

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

REGULATION NO. BOH 01-2021

THE EFFECTIVE DATE OF THIS REGULATION IS
FRIDAY, MARCH 26, 2021, 5:00 P.M.

RE: Board of Health Regulation concerning face coverings and gatherings

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 regulation of large 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 gatherings

(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 21-03-09-01, 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.

(B) GATHERINGS.

(1) For social gatherings (including parades, festivals, and fund raisers) where the general public is likely to attend, in which 100 or more persons are expected or likely to be in attendance, a responsible person(s) must be designated by the organizer of the gathering to ensure compliance with face covering and physical distancing requirements, occupancy limits, and other infection transmission mitigation actions, and must remain on-site during the gathering.

(2) The organizer must provide the location and date of the gathering along with the name(s) and contact number(s) of the designated responsible person(s) to the Frederick County Health Department at least 1 (one) week in advance of the gathering.

(3) This section does not apply to social gatherings on personal private property that the public in general is not expected to attend (including reunions, cookouts, and parties).

(C) INCORPORATION OF STATE EXECUTIVE ORDERS AND MDH DIRECTIVES AND ORDERS.

The provisions of Executive Order Number 21-03-09-01, as issued by Governor Lawrence J. Hogan, Jr., as amended from time to time, and MDH Directive and Order

Regulating Certain Businesses and Facilities & General Directives Concerning Limiting the Spread of COVID-19, Number 2021-03-09-01, as issued by Acting Secretary of Health Dennis R. Schrader, as amended from time to time, 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 administrative and engineering controls listed in the Maryland Department of Commerce's Back to Business Best Practices located at <https://open.maryland.gov/backtobusiness/>, as amended from time to time, including: the face covering requirements for employees and customers; whenever possible ensuring that employees and customers maintain physical distancing; utilizing signage and markings to guide employees and customers; and providing a means for employees and customers to clean their hands or utilize hand sanitizer.

(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 March 26, 2021, 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 02-2020.

The undersigned hereby certifies that this Regulation was approved and adopted on the 23rd day of March, 2021.

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

DocuSigned by:

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Rick Harcum
Chief Administrative Officer

DocuSigned by:

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By: Jan H. Gardner, County Executive

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