



# FREDERICK COUNTY GOVERNMENT

## OFFICE OF THE COUNTY EXECUTIVE

Jan H. Gardner  
County Executive

*Rick Harcum, Chief Administrative Officer*

EXECUTIVE ORDER NO.: 02-2021

EFFECTIVE DATE: February 5, 2021, 5:00 P.M.

### Revised Foodservice Establishments

WHEREAS, Maryland Governor Lawrence J. Hogan, Jr. declared that a state of emergency and catastrophic health emergency existed in the State on March 5, 2020, and renewed this finding on March 17, April 10, May 6, June 3, July 1, July 31, August 10, September 8, October 6, October 30, November 25, December 23, 2020, and January 21, 2021, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland, including Frederick County; and

WHEREAS, to reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings; and

WHEREAS, the currently known and available scientific evidence and best practices support limitations on large gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions; and

WHEREAS, to reduce the threat to human health caused by transmission of the novel coronavirus in Frederick County, and to protect and save lives, it is necessary and reasonable that individuals in the county refrain from congregating; and

WHEREAS, to protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to control and direct the movement of individuals in Frederick County, including those on the public streets; and

WHEREAS, it is further necessary to control and direct in Frederick County the occupancy and use of buildings and premises, as well as foodservice establishments, places of amusement and assembly; and

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WHEREAS, on January 28, 2021, Governor Lawrence J. Hogan, Jr. issued Executive Order 21-01-28-01, providing that Foodservice Establishments may reopen to the public between the hours of 10:00 p.m. and 6:00 a.m. beginning February 1, 2021; and

WHEREAS, an Executive Order of the Principal Executive Officer of Frederick County is appropriate and necessary; and

WHEREAS, I issued Executive Order 01-2021 on January 28, 2021, limiting the re-opening of Foodservice Establishments to the public between 10:00 p.m. and 6:00 a.m., being more restrictive than the Governor's Order 21-01-28-01; and

WHEREAS, Frederick County has determined that issuing this Revised Order that is more restrictive than the Governor's Order 21-01-28-01 is necessary and reasonable to save lives or prevent exposure to COVID-19; and

WHEREAS, the "WHEREAS" paragraphs of Executive Order 07-2020 even though not fully repeated in this Executive Order are fully incorporated in this Executive Order.

NOW, THEREFORE, I, JAN H. GARDNER, COUNTY EXECUTIVE OF FREDERICK COUNTY, MARYLAND, PURSUANT TO THE AUTHORITY VESTED IN ME BY THE CHARTER AND LAWS OF FREDERICK COUNTY, MARYLAND, AND THE LAWS OF MARYLAND, AND SPECIFICALLY GOVERNOR'S ORDER 21-01-28-01, HEREBY DECLARE THAT:

1. FOODSERVICE ESTABLISHMENTS. THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE 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 FREDERICK COUNTY, MARYLAND, WITH THE MODIFICATIONS BELOW, UNTIL 12:01 A.M. ON FEBRUARY 22, 2021, AND MAY BE REEVALUATED AT THAT TIME.

A) FOODSERVICE ESTABLISHMENTS MAY OPEN TO THE PUBLIC BETWEEN 10:00 P.M. AND MIDNIGHT; AND

B) FOODSERVICE ESTABLISHMENTS 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) FOODSERVICE ESTABLISHMENTS MAY NOT SELL ALCOHOL FOR CONSUMPTION ON PREMISES BETWEEN THE HOURS OF 10:00 P.M. AND 2:00 A.M., OR ALLOW ALCOHOL TO BE BROUGHT ONTO THE PREMISES TO BE CONSUMED BETWEEN THE HOURS OF 10:00 P.M. AND 2:00 A.M.

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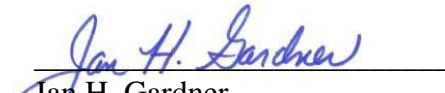
(ALCOHOL SALES AND CONSUMPTION AFTER 2:00 A.M. ARE ALREADY PROHIBITED BY LAW)

2. EXECUTIVE ORDER 01-2021 IS SUPERSEDED BY THIS ORDER.
3. EXECUTIVE ORDER 07-2020 REMAINS IN EFFECT.
4. THIS EXECUTIVE ORDER TAKES EFFECT FEBRUARY 5, 2021, AT 5:00 P.M., AND SHALL REMAIN IN EFFECT UNTIL THE EARLIEST OF:
  - A. THIS EXECUTIVE ORDER IS SUPERSEDED, AMENDED, OR REVISED BY ADDITIONAL COUNTY EXECUTIVE ORDER, OR
  - B. GOVERNOR'S ORDER 21-01-28-01 (AS IT MAY BE AMENDED FROM TIME TO TIME) IS NO LONGER IN EFFECT.

This Executive Order is issued as of this 5th day of February, 2021.



Rick Harcum  
Chief Administrative Officer

  
Jan H. Gardner  
Frederick County Executive