



**Effective date:** November 6, 2020

## Statewide Reopening Guidance – Indoor and Outdoor Markets and Street Fairs

**Authority:** Executive Order No. 20-27, ORS 433.441, ORS 433.443, ORS 431A.010

**Applicability:** This guidance applies to operators and vendors of indoor and outdoor markets and street fairs statewide.

This guidance does not permit a venue or business to operate if such operation is prohibited under an Executive Order or sector-specific guidance.

**Enforcement:** To the extent this guidance requires compliance with certain provisions, it is enforceable as specified in Executive Order 20-27, paragraph 26.

**Definitions:** For purposes of this guidance, the following definitions apply:

- “Alcohol Tasting” means no more than a 1/2 ounce of distilled spirits, 1 ½ ounces of wine/cider, or 3 ounces of malt beverage.
- “Farmers market” means a public and recurring group of farmers or their representatives whose primary purpose is selling the food or other agricultural products that they grow or harvest directly to consumers, including but not limited to produce, baked goods, meat, eggs, flowers, honey and dairy products.
- “Indoor and outdoor markets” means indoor or outdoor public spaces where the primary purpose is for vendors to sell agriculture products, food, merchandise, and services, generally from booths or tables, and vendors may pay a fee to participate. Indoor and outdoor markets may include but are not limited to farmers markets, flea markets, craft fairs, roadside stands and other markets that do not include interactive rides or exhibits. Indoor and outdoor markets do not include retail stores or shopping centers or malls.
- “On-site consumption” means one or more vendors participating in the indoor/outdoor market or street fair that offer food or beverage for consumption within the market or street fair in portions that exceed a sample or alcohol tasting size.
- “Operator” means a person responsible for the management and operation of an indoor or outdoor market space or street fair location.
- “Outdoor” means any open-air space including any space which may have a temporary or fixed cover (e.g. awning or roof) and at least seventy-five percent of the square footage of its sides open for airflow.

- “Sample” means a three-ounce or less portion of a food or non-alcoholic beverage.
- “Street fair” means an outdoor public event requiring a street closure where the primary purpose is for vendors to sell food, merchandise and services, and vendors may pay a fee to participate. A street fair does not include interactive rides or exhibits.
- “Vendor” means a business that sells food, beverages (including alcoholic beverages), merchandise or services at an indoor market, outdoor market or street fair and may or may not pay a fee to participate.

### **Operators and vendors of indoor and outdoor markets and street fairs are required to:**

- Review and implement [General Guidance for Employers](#).
- Review and implement [Statewide Mask, Face Covering, Face Shield Guidance](#).

### **Operators of indoor and outdoor markets and street fairs are required to:**

- Post [clear signs](#) (available at [healthoregon.org/coronavirus](http://healthoregon.org/coronavirus)) that list COVID-19 symptoms; ask vendors, employees and customers with symptoms to stay home; and list who to contact if they need assistance.
- Ensure that ventilation systems operate properly. Increase air circulation and ventilation as much as possible by opening windows and doors. In indoor spaces, fans should only be used when windows or doors are open to the outdoors in order to circulate indoor and outdoor air. Do not open windows and doors if doing so poses a safety risk to employees or customers.
- Provide separate facilities, including restrooms, if there is more than one indoor or outdoor market or street fair operating at the same time at the same location.
  - Customers, vendors and market/fair staff must use only the facilities for their designated market or fair.

### ***To the extent possible, operators of indoor/outdoor markets and street fairs should, but are not required to:***

- Strongly encourage vendors/attendees/participants to wash hands with soap and water for at least 20 seconds or to use hand sanitizer (60-95% alcohol content) regularly.
- Provide hand sanitizer (60-95% alcohol content) at entrances.
- Consider placing clear plastic or glass barriers in front of cashiers or customer service counters, or in other places where maintaining six (6) feet of physical distance between employees and customers is more difficult.
- Provide separate entrances/exits for employees and/or vendors.
- Implement one-way flow with marked entrances and exits, but do not block egress for fire exits. Use signs to direct one-way flow of traffic.

**To the extent possible, vendors at indoor and outdoor markets and street fairs should, but are not required to:**

- Prohibit customers from trying on items that are worn on the face (cloth masks, scarves, headbands, eyewear).
- If providing fitting rooms for customers, encourage customers to wash hands or use hand sanitizer before and after trying on clothes. Vendors should provide hand sanitizer or hand washing stations near fitting rooms. **Note:** There are no scientific data to indicate that clothing items are a major means of spread of the coronavirus. Any risk from this exposure is likely to be very low. Items that have been in a fitting room can be set aside for a day or longer if the vendor is concerned about perceived risks from clothing that has been tried on by customers.
- Consider offering alternative order ahead and pick up options, such as curbside pickup, as appropriate and applicable.
- Use touchless or cashless payment options, that do not require contact with customers.

