

**THE CITY OF FREDERICK
EXECUTIVE ORDER NO. 20-7**

BACKGROUND

As a result of the ongoing COVID-19 pandemic, Governor Hogan has issued numerous orders relating to, among other things, the closing, reopening, and operation of various types of businesses within the State of Maryland. On September 1, 2020, the Governor issued Order Number 20-09-01-01, which among other things directed that a foodservice establishment shall not allow the number of persons in the establishment to exceed 50% of its maximum occupancy, subject to numerous terms and conditions. That order went into effect on September 4, 2020 in any jurisdiction that did not issue a more stringent local order, including Frederick County and the City of Frederick.

On September 18, the Governor issued Order Number 20-09-18-01, effective as of September 21, 2020 at 5:00 p.m. (the "Governor's Order"). Among other things, the Governor's Order directs that that a foodservice establishment shall not allow the number of persons in the establishment to exceed 75% of its maximum occupancy, subject again to numerous terms and conditions.

The Governor's Order authorizes political subdivisions to issue orders more restrictive than such order if the political subdivision determines that doing so is necessary and reasonable to save lives or prevent exposure to COVID-19. Such a local order may require businesses, organizations, establishments, or facilities (except schools) to close or modify their operations.

Pursuant to the foregoing authority, Frederick County Executive Jan H. Gardner has issued Executive Order No. 05-2020 (the "County Order"). The County Order states that Frederick County has not adequately achieved the goals set forth by the State and is not preventing a surge of new cases of COVID-19 in the County: to wit, as of September 20, 2020, Frederick County had recorded 3,914 residents who tested positive for, and 122 residents who have died from, COVID-19, as well as a 2.5% seven-day positivity rate and a 9.9 per 100,000 resident average per rolling seven days. The County Order thus directs that the Governor's Order shall not take effect in Frederick County at this time.

For the reasons stated in the County Order, the Mayor of the City of Frederick has determined it is in the best interest of the residents of the City to issue an order consistent with the County Order.

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

1. In the City of Frederick, the Governor's Order (20-09-18-01) shall not take effect at this time.
2. For avoidance of doubt, no prior local order relating to the closing, reopening, or operation of businesses in the City of Frederick is currently in effect. All other orders of the Governor currently in effect in the State of Maryland (notwithstanding local orders in other jurisdictions) are applicable within the City of Frederick.

Dated at FREDERICK, MARYLAND, this 21st day of September, in the year of 2020, and effective at 5:00 p.m. on such date.



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

Approved for Legal Sufficiency:



City Attorney