



# District of Rendsburg-Eckernförde

The Administrator  
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Your references, your letter dated

My references, my letter dated

Rendsburg

12.05.2021

## General Decree

### of the district of Rendsburg-Eckernförde

#### on the combat the spread of the SARS-CoV-2 coronavirus through measures to restrict contacts and to ban the serving and consumption of alcohol in public places

According to §§ 28 Paragraph 1 Clause 1, 28 a Paragraph 1 No. 2 Infection Protection Act (IfSG) in conjunction with § 106 Paragraph 2 General Administrative Act for the State of Schleswig-Holstein (State Administration Act - LVwG), in execution of § 2 b Sentence 2 of the state ordinance to combat the coronavirus SARS-CoV-2 of May 11, 2021 issued the following general decree:

1. In the open-air public areas listed in the annex, as well as on the days of the week and at the times stated there, the serving and consumption of alcoholic beverages is permitted in accordance with Section 2 b sentence 1 of the state ordinance amending the fight against the SARS coronavirus -CoV-2 from May 11th, 2021 prohibited.
2. This general decree applies **from Monday, May 17th, 2021** and is **limited to and including Sunday, June 6th, 2021** according to §§ 28a paragraph 1, 28 paragraph 1 sentences 1 and 2 in conjunction with § 16 IfSG. An extension is possible.

3. The general decree is based on Section 28 (1) sentence 1, Section 28a, Section 16 IfSG in conjunction with Section 106 (2) LVwG. Infringements are therefore administrative offenses according to § 73 Paragraph 1a No. 6 IfSG.
4. The orders are immediately enforceable in accordance with Section 28 (3) in conjunction with Section 16 (8) IfSG. Objections and actions for rescission against these measures have no suspensive effect.
5. The general decree and its reasons can be viewed during office hours in the Rendsburg-Eckernförde district, Kaiserstraße 8, 24768 Rendsburg.

### **Justification**

The legal basis for the measures taken is §§ 28 Paragraph 1 Clause 1, 28a Paragraph 1 IfSG in conjunction with § 106 Paragraph 2 LVwG in implementation of § 2 b State Ordinance to Combat the Coronavirus SARS-CoV-2 of May 11, 2021.

According to Section 28 (1) IfSG, the competent authority shall take the necessary protective measures, in particular the necessary protective measures, in the event that sick people, suspects of illness, suspects of contagion or who have been eliminated or it emerges that a deceased person was sick, suspected of being sick or who had left the disease in § 28a Paragraph 1 IfSG and in §§ 29 to 31 IfSG, insofar as and as long as it is necessary to prevent the spread of communicable diseases. Necessary protective measures within the meaning of § 28 Paragraph 1 Sentence 1 IfSG to prevent the spread of the Coronavirus Disease-2019 (COVID-19) can be carried out for the duration of an epidemic situation of national scope according to § 5 Paragraph 1 Sentence 1 IfSG the German Bundestag in particular the obligation to wear a mouth and nose cover (mask requirement), § 28a paragraph 1 no. 2 IfSG. In particular, it can oblige people not to enter public places or only under certain conditions.

The currently circulating SARS-CoV-2 virus is a pathogen that can lead to a communicable disease within the meaning of Section 2 No. 3 IfSG. The spread of the SARS-CoV-2 virus must be prevented in order to combat the pandemic. The area of application of the 5th section of the Infection Protection Act is therefore opened.

The authorization according to Section 28 (1) IfSG is a general clause that obliges the competent authority to act. Necessary protective measures within the meaning of Section 28 (1) IfSG can also include, in particular, the comprehensive or limited prohibition of alcohol delivery or consumption of alcohol to prevent the spread of the coronavirus and to prevent further illnesses from COVID-19 according to Section 28a (1) No. 9 certain public places or in certain publicly accessible facilities.

To assess the likelihood of damage, the principle applicable in general police and regulatory law must be used, namely that the greater and more severe the damage that may occur, the lower the requirements for the likelihood of damage occurring. For this reason, measures can also be taken against persons other than the persons named in Section 28 Paragraph 1 Sentence 1 IfSG.

According to § 2b sentence 1 of the state ordinance to combat the coronavirus SARS-CoV-2 of May 11, 2021, the serving and consumption of alcoholic beverages on certain public traffic areas in city centers and in other public places in the open air, where people are either staying in tight spaces or not only temporarily is prohibited. The listed public areas and periods of time in which the ban applies have been coordinated by the health services department with the respective district offices, cities and municipalities. According to the experiences of the respective offices, cities and municipalities, a regular gathering of people can be expected at the named places who meet to consume alcohol together. The prohibition of the consumption and serving of alcohol in public serves to prevent alcohol-related violations of infection control measures. Alcohol consumption can lead to a lowering of the inhibition threshold, which means that the necessary precautionary measures such as maintaining the minimum distance, contact restrictions or wearing a mouth and nose cover are no longer observed. This not only endangers the people taking part in the meeting, but also other passers-by.

The order is limited in time to what is necessary in the opinion of the local authorities and the health department of the Rendsburg-Eckernförde district (time of day / day of the week) and reflects the time frame in which groups of people can be expected to meet in the respective spatial areas .

The sale of closed containers, the contents of which are not intended for immediate consumption, do not count as serving in the sense of this provision.

The measures are required. No equally suitable, less burdensome measures are evident.

This order comes into force on May 17, 2021.

It is limited up to and including 06/06/2021. An extension is possible.

The general decree is based on §§ 28 paragraph 1 sentences 1 and 2, 28a in conjunction with § 16 IfSG in conjunction with § 106 paragraph 2 LVwG.

The orders are immediately enforceable in accordance with Section 28 (3) in conjunction with Section 16 (8) IfSG. Objections and actions for rescission against these measures have no suspensive effect.

The general decree and its reasons can be viewed during office hours in the Rendsburg-Eckernförde district, Kaiserstraße 8, 24768 Rendsburg.

### **Legal appeal**

You can object to this general ruling within one month of its notification. The objection must be submitted in writing, electronically or for recording to the district of Rendsburg-Eckernförde, Der Landrat, Fachdienst Gesundheitsdienste, Kaiserstraße 8, 24768 Rendsburg.

If a legal representative is involved or if the objection is submitted electronically by an authority, it can be sent to the special electronic mailbox of the Rendsburg-Eckernförde district via the special electronic lawyer mailbox or authority mailbox.

An objection by email is not permitted. Citizens can only object to the special electronic mailbox of the Rendsburg-Eckernförde district if they have an EGVP account (OSCI account) and also use a qualified electronic signature.

On behalf

Madlin Loof

**Annex to the general order of the Rendsburg-Eckernförde district of May 12th, 2021 to combat the spread of the coronavirus SARS-CoV-2 on measures to limit contacts and to determine the areas in which, according to § 2b sentence 1 of the state ordinance to combat the coronavirus SARS CoV-2 of May 11th, 2021, the serving and consumption of alcohol in public spaces are prohibited**

*In the following places serving and consumption are strictly prohibited during the specified times of the day:*

**1. City of Rendsburg**

• **Monday – Sunday from 8 am – 12 pm**

- Bus stop at Schleswiger Chaussee 41 Schiffbrückenplatz

**2. District of Padenstedt**

• **Monday – Sunday from 7 am – 11 pm**

- Bus stops in the municipality of Padenstedt Hauptstraße 61
  - Hauptstraße 101
  - Hauptstraße/Zur Osterheide
  - Hauptstraße/Zum Barnahe
- Playground in the Padenstedt-Kamp district
- Area of the community and sports center of the community, Hauptstrasse 60