Marshal guidelines for Shopping and Retail.
  - Food courts must follow fast food restaurant guidelines.
  - Curb-side pickup and online shopping are highly encouraged.
  - Face coverings and maintaining social distancing of six feet are required at all times.

Retail Stores must also follow the additional restrictions required by the City of New



Orleans listed below:

- Service and sales of alcoholic beverages, whether for consumption on or off-premises, and including packaged alcohol sales, shall only occur between the hours of 8 a.m. and 11 p.m. in the French Quarter and Central Business District, which is defined to include all areas bounded by the Mississippi River, the center line of Esplanade Ave., the center line of Rampart St., and the center line of Common St.
- **Restaurants** shall be allowed to open at 50% of indoor permitted occupancy and 100% of outdoor permitted occupancy while following the State Fire Marshal guidelines for Restaurants Cafes Bars. State guidelines include but are not limited to the following restrictions:
  - Service and sales of alcoholic beverages for on-site consumption shall only occur between the hours of 8 a.m. and 11 p.m.
  - All alcohol sales must be accompanied by food sales.
  - Tables must be arranged to keep parties at least six feet apart.

Restaurants must also follow the additional restrictions required by the City of New Orleans listed below:

- No seating shall be allowed at the physical bar.
- Food service establishments licensed as standard restaurants under the CZO that provide table service will be required to utilize a reservation system to track names and phone numbers of customers, keep this information for 21 days, and provide it to LDH if requested for contact tracing purposes.
- Restaurants licensed as fast food, specialty restaurants, or carry-out restaurants, or standard restaurants where patrons order food from a counter, must designate areas for ordering that are at least six feet apart. These areas should be clearly marked on the floor for customer convenience. Marks should also indicate six foot distances between patrons waiting in line to order.
- Patrons must wear masks unless actively eating or drinking.
- Private events must adhere strictly to the guidelines, guidance from the State Fire Marshal, and the gathering size limits.
- Takeout and delivery are highly encouraged.
- Restaurants are required to prohibit customers from loitering outside of the premises if such customers are not practicing social distancing or wearing masks. Restaurants that fail to prohibit such loitering may be prohibited from offering take-out services.
- Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.
- Outdoor live entertainment is only allowed with a special event permit.
- Indoor instrumental live entertainment is only allowed in restaurants with a special event permit or certification of registration. Singing, karaoke, and wind-blown instruments are prohibited.
- **Bars without a state AR-Conditional permit** shall be allowed to open for indoor seating to 25% or 50 individuals, whichever is fewer, and outdoor seating to 100% capacity or 50 individuals, whichever is fewer, and are allowed to sell alcoholic beverages through drive



thru, takeout or curbside pickup and must follow the State Fire Marshal guidelines for Restaurants Cafes Bars.

State guidelines include but are not limited to the following restrictions:

- Customers must be seated for table service and stay seated.
- Tables must be arranged to keep parties at least six feet apart.
- Service and sales of alcoholic beverages for on-site consumption shall only occur between the hours of 8 a.m. and 11 p.m.
- Face coverings are required at all times for employees and customers except while actively eating or drinking.
- Bar games, including but not limited to pool, darts, shuffleboard and cornhole, are prohibited.
- Indoor live entertainment is prohibited.

Bars without a state AR-Conditional permit must also follow the additional restrictions required by the City of New Orleans listed below:

- Sitting at the bar is prohibited. Bars are required to prohibit customers from loitering outside of the premises if such customers are not practicing social distancing or wearing masks. Bars that fail to prohibit such loitering may be prohibited from offering take-out services.
  - Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.
  - Bars shall utilize a reservation system to track names and phone numbers of customers, keep this information for 21 days, and provide it to LDH if requested for contact tracing purposes.
  - Bars serving carry-out orders must designate areas for ordering that are at least six feet apart. These areas should be clearly marked on the floor for customer convenience. Marks should also indicate six foot distances between patrons waiting in line to order. Items sold through carry-out shall not be consumed on-premises.
  - Outdoor live entertainment is only allowed with a special event permit.
  - Dance clubs are prohibited.
- **Bars or other establishments with a state AR-Conditional permit** may operate as standard restaurants under these guidelines, regardless of their use designation by the city of New Orleans. These establishments must adhere to all of the restaurant guidelines set forth herein and in the Comprehensive Zoning Ordinance.
  - **Breweries, Microbreweries, Distilleries and Microdistilleries** shall be allowed to open with social distancing at 25% of indoor permitted occupancy or 50 people, whichever is fewer, and 100% of outdoor permitted occupancy or 50 people, whichever is fewer, and they must follow the State Fire Marshal guidelines for Restaurants Cafes Bars.

