

DEPARTMENT OF HEALTH
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

GILBERT MONTAÑO
CHIEF ADMINISTRATIVE OFFICER

JENNIFER AVEGNO, MD
DIRECTOR OF HEALTH

CHANTELL REED, MSHCM
DEPUTY DIRECTOR OF HEALTH

CITY OF NEW ORLEANS HEALTH DEPARTMENT
GUIDELINES FOR COVID-19 REOPENING PHASE TWO

September 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 the Stay at Home mandate 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. In order for the City of New Orleans to move into the next phase of reopening, there must be another 14 to 21-day period of continued decreasing new positive cases.

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.

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.

On September 11, 2020, the Governor of Louisiana announced that the State could move into Phase 3, which eases a number of restrictions while putting others into effect. The City of New Orleans will not move into Phase 3 at this time due to the fact that New Orleans Public Schools will be allowing students to re-enter the classroom for in-person learning. The City of New Orleans will monitor the local public health milestones for two weeks beyond the return of students and reassess whether to enter the City's Phase 3 at that time. The guidelines herein reflect the new restrictions put in place by Governor Edwards on September 11, 2020. In addition, these guidelines clarify rules for sports and recreation, as these are related to school reopenings.

**IV. REOPENING PHASE TWO: SAFER AT HOME
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;
- Individuals are prohibited from gathering in groups larger than 25 individuals indoors;
- Individuals are prohibited from gathering in groups larger than 50 individuals in any single outdoors space. Gatherings must include one safety control officer provided per 50 people per State Fire Marshal guidelines even in outdoor parks and spaces;
- 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;
- Live entertainment is prohibited in front of an audience in all indoor spaces. 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 individuals and outdoor public and private gatherings shall be limited to 50 individuals. All individuals in indoor and outdoor settings 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. This shall not apply to healthcare facilities, pharmacies, grocery stores, corner stores, banks, gas stations, and other essential service providers. Loitering outside of any of these essential service providers or open businesses shall be prohibited.
2. All businesses and institutions that provide essential services or have been exempted for Phase Two shall be allowed to remain open or reopen if they follow mandatory safety requirements.

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

Gatherings

The Health Department's first specific directive concerns gatherings of people outside the home, which should be limited to fewer than 25 individuals in indoor settings and 50 individuals with one safety control officer provided per 50 people per State Fire Marshal guidelines in outdoor settings, in accordance with COVID-19 guidance from the CDC and state and local health departments. The CDC advises that the best way to prevent COVID-19 illness is to avoid being exposed to the virus. Thus, the CDC encourages individuals to put distance between themselves and other people if COVID-19 is spreading in the community, which is especially important for people who are at higher risk of getting very sick or having complications due to COVID-19. People participating in gatherings should maintain six feet between themselves and other individuals who do not reside in the same household, and they should wear masks.

This prohibition does not apply to essential service providers, including but not limited to the following:

- 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 learning 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.

Mandatory Safety Requirements for all Essential and Phase Two Exempt Businesses and Institutions

The Health Department’s second specific directive requires essential and Phase Two exempt businesses and institutions to implement and comply with identified specific safety requirements to limit interactions among individuals and limit virus transmission. In order to operate during Phase Two, all businesses and institutions must adhere to the following requirements:

- All 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) 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 be considerate of employees with pre-existing morbidities or health conditions;
- All workers must observe strict social distancing of at least 6 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.

Phase Two Exempted Businesses and Institutions

The Health Department's third specific directive identifies businesses and institutions that do not provide essential services but are exempted for Phase Two and will be allowed to reopen. All 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 Phase Two exemption and be allowed to open during Phase Two under the following modified requirements:

