

**THE CITY OF FREDERICK
EXECUTIVE ORDER NO. 20-8**

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, on September 21, 2020 both County Executive Jan H. Gardner and Mayor O'Connor issued local orders stating the Governor's Order would not go into effect in their respective jurisdictions. Subsequently, on October 2, 2020, the County Executive issued Executive Order No. 06-2020 (the "County Order"). The County Order provides that foodservice establishments may not allow indoor seating to exceed 75% of their maximum occupancy and that event venues may not allow the number of event attendees to exceed 50% of their maximum occupancy.

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. The Governor's Executive Order 20-09-18-01 is in effect within the City of Frederick, except that:
 - A. Foodservice establishments shall not allow the number of persons in the foodservice establishment's indoor seating area as defined in COMAR 10.19.04.02B(9) to exceed 75% of the foodservice establishment's maximum occupancy; and
 - B. Bars and the areas immediately surrounding a bar, breweries, wineries, distilleries, and event venues including but not limited to conference centers, fairgrounds/special event centers, private clubs, and reception facilities may not

allow the number attending an event at the venue to exceed 50% of the venue's maximum occupancy.

2. This order supersedes the Mayor's Executive Order No. 20-7.

Dated at FREDERICK, MARYLAND, this 2nd day of October, 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:

Saundra Nichols

City Attorney