State guidelines include but are not limited to the following restrictions:

- Customers must be seated for table service and stay seated.
- Tables must be arranged to keep parties at least six feet apart.

- Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.
- Face coverings are required at all times for employees and customers except while actively eating or drinking.
- Bar games, including but not limited to pool, darts, shuffleboard and cornhole, are prohibited.
- Indoor live entertainment is prohibited.

Breweries, Microbreweries, Distilleries and Microdistilleries with LDH Food Permits must also follow the additional restrictions required by the City of New Orleans listed below:

- Sitting at the bar is prohibited.
  - Breweries, Microbreweries, Distilleries and Microdistilleries with LDH Food Permits are required to prohibit customers from loitering outside of the premises if such customers are not practicing social distancing or wearing masks. Those that fail to prohibit such loitering may be prohibited from offering take-out services.
  - Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.
  - Breweries, Microbreweries, Distilleries and Microdistilleries with LDH Food Permits shall utilize a reservation system to track names and phone numbers of customers, keep this information for 21 days, and provide it to LDH if requested for contact tracing purposes.
  - Breweries, Microbreweries, Distilleries and Microdistilleries with LDH Food Permits serving carry-out orders must designate areas for ordering that are at least six feet apart. These areas should be clearly marked on the floor for customer convenience. Marks should also indicate six foot distances between patrons waiting in line to order. Items sold through carry-out shall not be consumed on-premises.
  - Outdoor live entertainment is only allowed with a special event permit.
- **Adult Live Performance Venues** shall be allowed to open following all rules for bars under these guidelines provided that they have obtained a certificate of registration from the Department of Safety & Permits. Certificates of registration allow the City to review health and safety plans from businesses before they are permitted to operate in order to ensure safe operation for patrons and employees. These certificates may be applied for online or through email at [specialevents@nola.gov](mailto:specialevents@nola.gov).
    - There may only be one performer per stage. Stage and poles must be sanitized between performers.
    - All patrons must be seated and served via table service.
    - Sitting at the bar is prohibited.
    - All patrons must be at least 6 ft from the stage or performers must be 6 feet from the edge of the stage. If performers are to remain 6 feet away from edge of the stage, there must be markings on the stage so the performers do not cross that line. Performers and patrons must stay 6 feet apart at **all** times.
    - All patrons, employees and performers must wear face coverings unless actively eating or drinking.

- Private table dances are allowed if the performer is on a table and 6 feet from the patron. Lap dances and other forms of private dances are prohibited.
  - Private rooms, champagne rooms, back rooms, and any room not open to the public are prohibited. All rooms where performances occur should have a safety officer at all times. The safety officer's role is to ensure that all COVID-19 guidelines are being followed and this individual may not have any other role.
  - Patrons may not provide tips directly to performers. The business must provide options for touchless tipping including tip jars and cashless tip payments.
  - Dressing rooms can be opened at 25% capacity with social distancing. Surfaces should be sanitized regularly.
- **Salons, Barber Shops and Tanning establishments** shall be allowed to open at 50% of permitted occupancy while following the State Fire Marshal guidelines for Salons Barbers Tanning. State guidelines include but are not limited to the following restrictions:
    - Chairs must be arranged to keep people at least six feet apart.
    - Employees must maintain strict PPE usage as defined by the State Fire Marshal. Gloves must be worn and changed between customers.

Salons, Barber Shops and Tanning establishments must also follow the additional restrictions required by the City of New Orleans listed below:

- Face coverings are required at all times for employees and customers.
- Interior gathering spaces or waiting areas cannot be used.
- Services must be tracked using a reservation system to track names and phone numbers of customers, keep this information for 21 days, and provide it to LDH if requested for contact tracing purposes.

- **Tattoo, Massage and Esthetician Services** shall be allowed to open at 50% of permitted occupancy while following the State Fire Marshal guidelines for Tattoo Massage Esthetician. State guidelines include but are not limited to the following restrictions:
  - Chairs must be arranged to keep people at least six feet apart.
  - Employees must maintain strict PPE usage as defined by the State Fire Marshal.

