



District of Rendsburg-Eckernförde

The district administrator
Specialist health service

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Your references, your letter dated

My references, my letter dated

Rendsburg

09.01.2021

General decree

of the district of Rendsburg-Eckernförde

on measures to combat the spread of the SARS-CoV-2 coronavirus and to determine the areas in which to wear a mouth and nose cover according to Section 2 a (2) sentence 1 of the state ordinance to combat the SARS-CoV-2 coronavirus

According to §§ 28 Paragraph 1 Clause 1, 28a Paragraph 1 No. 2 Infection Protection Act (IfSG) in conjunction with § 106 Paragraph 2 General Administrative Law for the State of Schleswig-Holstein (State Administration Act - LVwG) is implemented in accordance with § 2a Paragraph 2 of the State Ordinance To combat the coronavirus SARS-CoV-2 issued the following general decree of January 8th, 2021:

1. In the publicly accessible areas specified in the annex, in accordance with Section 2a Paragraph 2 Clause 1 of the State Ordinance to Combat the Coronavirus SARS-CoV-2 of January 8th, 2021, on the days of the week named in the annex and at the times of the day for pedestrians named there wearing a mouth and nose cover is compulsory. Exceptions and other requirements result from § 2a paragraph 1 and 2 of the state ordinance. People who do not wear a mouth and nose cover and for whom an exception does not apply are not permitted to enter, stay or use the publicly accessible areas.
2. At all train stations, train stops and public transport stops in the area of the Rendsburg-Eckernförde district, on the platforms, on the access roads to the platforms, in the station buildings and on the station forecourt in accordance with



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Section 2a Paragraph 2 Clause 1 of the State Ordinance To combat the SARS-CoV-2 coronavirus from January 8th, 2021, from 6 a.m. to 10 p.m. pedestrians must wear a mouth and nose cover. Exceptions and other requirements result from § 2a paragraph 1 and 2 of the state ordinance. People who do not wear a mouth and nose cover and for whom an exception does not apply are not permitted to enter, stay or use the publicly accessible areas.

3. This order comes into force on January 11th, 2021. It is limited up to and including January 31, 2021.
4. The general decree is based on Section 28 (1) sentence 1, Section 28a Infection Protection Act in conjunction with Section 106 (2) State Administration Act. Infringements are therefore administrative offenses according to § 73 Paragraph 1a No. 6 Infection Protection Act.
5. The orders are immediately enforceable in accordance with Section 28 Paragraph 3 in conjunction with Section 16 Paragraph 8 Infection Protection Act. Objections and actions for rescission against these measures have no suspensive effect.
6. The general decree and its justification can be viewed during office hours in the Rendsburg-Eckernförde district, Kaiserstraße 8, 24768 Rendsburg.

Justification

The legal basis for the measure taken is §§ 28 Paragraph 1 Clause 1, 28a Paragraph 1 No. 2 Infection Protection Act in conjunction with § 106 Paragraph 2 State Administration Act in implementation of § 2a Paragraph 2 State Ordinance to Combat the Coronavirus SARS-CoV-2 of 01.08.2021.

According to this, the competent authority shall take 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 eliminated the disease, the necessary protective measures, in particular those in § 28a paragraph 1 and in §§ 29 to 31, insofar as and as long as it is necessary to prevent the spread of communicable diseases. Necessary protective measures within the meaning of Section 28 Paragraph 1 Sentence 1 to prevent the spread of the Coronavirus Disease-2019 (COVID-19) can in particular for the duration of the determination of an epidemic situation of national scope according to Section 5 Paragraph 1 Sentence 1 by the German Bundestag (German Federal Parliament) the obligation to wear a mouth and nose cover (mask requirement), § 28a paragraph 1 no. 2 Infection Protection Act. 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 Infection Protection Act. The spread of the SARS-CoV-2 virus must be prevented to combat the pandemic. The scope of application of the 5th section of the Infection Protection Act is therefore opened.

The authorization according to Section 28 (1) Infection Protection Act is a general clause which obliges the competent authority to act. Necessary protective measure within the meaning of Section 28 (1) Infection Protection Act to prevent the spread of the coronavirus and to prevent further diseases from COVID-19 according to Section 28a (1) No. 2, in particular, the obligation to wear a face mask (mask requirement).

To assess the likelihood of damage, the principle applicable in general police and regulatory law must be used, namely that the greater and more serious 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 those named in Section 28 Paragraph 1 Sentence 1 Infection Protection Act.

