

**BOARD OF HEALTH
FOR
FREDERICK COUNTY, MARYLAND**

REGULATION NO. BOH 01-2020

THE EFFECTIVE DATE OF THIS REGULATION IS
FRIDAY, NOVEMBER 13, 2020, 5:00 p.m.

RE: Board of Health Regulation requiring face coverings and limiting gathering sizes

RECITALS

Maryland Code Health-General Article §3-201 provides that the County Council and County Executive are, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.

Maryland Code Health-General Article §3-202(d) authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.

The County Council and County Executive, sitting as the Board of Health, finds after hearing the testimony and other evidence presented that restrictions on gatherings and the wearing of face coverings are necessary to protect the health of residents in the County.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Health of Frederick County, that the following regulation is adopted:

Requirement of face coverings and restriction on gathering sizes

(A) FACE COVERINGS.

(1) All persons aged 5 (five) years and older are required to wear a face covering as described in State Executive Order 20-07-29-01, as amended from time to time, in all indoor public spaces, and at all outdoor public spaces where the person is unable to consistently maintain at least six (6) feet of distance from individuals who are not members of their household..

(2) Exceptions to this requirement are only those as described in the State Executive Order referenced above.

(3) Tobacconist shops, cigar bars, vapor lounges, and hookah lounges shall:

(a) Require face coverings of all persons on the premises except when consuming food or beverages.

(b) The use of tobacco products, smoking and vaping paraphernalia is not an exception to the face covering requirement.

(B) LIMITATION ON GATHERING SIZE.

(1) (a) Bars and the area immediately surrounding a bar, nightclubs, breweries, distilleries, wine tasting rooms, and event venues, including but not limited to, civic service clubs, private clubs, indoor agro-tourism enterprise activities, fairgrounds, farm alcoholic beverage tasting rooms, farm brewery tasting rooms, rodeos, auction houses, and wedding venues, may not allow the number of persons present at its venue, indoors and outdoors, to exceed 25% of the venue's maximum occupancy or 25 (twenty-five) persons, whichever is less.

(b) Notwithstanding any other provision in this Regulation, the restrictions imposed in this sub-paragraph on wedding venues, shall not become effective until November 30, 2020, at 9:00 a.m.

(2) Religious facilities, including churches, synagogues, mosques, temples, and other similar religious facilities of any faith may not allow the total number of persons in its facility at any one time to exceed 50% of that facility's maximum occupancy.

(3) Fitness centers, including health clubs, health spas, gyms, aquatic centers, and self-defense schools:

(a) Shall require face coverings of all persons on the premises with the limited exceptions to this requirement as described in the State Executive Order referenced above.

(b) May not allow the total number of persons in a fitness center at any one time to exceed 25% of that fitness center's maximum occupancy.

(4) All gatherings of more than 25 (twenty-five) people are prohibited at all locations and venues not otherwise subject to occupancy requirements, including but not limited to parties, receptions, parades, festivals, conventions, and fundraisers.

(C) Compliance with this Regulation.

All businesses, organizations, establishments and facilities must ensure compliance with the face covering requirements for employees and customers; whenever possible ensure that employees and customers maintain physical distancing of greater than 6 (six) feet; utilize signage and markings to guide employees and customers; provide a means for employees and customers to clean their hands or utilize hand sanitizer; and other administrative and engineering controls listed in the Maryland Department of Commerce's Back to Business Best Practices located at <https://open.maryland.gov/backtobusiness/>.

(D) Further granting of authority.

If the Frederick County 7-day rolling average case rate per 100,000 population, as reported by the Maryland Department of Health, reaches or exceeds 20 (twenty), the Health Officer is granted the authority to enact additional infection control measures including, but not limited to, prohibiting gatherings of more than 10 (ten) persons for any public or private indoor gathering; prohibiting retail occupancy greater than 50% capacity; and restricting athletic activities.

(E) Enforcement.

(1) This Regulation will be enforced pursuant to Frederick County Code §1-1-9.

(2) The Health Officer for Frederick County, their designee, or any County Division or Department that has authority over the subject matter of any particular provision herein, is empowered to investigate possible violations and enforce this Regulation throughout the County and in all municipalities except as otherwise provided. As part of their investigation into a complaint filed, the Health Officer may require a complainant to provide an affidavit or other corroborating information that would support the issuance of a citation.

(3) A violation of this Regulation shall be Class B Offense carrying a fine of \$250 for a first offense; \$375 for a second offense; and \$500 for a third or subsequent offense.

(F) Applicability. This regulation applies Countywide, including all municipalities except within the corporate boundary of Mount Airy, Maryland located within Frederick County.

(G) Severability. If the application of this regulation or any part of it to any facts or circumstances is held invalid, the rest of the regulation and its application to all other facts and circumstances is intended to remain in effect.

(H) Effective Date. This regulation takes effect at 5:00 p.m. on Friday November 13, 2020, and shall remain in effect until the earliest of:


(1) This Regulation is superseded, amended, or revised by additional Board of Health regulation, or

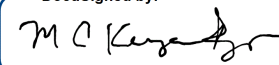
(2) The Governor’s Declaration of State of Emergency and Catastrophic Health Emergency declared on March 5, 2020 (as amended from time to time) is no longer in effect.

The undersigned hereby certifies that this Regulation was approved and adopted on the 12th day of November, 2020.

ATTEST: SITTING AS THE FREDERICK COUNTY BOARD OF HEALTH:

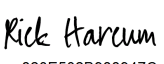
COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND


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Ragen L. Cherney
Council Chief of Staff

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By: M. C. Keegan-Ayer, President

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COUNTY EXECUTIVE OF
FREDERICK COUNTY, MARYLAND

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Rick Harcum
Chief Administrative Officer

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By: Jan H. Gardner, County Executive

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