Tattoo, Massage and Esthetician Services must also follow the additional restrictions required by the City of New Orleans listed below:

- Interior gathering spaces or waiting areas cannot be used.
- Face coverings are required for employees and customers at all times.
- Services must be tracked using a reservation system to track names and phone numbers of customers, keep this information for 21 days, and provide it to LDH if requested for contact tracing purposes.

- **Houses of Worship** shall be allowed to open for services at 50% of permitted occupancy or 500 individuals, whichever is fewer, while following the State Fire Marshal guidelines for Places of Worship. State guidelines include but are not limited to the following restrictions:
  - Interior gathering spaces must be closed.

- Plans for entrances and exits to reduce gatherings are required, and crowd managers must be in place per State Fire Marshal guidelines.

Houses of Worship must also follow the additional restrictions required by the City of New Orleans listed below:

- Choirs are prohibited from performing or rehearsing.
  - Online or drive up services are highly encouraged.
  - Scheduled time slots or the use of an appointment or reservation system for services is encouraged.
  - Face coverings are required at all times.
- **Childcare, Early Learning Centers, K-12 School and Summer Programs** shall be allowed to open according to restrictions put forth by the local governing school system, Louisiana Department of Health, Louisiana Department of Education, and other state agencies.
  - **Adult Day Cares and PACE programs** shall be allowed to open according to restrictions put forth by the Louisiana Department of Health.
  - **Movie Theaters** shall be allowed to open at 50% of permitted occupancy or 250 individuals per showing, whichever is fewer, while following the State Fire Marshal guidelines for Movie Theaters. State guidelines include but are not limited to the following restrictions:
    - Individuals and groups must maintain six feet of distance at all times. Interior gathering spaces cannot be used.
    - Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.

Movie Theaters must also follow the additional restrictions required by the City of New Orleans listed below:

- Face coverings are required at all times.
- **Museums, Zoos and Aquariums** shall be allowed to open at 50% of permitted occupancy while following the State Fire Marshal guidelines for Museums Zoos Aquariums. State guidelines include but are not limited to the following restrictions:
    - Individuals and groups must maintain six feet of distance at all times. Interior gathering spaces cannot be used. Tactile exhibits are prohibited.
    - Group tours must be limited to no more than 8 related persons and each tour group must maintain 30 feet between groups.

Museums, Zoos, and Aquariums must also follow the additional restrictions required by the City of New Orleans listed below:

- Admission must be staggered using an appointment system.
- Face coverings are required at all times.

- **Gyms and Fitness Centers** shall be allowed to open at 50% of permitted occupancy and group fitness classes may operate at 50% of capacity with no physical contact, while following all of the State Fire Marshal guidelines for Fitness Centers and Health Clubs. State guidelines include but are not limited to the following restrictions:
  - Physical Distancing measures for equipment and exercise areas must be arranged to keep six feet between individuals, such as the use of barriers or closing certain machines.
  - On-site sanitation attendants are required.

Gyms and Fitness Centers must also follow the additional restrictions required by the City of New Orleans listed below:

- Face coverings are required at all times.
- Scheduling and/or a sign-in system is required.

- **Office Buildings and Organizations and Businesses within Office Buildings** shall be allowed to open at 50% of permitted occupancy, while following the State Fire Marshal guidelines for Business and Organizations. State guidelines include but are not limited to the following restrictions:
  - Conference rooms are limited to 15 people with six feet between each person.

Office Buildings and Organizations and Businesses within Office Buildings must also follow the additional restrictions required by the City of New Orleans listed below:

- Face coverings are required at all times unless alone in an office.
- Employees that can work remotely should continue to do so. Virtual meetings are highly encouraged.

- **Conference Venues and Meeting Rooms** shall be allowed to open at 50% of permitted occupancy or 250 individuals, whichever is fewer, while following the State Fire Marshal guidelines for Event Venues. State guidelines include but are not limited to the following restrictions:
  - Individuals must be able to maintain a six foot distance between each other.
  - Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.

Conference Venues and Meeting Rooms must also follow the additional restrictions required by the City of New Orleans listed below:

- Events are limited to timed, seated events.
- Trade shows and exhibit spaces are allowed with approval from the State Fire Marshall and the Department of Safety and Permits.
- Face coverings are required at all times.

