



FREDERICK

MARYLAND

THE CITY OF FREDERICK EXECUTIVE ORDER No. 20-3

Limited Reopening Extended Stay at Home Order

WHEREAS, an outbreak of disease ("COVID-19") caused by the novel coronavirus occurred in Hubei province, China, in late 2019, and has currently been detected in all but two countries worldwide, and in every state within the United States;

WHEREAS, COVID-19 is a serious respiratory disease, resulting in illness or death, caused by the person-to-person spread of the novel coronavirus, which was not previously found in humans;

WHEREAS, the novel coronavirus, as a viral agent capable of causing extensive loss of life or serious disability, is a deadly agent;

WHEREAS, the World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC) have declared the COVID-19 outbreak a "public health emergency of international concern";

WHEREAS, the Secretary of the U.S. Department of Health and Human Services has declared that COVID-19 creates a public health emergency;

WHEREAS, the CDC has issued guidance to all state and local governments, and all citizens, recommending preparedness to prevent community spread and guard against the potential of a COVID-19 pandemic;

WHEREAS, as of May 14, 2020, the CDC has found that COVID-19 has resulted in a total of 1,384,930 confirmed and presumed positive cases in the United States, including 83,947 deaths;

WHEREAS, Maryland's State Public Health Laboratory has confirmed 34,812 positive cases of COVID-19 in Maryland, with 1,302 being in Frederick County;

WHEREAS, the transmission of the novel coronavirus in the County and specifically within the City of Frederick is a threat to human health;

WHEREAS, the person-to-person spread modeled by the CDC and WHO indicates that extensive loss of life or serious disability is threatened imminently in the State of Maryland because of the likely transmission of the novel coronavirus;

WHEREAS, COVID-19 is a public health catastrophe and public emergency, and poses an immediate danger to public safety;

WHEREAS, Governor Hogan issued a proclamation declaring a state of emergency for the State of Maryland on March 5, 2020 and renewed such state of emergency on March 17, 2020, April 10, 2020, and May 6, 2020;

WHEREAS, finding that the impending threat to the City of Frederick by COVID-19 was a catastrophic health emergency requiring the City of Frederick to deploy resources and implement the emergency powers of the Mayor to protect the health and safety of city residents, pursuant to the Maryland Annotated Code, Public Safety Article, § 14-111, Mayor O'Connor issued Executive Order No. 20-1, declaring a local state of emergency, on March 13, 2020, and Executive Order No. 20-2, continuing such local state of emergency, on April 8, 2020;

WHEREAS, on May 13, 2020, Governor Hogan issued Executive Order No. 20-05-13-01, amending and restating his order of May 6, 2020, allowing reopening of certain business and facilities, subject to local regulation, permitting the expanded opening of certain businesses and activities, and authorizing political subdivisions to issue orders that are more restrictive than that order requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or requiring individuals to remain indoors or to refrain from congregating if the political subdivision determines that doing so is necessary and reasonable to save lives or prevent exposure to COVID-19;

WHEREAS, on May 14, 2020, Frederick County Executive Jan Gardner issued Executive Order No. 01-2020, finding that the issuance of a local order more restrictive than Order 20-05-13-01 is necessary and reasonable to save lives or prevent exposure to COVID-19;

WHEREAS, the conditions in Frederick County as stated by County Executive Gardner in her above-referenced Executive Order, including but not limited to the fact that Frederick County has not yet adequately achieved the goals of expanded testing, increased supply of personal protective equipment, and robust-contact tracing upon which Governor Hogan's Order 20-05-13-01 was premised; hold true within the City of Frederick as well; and

WHEREAS, Mayor O'Connor has determined that it is in the best interests of the City of Frederick to issue an order consistent with the County's Order No. 01-2020, and that issuing this local order is necessary and reasonable to save lives and prevent exposure to COVID-19.

