

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

REGULATION NO. BOH 02-2020

THE EFFECTIVE DATE OF THIS REGULATION IS
FRIDAY, NOVEMBER 27, 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.

The Board of Health finds it necessary to clarify and replace Regulation BOH 01-2020.

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) All provisions of State Executive Order 20-11-17-01 shall apply except that social gatherings shall be limited as follows:

(a) Indoor social gatherings of more than 25 people are prohibited; and

(b) Outdoor social gatherings of more than 25 people are prohibited.

(2) For the purposes of this Regulation, a “social gathering”:

(a) Includes but is not limited to parties, cookouts, parades, celebrations, festivals, conventions, and fundraisers.

(b) Shall not include normal business operations already subject to regulations as outlined in State Executive Order 20-11-17-01, as amended from time to time, and Secretary of Health Directives and Orders.

(3) Wedding venues shall be limited to the lesser of 50% maximum occupancy, or the occupancy for food service establishments as established in State Executive Order 20-11-17-01, as amended from time to time, and shall comply with the following directives:

- (a) Modify floor plans to ensure tables are spaced at least 6 (six) feet apart. No more than six people may be seated together at a table.
- (b) Establish a 6-foot marking system to visually demonstrate the recommended social distancing at all locations where staff and persons may interact.
- (c) If the venue has a bar, persons may not sit or congratulate at the bar.
- (d) If the bar area is used to fulfill drink orders, a designated fulfillment area should be established with 6 feet of separation from seated guests.
- (e) Tables shall be cleaned and disinfected between each seating, as well as high touch surfaces. Cleaning products used should be appropriate for food contact surfaces that still meet EPA criteria for use against COVID-19.
- (f) Food may not be served in a buffet or self-service format.
- (g) Persons must remain seated during foodservice.
- (h) Persons who are not from the same household may not dance or congratulate in groups.
- (i) Wedding venues shall require all staff to wear face coverings unless it is not safe to do so, as defined in the State Executive Order 20-07-29-01.
- (j) Wedding venue staff shall be trained in and understand COVID-19 health and workplace guidelines, such as hand hygiene, cleaning protocols, use of personal protective equipment (PPE) and disposal.

(k) Any wedding venue staff members who become sick shall follow CDC and MDH guidelines regarding home isolation for suspected or confirmed COVID-19 infections and returning to work.

(l) The restrictions imposed on wedding venues shall not become effective until November 30, 2020, at 9:00 a.m.

(4) 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.

(C) INCORPORATION OF STATE EXECUTIVE ORDERS.

The provisions of Executive Order Number 20-11-17-01, as issued by Governor Lawrence J. Hogan, Jr., as amended from time to time, contained in Section III Businesses, Organizations, Establishments, and Facilities That May Reopen, that are not inconsistent with the provisions of this Regulation are hereby incorporated as if set forth fully in this document. The Frederick County Health Officer, or their designee, may enforce the applicable provisions of those Executive Orders pursuant to paragraph E below.

(D) 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/>.

(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 November 27, 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.

(3) This Regulation supersedes Regulation BOH 01-2020.

The undersigned hereby certifies that this Regulation was approved and adopted on the 24th day of November, 2020.

ATTEST: SITTING AS THE FREDERICK COUNTY BOARD OF HEALTH:

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND

DocuSigned by:
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Council Chief of Staff

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COUNTY EXECUTIVE OF
FREDERICK COUNTY, MARYLAND

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Rick Harcum
Chief Administrative Officer

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Jan H. Gardner, County Executive

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