- **Indoor Event Venues** shall be allowed to open at 25% of permitted capacity or 75 individuals, whichever is smaller, while following the State Fire Marshal guidelines for Event Venues. State guidelines include but are not limited to the following restrictions:
  - Individuals must be able to maintain a six foot distance between each other. Events are limited to timed, seated events. No buffets or dancing.

- Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.
- Indoor live entertainment is only allowed with a special event permit. Singing, karaoke, and wind-blown instruments are prohibited.

Indoor Event Venues must also follow the additional restrictions required by the City of New Orleans listed below:

- Face coverings are required at all times except while eating and drinking.
- **Libraries** shall be allowed to open at 50% of permitted occupancy while following the State Fire Marshal guidelines for Libraries. State guidelines include but are not limited to the following restrictions:
  - Group events shall not have more than 15 people with six feet of social distancing between individuals.

Libraries must also follow the additional restrictions required by the City of New Orleans listed below:

- Face coverings are required at all times.
- **Community Centers** shall be allowed to open at 50% of permitted occupancy while following the State Fire Marshal guidelines for Business and Organizations.

Community Centers must also follow the additional restrictions required by the City of New Orleans listed below:

- Group events are prohibited.
- Face coverings are required at all times.
- **Recreation Spaces and Sports Complexes (including Outdoor Stadiums and Large Arenas)** shall be allowed to open at up to 25% of standing capacity or 500 individuals, whichever is fewer. Larger capacities may be allowed contingent upon approval from the New Orleans Health Department. Any events taking place in recreation spaces or sports complexes that are not athletic competitions, must obtain a special event permit. All recreation spaces and sports complexes must follow the State Fire Marshal guidelines for Indoor and Outdoor Sports, Racing. **Indoor Gymnasiums** shall be allowed to open at up to 25% of standing capacity or 100 individuals, whichever is fewer, while following the State Fire Marshal guidelines for Indoor and Outdoor Sports, Racing. State guidelines include but are not limited to the following restrictions:
  - Individuals must be able to maintain a six foot distance between each other. Events are limited to timed, seated events.

Recreation Spaces and Sports Complexes must also follow the additional restrictions required by the City of New Orleans listed below:

- Face coverings are required for all attendees and spectators.
- Youth and recreational sports must follow the general and sport-specific guidelines put forth by the LHSAA. Collegiate sports must adhere to both City and conference general and sport-specific guidelines.

- **Swimming Pools** shall be allowed to open following the State Fire Marshal guidelines for Swimming Pools and Athletic Facilities. State guidelines include but are not limited to the following restrictions:
  - There must be a dedicated safety officer to ensure social distancing.
- **Outdoor Live Entertainment** shall be allowed up to 25% capacity or 150 person gathering limit following the State Fire Marshal guidelines for Event Venues. State guidelines include but are not limited to the following restrictions:
  - There must be one safety control officer provided per 50 people, in accordance with State Fire Marshal guidelines.
  - Individuals must maintain six feet of distance between each other and wear face coverings at all times.
  - Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.

Outdoor Live Entertainment Venues must also follow the additional restrictions required by the City of New Orleans listed below:

- Outdoor Live Entertainment is only allowed with a special event permit.
  - Face coverings are required at all times except for while eating and drinking.
- **Casinos, Racetracks, and Video Poker Establishments** shall be allowed to open at 25% of permitted capacity with 50% of gaming tables open, while following the State Fire Marshal guidelines. State guidelines include but are not limited to the following restrictions:
    - Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.

Casinos, Racetracks, and Video Poker Establishments must also follow the additional restrictions required by the City of New Orleans listed below:

- Face coverings are required at all times except while eating and drinking.
- **Walking and Biking Tours** shall be allowed to operate with 18 people while following the State Fire Marshal guidelines.
    - Individuals must maintain six feet between each other.
    - Face coverings are required at all times.
  - **Carriage Tours** shall be allowed to operate at 100% capacity if pre-booked and all patrons are from the same household. Walk ups or groups with patrons from multiple households may operate at 50% capacity. Tours must follow State Fire Marshal guidelines.
    - Individuals from different households must maintain six feet between each other.
    - Face coverings are required at all times.



