Albemarle County

Legislation Details (With Text)

File #:	21-134	**Version:** 1	**Name:**		
Type:	Ordinance		**Status:**	Public Hearing	
File created:	12/18/2020		**In control:**	Board of Supervisors	
On agenda:	1/6/2021		**Final action:**		
Title:	Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19. To receive public comment on its intent to re-adopt an ordinance entitled “An Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19,” which was most recently re-adopted on November 18, 2020 as an emergency ordinance (Ordinance No. 20-E(7) and thereafter amended on December 16, 2020 (Ordinance No. 20-E(8)). The ordinance establishes: (1) limitations on the number of persons at food establishments, farm wineries, limited breweries, and limited distilleries; (2) limitations on the number of attendees at gatherings; and (3) requires persons to wear face coverings in public places. The ordinance also includes definitions, specific provisions for when and how the above-described limitations apply, and imposes criminal penalties for violations.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Att.A - Proposed Ordinance				

Date	Ver.	Action By	Action	Result

AGENDA DATE: 1/6/2021

TITLE:
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: 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, Walker, Henry, Kamptner

PRESENTER (S): Greg Kamptner

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Since the early days of the COVID-19 pandemic, the World Health Organization, the United States Centers for Disease Control and Prevention, and the Virginia Department of Health have identified several behaviors and practices that are fundamental in controlling the spread of COVID-19 in the community, including wearing a cloth face covering when in public, limiting the size of gatherings, and limiting the duration of gatherings. With respect to restaurants, the Centers for Disease Control and Prevention have advised: (1) wearing cloth face coverings when less than six feet apart from other people or indoors; (2) wearing face

coverings as much as possible when not eating; (3) maintaining a proper physical distancing if persons are sitting with others who do not live with the person; and (4) sitting outside when possible.

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, which became effective August 1, established 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. The Ordinance was narrowly focused to address these three areas of concern, provided exceptions in limited circumstances, and did not supersede the Governor's Executive Orders in those areas not regulated by the County, such as physical distancing, sanitizing hard surfaces, and other restrictions and practices not expressly addressed in the Ordinance.

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.

At the time of writing this executive summary, the number of COVID-19 active cases, hospitalizations, and deaths are at or near record levels across the United States and in Virginia.

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: With limited changes, the Ordinance (Attachment A) for the Board's consideration is the same as the emergency ordinance adopted by the Board on November 18, 2020, and amended on December 16, 2020. Two changes to the December 16 version of the Ordinance are updated recitals and a revised termination date in Section 9. This Ordinance is before the Board for public hearing and action because an emergency ordinance may be enforced for not more than 60 days, and that 60-day period will end on January 16, 2021.

Sections 4, 5, and 6 of the Ordinance are the key sections of the Ordinance, and are summarized as follows:

Section 4 limits the indoor occupancy of food establishments, farm wineries, limited breweries, and limited distilleries to 50 percent of the lowest occupancy load on the certificate of occupancy, or to 50 persons if the building or structure does not have an occupancy load. Neither Executive Order 72 nor its predecessors have a similar standard. The closest comparable standard in Executive Order 72 requires that parties in these establishments be separated by at least 6 feet. In Albemarle County, both the occupancy limit in the Ordinance and the separation requirement in Executive Order 72 apply to the establishments subject to Section 4.

Section 5 establishes a maximum gathering size of 10 persons, which is the same gathering size allowed by Executive Order 72. When the Ordinance was first adopted on July 27, 2020, the Ordinance allowed a maximum gathering size of 50 persons. At that time, Executive Order 67 allowed gatherings of up to 250 persons. The Ordinance also regulates two activities of local importance that are also regulated by Executive Order 72 - entertainment and amusement businesses and recreational sports - that have different gathering size limitations. The Ordinance imposes the same gathering size limitations as provided in Executive Order 72.

Section 6 requires persons five years of age and older to wear face coverings in indoor shared spaces and outdoors when physical distancing cannot be maintained. This requirement is consistent with Executive Order 72. The County's face covering requirement continues to differ from Executive Order 72 and its predecessors by the County requiring a person to provide written documentation from a doctor or health care practitioner in order to claim that a condition precludes them from wearing a face covering.

Lastly, relevant definitions and exceptions applicable to Sections 5 and 6 have been revised since the Ordinance was first adopted to be consistent with Executive Orders as they have been adopted or amended.

BUDGET IMPACT: None

RECOMMENDATION:
Staff recommends the Board adopt the proposed Ordinance (Attachment A).

ATTACHMENTS:
Attachment A - Proposed Ordinance