- **Retail stores** with exterior doors shall be allowed to open at 50% of permitted occupancy. Stores within shopping malls with no exterior entrances may also reopen at 50% of permitted occupancy. Food courts must follow fast food restaurant guidelines. Curb-side pickup and online shopping are highly encouraged. Face coverings are required at all times.
- **Restaurants** will be allowed to open at 50% of indoor permitted occupancy and 100% of outdoor permitted occupancy. 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 6 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. Tables must be arranged to keep parties at least six feet apart. Patrons must wear masks unless actively eating or drinking. Private events must adhere strictly to these 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.
- **Bars, Breweries, Micro-breweries, Distilleries, and Micro-Distilleries without a state AR-Conditional permit** shall not allow for on premises consumption of any food or drinks. Bars, Breweries, Micro-breweries, Distilleries, and Micro-Distilleries shall not be allowed to provide for alcoholic beverages through drive-thru, takeout or curbside pickup. Bars and breweries with an LDH food permit are required to prohibit customers from loitering outside of the premises if such customers are not practicing social distancing or wearing masks. Bars and breweries with an LDH food permit that fail to prohibit such loitering may be prohibited from offering take-out services.
- **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.
- **Salons, Barber Shops and Tanning** Establishments are allowed to open at 50% of permitted occupancy. Chairs must be arranged to keep people at least six feet apart. Interior gathering spaces or waiting areas cannot be used. Employees must maintain strict PPE usage as defined by the State Fire Marshal. Gloves must be worn and changed between

customers. 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. Face coverings are required at all times.

- **Tattoo, Massage and Esthetician Services** are allowed to open at 50% of permitted occupancy. Chairs must be arranged to keep people at least six feet apart. Interior gathering spaces or waiting areas cannot be used. Employees must maintain strict PPE usage as defined by the State Fire Marshal. 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. Face coverings are required at all times.
- **Houses of Worship** are allowed to open for services at 50% of permitted occupancy or 250 individuals, whichever is fewer. No choirs are permitted. Interior gathering spaces must be closed. Online or drive up services are highly encouraged. Plans for entrances and exits to reduce gatherings are required and crowd managers must be in place per State Fire Marshal guidelines. 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** are allowed to open with cohorts of 25 people per group including adults and according to other restrictions put forth by the state.
- **Movie Theaters** are allowed to open at 50% of permitted occupancy or 250 individuals, whichever is fewer, per showing. Individuals and groups must maintain six feet of distance at all times. Interior gathering spaces cannot be used. Face coverings are required at all times. Service and sales of alcoholic beverages for on-premises consumption shall only occur between the hours of 8 a.m. and 11 p.m.
- **Museums, Zoos and Aquariums** will be allowed to open at 50% of permitted occupancy. Admission must be staggered using an appointment system. Individuals and groups must maintain six feet of distance at all times. Interior gathering spaces cannot be used. Tactile exhibits, group tours, and events are prohibited. Face coverings are required at all times.
- **Gyms and Fitness Centers** will be allowed to open at 50% of permitted occupancy. Group fitness classes may operate at 50% of capacity with no physical contact.. 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. Scheduling and/or a sign-in system is required. On-site sanitation attendants are required. Facial coverings are required at all times.
- **Office Buildings and Organizations and Businesses within Office Buildings** are allowed to open at 50% of permitted occupancy, but employees that can work remotely should continue to do so. Conference rooms are limited to 10 people with six feet between each person. Virtual meetings are highly encouraged. Face coverings are required at all times unless alone in an office.
- **Conference Venues and Meeting Rooms** are allowed to open at 50% of permitted occupancy or 250 individuals, whichever is smaller. Individuals must be able to maintain a six feet distance between each other. Events are limited to timed, seated events. Trade shows, exhibit spaces, networking events and gathering spaces are prohibited. Face coverings are required at all times. Service and sales of alcoholic beverages for on-premises consumption shall only occur between the hours of 8 a.m. and 11 p.m.