- **Bus Tours** shall be allowed to operate at 50% capacity, while following State Fire Marshal guidelines.
  - Individuals must maintain six feet between each other.
  - Face coverings are required at all times.
- **Street Performers and Buskers** shall be allowed to perform on public rights-of-way. Street performers and buskers are encouraged to maintain small audiences that are wearing face coverings and social distancing. Face coverings must be worn by performers unless speaking, singing or using a wind-blown instrument as a part of the performance.
- All other businesses or organizations that are not listed above but have been approved to reopen by the State Fire Marshal in accordance with a Gubernatorial Proclamation may present their approval by the State Fire Marshal to the Department of Safety and Permits, who shall consult with the Department of Health to confirm compliance with these Guidelines, and may reopen according to the State Fire Marshal requirements provided with their approval. If the Department of Health instead determines that such a business or organization fits within a category of business or organization listed above, such business or organization shall be subject to the requirements for that category listed above.

### **Modified Phase Two Exempted Restaurants**

Pursuant to the May 15th Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, the Department of Safety and Permits, in conjunction with the New Orleans Health Department, provides the following additional temporary options for outdoor seating to Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries.

- All Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries as defined in the Comprehensive Zoning Ordinance, shall make every effort to continue to limit their operations to take out and delivery, including the sale of alcohol in accordance with City and State issued permits. Restaurants may provide indoor and outdoor seating to customers only if they operate in accordance with the guidelines from the State Fire Marshal.
- All Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries that have a current sidewalk café permit may begin to utilize the spaces covered by the permit, but only if they operate in accordance with the guidelines from the State Fire Marshal and the safety measures herein. Tables shall be arranged in a way to ensure ADA compliance and shall be located no closer than 8' from the center of the required walking path. Loitering outside of any of these establishments shall be prohibited.
- Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries that would like to apply for a sidewalk café permit, or whose sidewalk café permit requires renewal, may apply for a temporary sidewalk use permit without fees. The added value brought to citizens and public health by expanding the availability of outdoor restaurant seating outweighs the fees associated with these applications during the COVID-19 emergency. These temporary sidewalk café permits will be evaluated under the current sidewalk café

regulations, as well as for compliance with the guidelines from the State Fire Marshal. All such temporary sidewalk café permits will expire on December 31, 2020, unless the City determines that an extension of this date is warranted.

- Enforcement of the off-street parking provisions contained in the CZO applicable to Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries is hereby temporarily suspended. Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries with off-street parking may use those spaces for outdoor seating, provided they operate in accordance with the guidelines from the State Fire Marshal, the safety measures herein, and all other applicable law. Tables shall be arranged in a way to ensure ADA compliance and shall be located no closer than 8' from the center of any required walking path. Loitering in or near the outdoor seating areas of any of these establishments shall be prohibited. In no way shall this temporary privilege be construed as a permanent right.
- Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m. In restaurants, all alcohol sales must be accompanied by food sales. Sidewalk cafes and seating in parking lots shall be considered part of the premises for purposes of this section.

### **Live Entertainment Guidance**

- Live entertainment for the purposes of the COVID-19 reopening guidelines is defined as: Any one (1) or more of any of the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy, magic, dance performances, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment. This does not include adult live performances.
- Any party seeking to host a live entertainment performance in the City during Modified Phase Two shall be required to obtain either **a special event permit** or a certificate of registration from the City in order to do so. A special event permit may allow live entertainment when it is otherwise not permitted. A certificate of registration is for businesses that are allowed to offer live entertainment when this Emergency Proclamation is not in effect, such as venues which have valid live entertainment mayoralty permits. Certificates of registration allow the City to review health and safety plans from businesses before they are permitted to operate in order to ensure safe operation for patrons and employees. These certificates may be applied for online or through email at [specialevents@nola.gov](mailto:specialevents@nola.gov). Pursuant to her Emergency Proclamation, the Mayor has waived prohibitions in the CZO and in the municipal code limiting the number of special event permits a venue may be eligible for as well as prohibitions regarding the frequency of permitted special events.

