



Legislation Details (With Text)

File #: 21-1086 **Name:**

Type: Ordinance **Status:** Agenda Ready

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On agenda: 5/15/2021 **Final action:**

Title: Public Hearing, Second Reading and Final Passage of an amended ordinance to prevent the spread of the Novel Coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19 by requiring face coverings in certain indoor and outdoor locations. [ROLL-CALL VOTE]

Sponsors:

Indexes:

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Attachments: 1. 21-1066_Face Mask Ordinance Amended 052021FINAL, 2. 21-1086_final ordinance, 3. 21-1086_Final Ordinance

Date	Ver.	Action By	Action	Result
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City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 5, 2021

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:
 Public Hearing, Second Reading and Final Passage of an amended ordinance to prevent the spread of the Novel Coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19 by requiring face coverings in certain indoor and outdoor locations. [ROLL-CALL VOTE]

ISSUE: Consideration of amendments to the ordinance requiring face coverings in certain indoor and outdoor locations to acknowledge updated guidance from the Centers for Disease Control (CDC) about when face coverings are required.

RECOMMENDATION: That City Council approve the amended ordinance on first reading and set the ordinance for second reading, public hearing and adoption on Saturday, May 15, 2021.

BACKGROUND: On September 12, 2020, City Council adopted an ordinance that was effective October 20, 2020 that requires face coverings in certain indoor and outdoor locations in order to assist in preventing the

spread of COVID-19. The ordinance requires face coverings in outdoor locations when social distancing between people not in the same family cannot be achieved and in indoor locations other than an individual's household or vehicle. The ordinance does not have specific penalties for violation of the requirements, however, has provided clear guidance to residents and visitors of Alexandria regarding the City's expectations and requirements.

On April 27, 2021, as the number of new cases of COVID-19 decreases and the number of people vaccinated has increased, [CDC issued new guidance](https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/participate-in-activities.html) for wearing face coverings indoors and outdoors. Accordingly, the Commonwealth of Virginia also updated its [Executive Order 72](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-72-SIXTH-AMENDED-and-Order-of-Public-Health-Emergency-Nine-Easing-of-Commonsense-Surge-Restrictions-Due-to-Novel-Coronavirus-(COVID-19).pdf) (EO72) to incorporate ongoing CDC guidance. Therefore, it is recommended that City Council now adopt the changes to its Ordinance No. 5293 to align the City's local requirements with the State requirements. This reduces the need for future revisions to the ordinance based on evolving knowledge of managing this pandemic in its declining phase.

DISCUSSION: The attached amended ordinance makes two changes to Ordinance No. 5293. First the ordinance adds the words "as defined and required by EO72" to the requirement that face coverings be worn in all public places. This will allow for the ordinance requirements to evolve with the changes to the EO 72 without the need to continually amend the ordinance. Accordingly, the definition of "public place" has also been amended to remove the social distancing requirement so that the definition does not interfere with what EO 72 requires. This does not change the substance of the requirement that face coverings only be worn outside if social distancing cannot be maintained, which is the current CDC guidance. Additionally, the ordinance has been revised to make the exemption for children consistent with the State's requirement that applies the requirements to children 5 and older, rather than the City's which exempts children 10 and under. Since the State's stricter requirement for children already governs over the City's requirement, this will not change the guidance we have been giving the community for what age the requirement applies to.

Second, the expiration date has been updated to allow for the Ordinance No. 5293 to expire as of September 30, 2021. When initially adopted, the State had not yet required face coverings in outside areas therefore creating the need for Alexandria to act. Since the City's ordinance now is equivalent to the State requirements and federal guidance, there will eventually no longer be a need for the local ordinance, so the expiration date allows for the City's ordinance to phase out without further action by City Council.

FISCAL IMPACT: None.

ATTACHMENT: Amended Ordinance

STAFF:

Joanna C. Anderson, City Attorney

Sarah Taylor, Assistant City Manager

Dr. Anne Gaddy, MD, MPH, Acting Director, Alexandria Health Department