- **Indoor Event Venues** are allowed to open at 50% of permitted capacity or 25 individuals, whichever is smaller. Individuals must be able to maintain a six foot distance. Events are limited to timed, seated events. No buffets, dancing or live entertainment. Face coverings are required at all times except while eating and drinking. Service and sales of alcoholic beverages for on-premises consumption shall only occur between the hours of 8 a.m. and 11 p.m.
- **Libraries** all are allowed to open at 50% of permitted occupancy. No story time or group events allowed. Face coverings are required at all times.
- **Community Centers** are allowed to open at 50% of permitted occupancy. No group events. Face coverings are required at all times.
- **Outdoor Recreation Spaces, Sports Complexes, Parks and Playgrounds** are allowed to open, but residents must continue social distancing measures including maintaining six feet from others. 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. + No stadium, sports complex or arena hosting any athletic event, whether amateur or professional, shall exceed 25% of the total occupancy or 250 individuals, whichever is fewer, while wearing face coverings and adhering to the maximum social distancing possible between spectators, as determined by the State Fire Marshal. Occupancy limits on indoor gymnasiums where games or athletic events are played are limited to 25% of total occupancy, or 100 individuals, whichever is fewer, while wearing face coverings and adhering to the maximum social distancing possible, as determined by the State fire marshal. Alcohol sales shall not be permitted inside the stadium, sports complex, arena or indoor gymnasium. Any event held inside a stadium, sports complex, arena, or indoor gymnasium shall follow the applicable guidance from the State Fire Marshal. Face coverings are required for all attendees and spectators.
- **Outdoor Pools** are allowed to open with 25% of permitted occupancy based on deck size. There must be a dedicated safety officer to ensure social distancing.
- **Outdoor Live Entertainment** is allowed up to the 50-person gathering limit following the guidelines listed below. There must be one safety control officer provided per 50 people per State Fire Marshal guidelines. Individuals must maintain six feet distance and wear masks. Face coverings are required at all times except for while eating and drinking. Service and sales of alcoholic beverages for on-premises consumption shall only occur between the hours of 8 a.m. and 11 p.m.
- **Casinos, Racetracks and Video Poker Establishments** are allowed to open at 25% of permitted capacity with 50% of gaming tables open. Face coverings are required at all times except while eating and drinking. Service and sales of alcoholic beverages for on-premises consumption shall only occur between the hours of 8 a.m. and 11 p.m.
- **Outdoor Tours** are allowed to open with six feet between individuals and each individual must wear a mask.
- All other businesses or organizations that are not listed above but have been approved to reopen by the State Fire Marshal in accordance with Gubernatorial Proclamation 74-JBE-2020, entitled “State of Emergency for COVID-19 Phase 2 of Resilient Louisiana”, 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.

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.

- All Restaurants, 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 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 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 is hereby temporarily suspended. Restaurants 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. Sidewalk cafes and seating in parking lots shall be considered part of the premises for purposes of this section.

Outdoor Live Entertainment Guidance

- Any party seeking to host a live entertainment performance in the City during 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.
- Live entertainment may only take place outdoors.
- Applications to permit special event outdoor live entertainment may be submitted by email to specialevents@nola.gov.
- Special event permits which include live entertainment as part of the event shall apply subject to the social distancing guidelines set forth by the Governor, State Fire Marshal, and Mayor, the application guidelines set forth herein, as well as the following conditions:
 - Live entertainment is only permitted outdoors. 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.
 - Live entertainment is only permitted on private property, and may not take place on the public right of way. This includes seating for outdoor live entertainment.
 - Live entertainment is only permitted in a fully-enclosed outdoor space, such as an interior courtyard.
 - Live entertainment may not be projected onto the public right of way.
 - Live entertainment spectators must remain seated at tables which meet the State Fire Marshal and City Phase Two social distancing rules.
- Venues without existing live entertainment mayoralty permits may also apply for special event permits to host live entertainment subject to the application requirements herein.
- All spectators of any live entertainment must remain seated at tables which meet the State Fire Marshal and City Phase Two social distancing rules.
- Service and sales of alcoholic beverages shall only occur between the hours of 8 a.m. and 11 p.m.
- Hosting live entertainment 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 Phase Two guidelines and may subject the hosting venue to enforcement activity, including but not limited to revocation of a business's ability to open under 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.

Special Event Guidance

- Any party seeking to host a special event in the City during 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 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 Phase Two guidelines.
- Live entertainment may only take place outdoors.
- 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 50 people.
 - One safety officer per 50 guests is required.
- Applications to permit special events may be submitted by email to specialevents@nola.gov.
- 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.
- Live entertainment is only permitted outdoors. 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.
 - Live entertainment is only permitted on private property, and may not take place on the public right of way. This includes seating for outdoor live entertainment.
 - Live entertainment is only permitted in a fully-enclosed outdoor space, such as an interior courtyard.
 - Live entertainment spectators must remain seated at tables which meet the State Fire Marshal and City Phase Two social distancing rules.
- Special event permits are a privilege, not a right, and the City retains the ability to grant or deny any application for any reason. Applicants may request written reasons for denial.
- 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 Phase Two proclamation and may subject the applicant or host to enforcement activity, including but not limited to revocation of a business's ability to open under 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.

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 54-401 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 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.