- Applications to permit live entertainment or to obtain a certificate of registration may be submitted online or by email to [specialevents@nola.gov](mailto:specialevents@nola.gov).
- Special event permit or certificate of registration applications submitted less than seven (7) days in advance of the event seeking permitting or registration may be summarily denied.
- Special event permits which include live entertainment as part of the event and certificates of registration shall apply subject to the social distancing guidelines set forth by the Governor, State Fire Marshal, and Mayor.
- Indoor live entertainment may only take place in restaurants, indoor event venues and concert halls. Singing, karaoke, and wind-blown instruments are prohibited from performing indoors. Social distancing between performers and between audience members must be maintained at all times. Face coverings must be worn by performers unless speaking as part of the performance.
- Outdoor live entertainment must adhere to the 150 individual gathering size limit. Social distancing between performers and between audience members must be maintained at all times. Face coverings must be worn by performers unless speaking, singing or using a wind-blown instrument as a part of the performance. One safety control officer is required for every 50 people.
- Pursuant to her Emergency Proclamation, the Mayor has waived prohibitions in the CZO against outdoor live entertainment for establishments meeting all of the requirements contained in this document and which obtain a special event permit or certificate of registration.
- Service and sales of alcoholic beverages, whether for on- or off-premises consumption, shall only occur between the hours of 8 a.m. and 11 p.m.
- Hosting live entertainment without obtaining a proper permit or certificate of registration, or in violation of the terms of the permit and documentation submitted therewith shall be considered to be a violation of the Modified PhaseTwo guidelines and may subject the hosting venue to enforcement activity, including but not limited to revocation of the permit, revocation of a business's ability to open under Modified Phase Two guidelines, misdemeanor charges for owners, managers, and/or staff, and cessation of electrical service to the business. Businesses holding Alcoholic Beverage Outlet permits from the City are also advised that the right to maintain such permits is contingent on the business following all applicable laws, including those contained in any Mayoral Proclamation and in these guidelines or any subsequently issued by the City.
- Live entertainment permits shall be initially granted for a ten-day period. The application must list all proposed events during said ten-day period. After the conclusion of this ten-day period, applicants may apply to extend their permit for up to a six-month period. All proposed events must also be detailed in that application as directed by Safety and Permits.
- Any applicant that has already applied for and received an entitlement to host live entertainment events, such as a live entertainment mayoralty permit, may obtain live entertainment certificates of registration under these guidelines without additional cost,

rather than a special event permit. Proof must be shown that the entitlement is valid and in effect and that no fees are due or outstanding.

- All live entertainment requires permitting in order to ensure that health and safety guidelines are being followed in order to mitigate the risk to participants. Given, however, that certain less formal events are unlikely to create revenue for the hosts, the City will waive fees for live entertainment permits which meet the following criteria:
  - The applicant seeks to hold the event at their private residence. Proof may be required in the form of an act of sale or lease if DSP determines its necessary.
  - Amplification is allowed as long as (1) the concert does not violate the City’s noise ordinance and (2) there is no modification of existing electrical systems on the premises.
  - The event will not include any of the following:
    - Stages or other platform or structural construction
    - Tents
    - The sale of alcohol
    - Entry fees of any kind.
  - The event will include no more than 50 participants or attendees.

### **Special Event Guidance**

- Any party seeking to host a special event in the City during Modified Phase Two shall be required to obtain a special event permit from the City in order to do so. Pursuant to her Emergency Proclamation, the Mayor has waived prohibitions in the CZO and in the municipal code limiting the number of special event permits a venue may be eligible for as well as prohibitions regarding the frequency of permitted special events.
- For the purposes of Modified Phase Two reopening guidelines, “special events” are defined as any event that is not allowed by right by an establishment’s zoning designation under the CZO (or by an approved conditional use) and by the Modified Phase Two guidelines.
- Special events must adhere to the following rules:
  - Anyone hosting a special event must prohibit individuals from entering the event premises if they have symptoms of illness, must require that all participants and attendees wear face coverings, should, to the extent feasible, have unused face coverings in stock to provide to participants and attendees who do not have face coverings upon entry, and must post signage at all entrances to the event clearly indicating such requirements and prohibitions.
  - Participants and attendees must have easy and frequent access to soap and water or hand sanitizer during the duration of the event, including any set-up or dismantling of the event space, and frequent hand washing or hand sanitizing is required including before entering and after leaving the event.

