



# District of Rendsburg-Eckernförde

The District Administrator  
Special Health Service

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Your references, your letter dated

My references, my letter dated

Rendsburg  
27.02.2021

## **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 a mouth and nose cover must be worn in accordance with Section 2a Paragraph 2 Clause 1 of the State Ordinance on Combating 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 February 26, 2021:

1. In the publicly accessible areas designated in the annex, in accordance with Section 2a Paragraph 2 Clause 1 of the State Ordinance to Combat the Coronavirus SARS-CoV-2 of February 26, 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 and bus stations, train stops and bus and train stops for local and long-distance public transport in the area of the Rendsburg-Eckernförde district, the platforms, the stops, the access roads to the platforms and stops, and the station buildings and on the station forecourt in accordance with Section 2a Paragraph 2



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Clause 1 of the State Ordinance to Combat the Coronavirus SARS-CoV-2 of February 26th, 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 01.03.2021. It is limited up to and including 07.03. 2021.
4. The general decree is based on Section 28 (1) sentence 1, Section 28a of the Infection Protection Act in conjunction with Section 106 (2) of the State Administration Act. Infringements are therefore administrative offenses according to Section 73 Paragraph 1a No. 6 of the Infection Protection Act.
5. 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.
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 02/26/2021.

According to Section 28 Paragraph 1 of the Infection Protection Act, the competent authority shall take the necessary protective measures, in particular those in Section 28a Paragraph, in the event that sick people, suspects, contagions or excretors are identified, or that a deceased person was ill, suspected of being ill or excretory according to Infection Protection Act in Paragraph 29 to 31 Section 1 of the Infection Protection Act, 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 of the Infection Protection Act 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 Section 5 Paragraph 1 Sentence 1 of the Infection Protection Act by the Deutsche Bundestag in particular 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 in order to combat the pandemic. The scope of application of Section 5 of the Infection Protection Act is therefore open.

The authorization according to Section 28 (1) Infection Protection Act is a general clause that obliges the competent authority to act. Necessary protective measure within the meaning of Section 28 (1) of the Infection Protection Act to prevent the spread of the coronavirus and to prevent further illnesses 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 of the Infection Protection Act.

According to Section 2a Paragraph 2 Clause 1 of the State Ordinance on Combating the Coronavirus SARS-CoV-2 of February 26th, 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 which 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 named 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 stations, train stops and public transport stops in the area of the Rendsburg-Eckernförde district.

The measure is also required. No equally suitable, less burdensome 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. 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 February 26, 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 February 26, 2021 applies, i.e. the mask requirement does not apply to children up to the age of six and people who have no physical, mental or psychological impairment. Wear a mouth and nose cover and make it plausible.

This order comes into force on March 1st, 2021. It is limited up to and including March 7th, 2021.

The general decree is based on Section 28 (1) sentences 1 and 2, 28a Infection Protection Act in conjunction with Section 106 (2) State Administration Act in implementation of Section 2a (2) sentence 1 State Ordinance to Combat the Coronavirus SARS-CoV-2 of February 26, 2021. Infringements are therefore administrative offenses according to Section 73 Paragraph 1a No. 6 of the Infection Protection Act.

The orders are immediately enforceable in accordance with Section 28 Paragraph 3 in conjunction with Section 16 Paragraph 8 of the 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, the District Administrator, Specialist Health Service, 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 mailbox or authority mailbox.

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

The objection has no suspensive effect in accordance with Section 80, Paragraph 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-Rantzau-Strasse 13, 24837 Schleswig, in accordance with Section 80 (5) of the Administrative Court Code.

On behalf

Antonia Burgmann

**Annex to the general order of the Rendsburg-Eckernförde district of February 27, 2021 on measures to combat the spread of the SARS-CoV-2 coronavirus and to determine the areas in which, according to Section 2a (2) sentence 1 of the state ordinance to combat the SARS-CoV coronavirus -2 from February 26, 2021 a mouth and nose cover is to 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 from 6 am to 10 pm**
  - Röhlingsplatz
  - Bahnhofstraße
  - Holstenstraße up to the corner Werkstätten Materialhof
  
- **Monday – Friday from 10 am to 6 pm**  
**Saturday 10 am to 2 pm**
  - Hohe Straße
  - Holsteiner Straße
  - Schiffbrückenplatz
  - Schloßplatz
  - Torstraße
  - Neue Straße
  - Mühlenstraße
  - Altstädter Markt
  - Stegengraben
  - Am Holstentor
  - Jungfernstieg from Röhlingsplatz up to the corner Provianthausstraße
  - Am Gymnasium
  - Holstenstraße
  - Pannkokenstraat
  - An der Schiffbrücke
  - Stegen
  - Schleifmühlenstraße
  
- **Monday to Friday from 6 am to 10 pm**  
**Saturday and Sunday from 9 am to 8 pm**
  - NOK pedestrian tunnel Rendsburg with elevators and escalators

**2. City of Eckernförde**

- Saturday from 10 am to 6 pm**
- Kieler Straße
  - Frau-Clara-Straße
  - Ochsenkopf
  - St.-Nicolai-Straße
  - Schulweg (from the confluence with Reeperbahn to the Rathausmarkt)

**3. District of Kronshagen**

- **Monday – Friday from 10 am to 6 pm**  
**Saturday from 10 am to 2 pm**
  - *Bürgermeister-Drews-Straße in the area of the house numbers 2 to 16*