



# FREDERICK

## MARYLAND

### THE CITY OF FREDERICK EXECUTIVE ORDER No. 20-4

#### 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 nearly every country 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 28, 2020, the CDC has found that COVID-19 has resulted in a total of 1,698,523 confirmed and presumed positive cases in the United States, including 100,446 deaths;

**WHEREAS**, Maryland’s State Public Health Laboratory has confirmed 45,495 positive cases of COVID-19 in Maryland, with 1,824 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 was necessary and reasonable to save lives or prevent exposure to COVID-19;

**WHEREAS**, because the conditions in Frederick County as stated in the County's above-referenced order, including but not limited to the fact that Frederick County had 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, held true within the City of Frederick as well, Mayor O'Connor determined that it was in the best interests of the City of Frederick to issue an order consistent with the County's Order No. 01-2020;

**WHEREAS**, accordingly, Mayor O'Connor issued Executive Order No. 20-3 on May 15, 2020, which made certain actions effective as of 5:00 P.M. on May 29, 2020;

**WHEREAS**, on May 27, 2020, Governor Hogan issued Order No. 20-05-27-01, amending and restating the order of May 13, 2020, allowing reopening of certain businesses and facilities, subject to local regulation;

**WHEREAS**, section 3 of Executive Order No. 20-3 provided that before May 29, 2020, the Mayor, in consultation with the County Executive and the Frederick County Health Officer, would review the trends in the applicable statistics, and likewise the County Executive has engaged in such review and has determined that certain revisions to the County's Order No. 01-2020 are appropriate and has accordingly issued a new order, to wit, the County's Order No. 02-2020;

**WHEREAS**, the County's Order No. 02-2020 states that the more restrictive requirements thereof apply and prevail over any less restrictive requirements of the Governor's Orders 20-05-13-01 and 20-05-27-01 and that in all other respects, the Governor's orders apply within Frederick County;

**WHEREAS**, Mayor O'Connor has determined that is in the best interests of the City of Frederick to issue an order consistent with the County's Order No. 02-2020.

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

1. Emergency. A state of emergency and catastrophic health emergency exists within the City of Frederick.
2. Application of Governor's Orders. In the City of Frederick, the more restrictive requirements of this executive order apply and prevail over any less restrictive requirements of the Governor's orders 20-05-13-01 and 20-05-27-01. In all other respects, the Governor's orders apply within the City of Frederick.
3. Personal Service Establishments.
  - i. Effective as of 5:00 p.m. on May 29, 2020, certain personal service establishments may open to the public in accordance with the Governor's orders, except as otherwise provided herein.
  - ii. In the City of Frederick, a personal services establishment must establish special/morning hours for seniors and other vulnerable residents before opening to other customers.
4. Religious Facilities.
  - i. 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 in accordance with the Governor's orders, except as otherwise provided herein.
  - ii. In the City of Frederick, no more than 250 individuals may occupy a religious facility at any one time.
  - iii. 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.
5. Effectiveness. Executive Order No. 20-03 remains in effect until 5:00 p.m. on May 29, 2020, but upon this executive order becoming effective at 5:00 p.m. on May 2020, Executive Order No. 20-3 is superseded and is no longer in effect except as restated in this executive order.

Dated at FREDERICK, MARYLAND, this 29<sup>th</sup> day of May, in the year of 2020, at 3:25p.m.

  
Michael C. O'Connor  
Mayor, The City of Frederick

Approved for Legal Sufficiency:

  
City Attorney