- All common spaces and equipment, including bathrooms or port-o-lets and frequently touched surfaces and doors, tools, and equipment must be cleaned and disinfected before, during, and after the event.
- Everyone attending the event, including those who may be working or volunteering at the event, shall be considered to be a “participant or attendee” as the term is used herein.
- Participants and attendees must maintain strict social distancing of at least six feet during all phases of the event, including set-up and dismantling of the event space.
- No fairs, festivals, parades, or second lines will be permitted.
- All attendees at special events should have socially-distant seating, and no standing or gathering will be permitted. Applicants are expected to provide plans regarding how they will ensure that these activities do not occur.
- Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.
- No gathering shall allow more than 25% capacity or 75 people indoors and 150 outdoors.
- One safety officer per 50 guests is required.
- Applications to permit special events may be submitted online or by email to [specialevents@nola.gov](mailto:specialevents@nola.gov).
- Special event permit applications submitted less than seven (7) days in advance of the event seeking permitting may be summarily denied.
- Applications to permit special events shall be required to submit the following information, as well as any other information requested by the Department of Safety and Permits:
  - A site plan showing the area where the event will take place, including any stage or performance areas, all tables and chairs, restrooms, and any other relevant physical features. The site plan must conform to social distancing requirements.
  - A detailed organizational plan for the event which specifies the following:
    - A listing of any food or beverages to be sold, including whether alcoholic beverages will be sold;
    - Any ticketing or attendance fees;
    - A planned schedule of the event;
    - Any other information requested by the Department of Safety and Permits.
  - A list of safety measures to be taken to ensure that the event can proceed without endangering the public health, including but not limited to:
    - Sanitizing stations;
    - Ability to collect names and contact information of all participants for contact tracing purposes, as well as policies to retain this information for at least 21 days;
    - Policies to prevent congregation;
    - Policies to enforce mask wearing;

- Policies to prevent symptomatic participants or attendees from joining the event;
  - Policies to enforce maximum occupancy; and
  - Noise mitigation policies.
- Special event permits are a privilege, not a right, and the City retains the ability to grant or deny any application for any reason.
- Hosting any special event without obtaining a proper permit, or in violation of the terms of the permit and documentation submitted therewith shall be considered to be a violation of the Modified Phase Two proclamation and may subject the applicant or host to enforcement activity, including but not limited to revocation of the permit, revocation of a business’s ability to open under Modified Phase Two guidelines, misdemeanor charges for applicants, owners, managers, and/or staff, and cessation of electrical service to the venue. Businesses holding Alcoholic Beverage Outlet permits from the City are also advised that the right to maintain such permits is contingent on the business following all applicable laws, including those contained in any Mayoral Proclamation and in these guidelines or any subsequently issued by the City.
- Special event permits may be initially granted for a ten-day period. The application must list all proposed events during said ten-day period. After the conclusion of this ten-day period, applicants may apply to extend their permit for up to a six-month period. All proposed events must also be detailed in that application as directed by Safety and Permits.

Based on public health data and emerging evidence of the SARS-CoV-2 virus and COVID-19 disease, the Director of Health may amend, update, revise, or clarify any portion of this document including public health milestones, definitions of phases, eligible businesses, or any other provision, in order to institute updated measures for the control of the epidemic and to protect the health and safety of the public. Exemptions may be revoked based on failure to comply with requirements set forth in this document, or due to other public health data that indicates such a setting or activity is not aligned with minimizing exposure to the virus.

## **V. ENFORCEMENT OF THESE GUIDELINES**

The Louisiana Homeland Security and Emergency Assistance and Disaster Act provides that “any person . . . violating any order, rule, or regulation promulgated pursuant to this Chapter, shall be fined not more than five hundred dollars, or confined in the parish jail for not more than six months, or both.” La. R.S. 29:727(G). Additionally, Section 54-501 of the City Code provides that whoever “violates any provision of an emergency order issued by a competent official under authority of a declaration of emergency made pursuant to state law, or whoever during such a declared state of emergency sells anything at a price that violates R.S. 29:732, shall be guilty of a misdemeanor.” Section 54-25 of the City Code says that such a misdemeanor "shall be punished by a fine not exceeding \$500.00, or by imprisonment for not more than five months or both such fine and penalty . . . ." Mayor Cantrell has declared a state of emergency to exist in New Orleans via proclamation on March 11, 2020 and has imposed orders subject to these penalty provisions in her

May 15, 2020 Proclamation. These emergency orders will be strictly enforced, and compliance is of the utmost importance.

Enforcement measures may include, but are not limited to, prohibiting a business from offering take-out services, revocation of a business's ability to open under Modified Phase Two guidelines, revocation of any special event or live entertainment permits, revocation of certificates of registration, misdemeanor charges for owners, managers, and/or staff, and cessation of electrical service to the business. Businesses holding Alcoholic Beverage Outlet permits from the City are also advised that the right to maintain such permits is contingent on the business following all applicable laws, including those contained in any Mayoral Proclamation and in these guidelines or any subsequently issued by the City.