NOW, THEREFORE, BE IT DECLARED BY THE MAYOR OF THE CITY OF FREDERICK, MARYLAND,
that:

1. A state of emergency and catastrophic health emergency exists within the City of Frederick.
2. The Governor's Executive Order No. 20-05-13-01 shall not become effective in the City of Frederick, except that effective as of 5:00 p.m. on May 15, 2020, and subject to all limitations of such order:
 - a. All retail businesses, organizations, establishments, and facilities in the City of Frederick may be open only for curbside pickup and delivery;
 - b. Retail business, organizations, establishments, and facilities with a retail square footage area of less than 10,000 square feet may open so long as:
 - i. All customers and staff wear face coverings;
 - ii. Social distancing of 6 feet is maintained;
 - iii. Occupancy may not exceed 50% of the retail establishment's maximum occupancy (as defined in Governor's Order No. 20-05-13-01);
 - iv. Handling of cash must be limited; and
 - v. No mall retail establishment without an exterior entrance may open.
 - c. Animal adoption facilities, car washes, and pet grooming facilities may open.
 - d. Effective as of 5:00 p.m. on May 29, 2020, certain personal service establishments may open to the public, including:
 - i. Beauty salons, but only to provide "hair services" and "hair services-blow drying" as described in Title 5 of the Business Occupations Article of the Maryland Code; and
 - ii. Barber shops.
 - e. A personal services establishment must:
 - i. Require all customers and staff to wear face coverings except to the extent wearing a face covering would make it impossible for services to be performed;
 - ii. Provide services on an appointment basis only;

iii. Not allow the number of persons in the personal service establishment to exceed 50% of the personal service establishment's maximum occupancy;

iv. Establish special morning hours for seniors and other vulnerable residents before opening to other customers; and

v. After providing services to each customer, clean and disinfect the area in which services were performed in accordance with applicable guidance from the CDC and MDH.

f. Effective as of 5:00 p.m. on May 29, 2020, churches, synagogues, mosques, temples, and other similar religious facilities of any faith may open to the general public, provided however that:

i. The total number of persons permitted in a religious facility at any one time shall not exceed 50% of that religious facility's maximum occupancy;

ii. No more than 250 individuals may occupy the religious facility at any one time;

iii. Face coverings are required;

iv. Six feet social distancing shall be maintained;

v. A religious facility may apply to the Mayor for an exception to allow more than the 250 individual maximum by providing a plan that demonstrates that all relevant precautions have been satisfied and that the religious facility may be safely occupied by more than 250 individuals. In determining whether to grant this exception, the Mayor or his designee shall consult with the Frederick County Health Officer.

g. All manufacturing businesses and facilities in the City may be open.

3. Before May 29, 2020, the Mayor, in consultation with the County Executive and the Frederick County Health Officer, shall review the trends in the applicable statistics and may delay the implementation of the openings for religious facilities and certain personal services if:

i. COVID-19 hospitalizations are increasing;

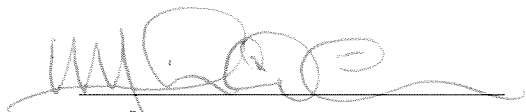
ii. Intensive care unit availability in Frederick County is declining; or

iii. The number of COVID-19 cases in nursing homes and other congregate facilities in the City or the County is increasing.

4. This Executive Order takes effect immediately and shall remain in effect until the earliest of:

- a. The issuance of another executive order superseding, amending, or revising this order;
- b. The termination of the Governor's Order No. 20-05-13-01; or
- c. June 13, 2020.

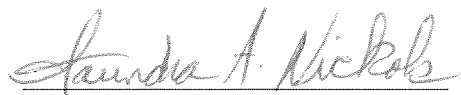
Dated at FREDERICK, MARYLAND, this 15th day of May, in the year of 2020, at 12:46 p.m.



Michael C. O'Connor

Mayor, The City of Frederick

Approved for Legal Sufficiency:



City Attorney