

**THE CITY OF FREDERICK  
EXECUTIVE ORDER NO. 21-02**

**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 aforesaid authority granted by the Governor to political subdivisions, Mayor O'Connor has issued several executive orders, most recently Executive Order No. 21-01, limiting the reopening of foodservice establishments to the public between the hours of 10:00 p.m. and 6:00 a.m., being more restrictive than the Governor's Order 21-01-28-01. This order was consistent with an order issued by County Executive Jan H. Gardner, pursuant to that same authority granted by the Governor to political subdivisions, the Mayor having determined it was in the best interests of the City to be so consistent.

On February 5, 2021, the County Executive issued Executive Order No. 02-2021, which supersedes the County's Order No. 01-2021 and allows foodservice establishments to reopen to the public between 10:00 p.m. and 6:00 a.m. but prohibits entertainment as well as on-premises alcohol sales and consumption after 10:00 p.m.

For the reasons stated in the County's Order No. 02-2021, 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 such 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 22, 2021, and may be reevaluated at that time.
3. Foodservice establishments:
  - A. may open to the public between 10:00 p.m. and midnight;

- B. may not permit live entertainment to occur on premises, including music, karaoke, or dancing, between the hours of 10:00 p.m. and 6:00 a.m.; and
- C. may not sell alcohol for consumption on premises between the hours of 10:00 p.m. and 2:00 a.m. Foodservice establishments may not allow alcohol to be brought onto the premises to be consumed between the hours of 10:00 p.m. and 2:00 a.m. (Alcohol sales and consumption after 2:00 a.m. are already prohibited by law.)

3. This executive order takes effect February 5, 2021, at 5:00 p.m., and supersedes Executive Order 21-01. This order 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 5<sup>h</sup> day of February, in the year of 2021.



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

Approved for Legal Sufficiency:



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City Attorney