## **Distance and Occupancy**

**Operators of indoor and outdoor markets and street fairs are required to:**

- If allowing on-site consumption of food or beverages, designate and delineate an area of the market or street fair only for this purpose and limit the maximum capacity of the designated area to 100 people indoor or 250 people outdoor, not to exceed 250 indoor and outdoor, or the number of people, including staff, based on the area's capacity (square footage/occupancy), **whichever is less**. OHA strongly recommends that areas are roped off or marked in such a way to create a single entry and exit areas. If a market or street fair only allows alcohol tastings or samples and no on-site consumption at the market or street fair, there is no capacity limit for the market or street fair as long as physical distancing between parties can be maintained.
  - Markets or street fairs allowing on-site consumption must comply with the restaurant and bar guidance for the phase the county is in ([Phase One](#) or [Phase Two](#)).
  - Vendors offering on-site consumption of alcohol or alcohol tastings at markets or street fairs must obtain a special event license from the OLCC and must ensure that open containers of alcohol (including alcohol tastes, drinks, etc.) do not leave the boundaries of the licensed area.
- Determine seating and configuration to comply with all physical distancing requirements, including removing or restricting seating in the area.
- Do not combine parties or allow shared seating for individuals not in the same party.
- Ensure customers, staff and vendors maintain physical distance of at least six (6) feet per person, except that members of the same party can stand together without staying six (6) feet apart. A distance of at least six (6) feet must be maintained between parties.
- Post signs to require physical distancing throughout market or fair, including but not limited to eating areas and near bathrooms.

- Use signs, tape, or other physical indicators, to maintain physical distancing while waiting for cashiers.
- Assign one (1) physical distancing monitor on premises per 50 people to ensure physical distancing requirements and gathering capacity limits are maintained at all times for both indoor and outdoor spaces, including at entrances, exits, restrooms and any other area where people may congregate.
- Remove or restrict standing areas to facilitate the requirement of at least six (6) feet of physical distance between parties.
- Prohibit people in different parties from congregating in any area of the facility or on the premises, both indoor and outdoor.

## Cleaning and Disinfection

### Operators of indoor and outdoor markets and street fairs are required to:

- Frequently clean and sanitize work areas, high-traffic areas, and commonly touched surfaces in both customer/public and employee areas of the market or fair. For example, wipe down seating areas between each customer use. Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19. No product will be labeled for COVID-19 virus yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus.
- Assign at least one (1) sanitation attendant whose duties are to clean restrooms hourly during the event, and ensure adequate sanitary supplies (e.g., soap, toilet paper, 60-95% alcohol content hand sanitizer) during all events.
- Assign at least one (1) sanitation attendant whose duties are to frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in areas accessed by employees and customers.

### Additional requirements for vendors of indoor and outdoor markets and street fairs:

- If providing food and beverage, review and implement the applicable Restaurant and Bar Guidance ([Phase One counties](#); [Phase Two counties](#)).
- If providing personal services, review and implement the [Personal Services Guidance](#).
- If providing samples, vendors are required to distribute samples in fully enclosed containers (lids or wrappers, for example) and discourage customers from consuming samples on-site. Samples must be handed out, individually, to customers, and not placed out for self-serve or buffet-style.
- If providing alcohol tastings, licensed vendors must ensure that the alcohol tastes do not leave their licensed premises. This means the alcohol taste must either be consumed or discarded within the licensed area.
- Frequently clean and sanitize work areas, high-traffic areas, and commonly touched surfaces in the vendor areas. For example, wipe down seating areas between each

customer use. Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19. No product will be labeled for COVID-19 virus yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus.

## Guidance for Local Governments

Local governments are exempt from the maximum gathering capacity limits in this guidance when conducting government business in government buildings and on government owned or leased property. Local governments must comply with the maximum capacity limits in this guidance when engaging in non-governmental activities in government buildings or on governmental owned or leased properties, such as but not limited to county or city fairgrounds. Local governments must comply with the maximum capacity limits in this guidance when renting or allowing use of government buildings or governmental owned or leased properties for non-governmental activities.

### **When hosting social and recreational events or activities, city and county governments are required to:**

- Comply with [Statewide Reopening Guidance - Gatherings, Indoor Social Get-Togethers](#) and limit the maximum capacity accordingly, in Phase One counties.
- Comply with the [Phase Two Venue and Event Operators Guidance](#) and limit the maximum capacity accordingly, in Phase Two counties.
- Comply with any other applicable [OHA sector guidance](#), including restaurants and bars guidance.

### **Additional resources:**

- [Signs you can post](#)
- [Statewide Mask, Face Covering, Face Shield Guidance](#)
- [OHA General Guidance for Employers](#)

**Document accessibility:** For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations, large print, or braille. Contact the Health Information Center at 1-971-673-2411, 711 TTY or [COVID19.LanguageAccess@dhsosha.state.or.us](mailto:COVID19.LanguageAccess@dhsosha.state.or.us).