



# Albemarle County

## Legislation Text

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**File #:** 21-243, **Version:** 1

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**AGENDA DATE:** 4/7/2021

**TITLE:**

Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19

**SUBJECT/PROPOSAL/REQUEST:** Consideration of an Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Kamptner

**PRESENTER (S):** Greg Kamptner

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** In response to concerns that the number of COVID-19 cases was rising and thousands of students would soon be coming to the community for the University of Virginia's fall semester, the Board of Supervisors adopted Ordinance No. 20-E(5), An Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19 (the "Ordinance") on July 27, 2020. The Ordinance was part of a cooperative effort by the County, the City of Charlottesville, which adopted a similar ordinance, and the University of Virginia, to control the spread of COVID-19. Since its original adoption on July 27, the Ordinance has been amended several times as new information became available and the Governor adopted or amended Executive Orders. The current version of the Ordinance was adopted on January 6, 2021 (Attachment A) and will expire on April 7, 2021.

The Ordinance establishes regulations pertaining to: (1) the maximum indoor occupancy allowed at restaurants, farm wineries, limited breweries, and limited distilleries; (2) the maximum size of public and private gatherings; and (3) the requirement for persons to wear face coverings in public places. At the time it was first adopted and thereafter, the Ordinance has been more restrictive than the Governor's Executive Orders in the areas of concern that it covers. Beyond the Ordinance's narrow subject matter, the Governor's Executive Orders have full force and effect in the County, including, but not limited to, those requirements pertaining to physical distancing, sanitizing hard surfaces, and other health and safety protocols, and those requirements applying to gathering sizes and other restrictions in those business sectors not expressly addressed in the Ordinance such as religious institutions, fitness and exercise facilities, and campgrounds.

On February 24, 2021, and again on March 23, 2021, the Governor amended EO 72. These recent amendments have relaxed restrictions pertaining to the sizes of indoor and outdoor gatherings, the permitted attendance at certain events, and the sizes of "private bookings." Even as otherwise amended, EO 72 maintains the longstanding requirements to maintain physical distancing in restaurants and other locations and to wear face coverings.

On March 23, 2021, County staff learned that City staff will recommend to the City Council that it repeal its COVID-19 ordinance on April 5, 2021.

**STRATEGIC PLAN:** Mission - To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

**DISCUSSION:** In the first half of March, when a public hearing on the Ordinance would have been advertised, through the date of writing this Executive Summary, there have been numerous factors in play that made it difficult to both prepare an accurate public hearing notice and an Ordinance for the Board to consider on April 7, 2021. The vaccination program is proceeding and COVID-19 case numbers, positivity rates, and hospitalizations are declining nationwide. However, public health experts have been warning that it is premature to be relaxing restrictions because case levels are still too high and highly transmissible variants of the original coronavirus could lead to another surge in cases. Indeed, COVID-19 cases are rising in some states, and these increases are attributed to the new variants and widespread “pandemic fatigue” within the population.

To ensure the most current information is applied in developing an ordinance for the Board’s consideration, a proposed emergency ordinance will be provided to the Board and to the public at or immediately before the Board’s April 7, 2021 meeting.

The table included as Attachment B provides a comparison of the current requirements of Ordinance No. 21-A (1) to the corresponding requirements in EO 72 (third and fourth amendments).

**BUDGET IMPACT:** None

**RECOMMENDATION:**

The County Executive will provide a recommendation at the April 7, 2021 Board meeting.

**ATTACHMENTS:**

A - Ordinance No. 21-A(1)

B - Table Providing Comparison of Requirements