According to Section 2a Paragraph 2 Clause 1 of the State Ordinance on Combating the Coronavirus SARS-CoV-2 of January 8th, 2021, pedestrians must cover their mouth and nose in pedestrian zones, main shopping areas and other inner-city areas, streets and squares with comparable public traffic in who typically cannot keep the distance requirement. The above-mentioned areas as well as the time restriction have been determined by the health department of the Rendsburg-Eckernförde district after prior consultation with the communities in the district concerned. According to the assessment of the local authorities, the order to wear a mouth and nose cover at the locations mentioned in the annex is absolutely necessary. In order to minimize the risk of infection, mouth and nose covering is urgently required in the areas mentioned in the annex.

The aforementioned considerations also apply to the platforms, on the access roads to the platforms, in the station buildings and on the forecourt of the train stations, train stops and public transport stops in the Rendsburg-Eckernförde district.

The measure is also required. No equally suitable, less stressful measures are evident. This is especially true here because it is not possible to keep the minimum distance to other people at the places indicated in the annex for most of the time. In these heavily frequented areas, the distance requirement within the meaning of Section 2 Paragraph 1 Clause 1 of the State Ordinance on Combating the Coronavirus SARS-CoV-2 of January 8, 2021 cannot always be complied with. The areas in which the mouth and nose cover should be worn are clearly delimited by the designation in the appendix. The order is also 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). The timeframe primarily reflects the peak times in the respective spatial areas.

In addition, Section 2a Paragraph 1 Clause 3 of the State Ordinance on Combating the Coronavirus SARS-CoV-2 of January 8th, 2021 applies, i.e. the mask requirement does not apply to children up to the age of six and people who do not have a physical, mental or psychological impairment. Wear a mouth and nose cover and make this plausible.

This order comes into force on January 11, 2021. It is limited up to and including January 31, 2021.

The general decree is based on §§ 28 paragraph 1 sentences 1 and 2, 28a Infection Protection Act in conjunction with § 106 paragraph 2 State Administrative Act in implementation of § 2a paragraph 2 sentence 1 state ordinance to combat the coronavirus SARS-CoV-2 of January 8, 2021. Infringements are therefore administrative offenses according to § 73 Paragraph 1a No. 6 Infection Protection Act.

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

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

Legal appeal

An objection can be raised against this general decree within one month of 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 lawyer 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's mailbox or authority mailbox.

An objection by email is not permitted. Citizens can only object within deadline to the special electronic mailbox of the Rendsburg-Eckernförde district if the citizen has a citizen EGV account (OSCI account) and also uses a qualified electronic signature.

The objection has no suspensive effect in accordance with Section 80 (2) No. 3 of the Administrative Court Regulations (VwGO). An application for an order of suspensive effect can be submitted to the Schleswig-Holstein Administrative Court, Brockdorff-Rantzaustraße 13, 24837 Schleswig, in accordance with Section 80 (5) VwGO.

On behalf

Antonia Burgmann

Annex to the general decree of the Rendsburg-Eckernförde district of January 9th, 2021 on measures to combat the spread of the SARS-CoV-2 coronavirus and to determine the areas in which, according to Section 2 ° a (2) sentence 1 of the state ordinance to combat the SARS coronavirus -CoV-2, a mouth and nose covering must be worn.

A mouth and nose cover must be worn at the following places during the specified times of the day:

1. **City of Rendsburg**

• **Monday – Sunday 6 am – 10 pm**

- Röhlingsplatz
- Bahnhofstraße
- Holstenstraße until the corner of Werkstätten Materialhof

• **Monday – Friday 10 am – 6 pm**

Saturday 10 am – 2 pm

- Hohe Straße
- Holsteiner Straße
- Schiffbrückenplatz
- Schloßplatz
- Torstraße
- Neue Straße
- Mühlenstraße
- Altstädter Markt
- Stegengraben
- Am Holstentor
- Jungfernstieg from Röhlingsplatz until the corner of Provianthausstraße
- Am Gymnasium
- Holstenstraße
- Pannkokenstraat
- An der Schiffbrücke
- Stegen
- Schleifmühlenstraße

• **Montay until Friday 6 am – 10 pm**

- NOK pedestrian tunnel Rendsburg with the elevators and escalators

2. **City of Eckernförde**

Saturday 10 am – 6 pm

- Kieler Straße
- Frau-Clara-Straße
- Ochsenkopf
- St.-Nicolai-Straße
- Schulweg (from the confluence with the Reeperbahn to Rathausmarkt)

3. **District of Kronshagen**

• **Monday – Friday 10 am – 6 pm**

Saturday 10 am – 2 pm

- *Bürgermeister-Drews-Straße in the area of house numbers 2 to 16*