

**THE CITY OF FREDERICK
EXECUTIVE ORDER NO. 21-01**

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 and the required use of face coverings within the State of Maryland. The Governor's most recent order (21-01-28-01) became effective on January 28, 2021. That order stated that the provision established under previous orders prohibiting foodservice establishments from being open between the hours of 10:00 p.m. and 6:00 a.m. shall cease to be effective at 12:01 a.m. on February 1, 2021.

The Governor's Order 21-01-28-01, as with previous orders, 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 authority granted by the Governor to issue more restrictive orders, Mayor O'Connor has issued several executive orders, most recently Executive Order No. 20-09, which took effect on November 12, 2020. That order provided that the Governor's Order 20-11-10-01 was in effect within the City of Frederick, with no more stringent local order being necessary, and that no prior local order relating to the closing, reopening, or operation of businesses in the City of Frederick was currently in effect.

Also pursuant to the authority granted by the Governor to issue more restrictive orders, on January 29, 2021, County Executive Jan H. Gardner issued Executive Order No. 01-2021 (the "County Order"). The County Order provides that the provisions of the Governor's order 21-01-28-01, allowing foodservice establishments to reopen to the public between 10:00 p.m. and 6:00 a.m. beginning at 12:01 a.m. on February 1, 2021, shall not become effective in Frederick County until 12:01 a.m. on February 15, 2021, and may be reevaluated at that 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. The Governor's Order 21-01-28-01 is in effect in the City of Frederick, except as otherwise provided herein.
2. The provisions of the Governor's Order 21-01-28-01 allowing foodservice establishments to reopen to the public between the hours of 10:00 p.m. and 6:00 a.m. (beginning at 12:01 a.m. on February 1, 2021) shall not become effective in the City of Frederick until 12:01 a.m. on February 15, 2021 and may be reevaluated at that time.

3. This executive order takes effect January 30, 2021, at 5:00 p.m., and shall remain in effect until (A) it is superseded or amended by an additional executive order of the Mayor; or (B) Governor's Order 21-01-28-01 (as it may be amended) is no longer in effect, whichever happens earlier.

Dated at FREDERICK, MARYLAND, this 30^h day of January, in the year of 2021.



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

Approved for Legal Sufficiency:



City Attorney