



Legislation Text

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City of Alexandria, Virginia

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MEMORANDUM

**DATE:** SEPTEMBER 2, 2020

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

**DOCKET TITLE:**

Introduction and First Reading. Consideration. Passage on First Reading of an 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.

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**ISSUE:** Consideration of an ordinance to expand the existing requirements to wear face coverings where physical distancing cannot be maintained.

**RECOMMENDATION:** That City Council approve the proposed face covering ordinance with an effective date of October 1, 2020 (attached) on first reading, set it for second reading, public hearing and adoption on September 12, 2020.

**DISCUSSION:** The City and Commonwealth remain in a state of emergency due to the effect of COVID-19 on our community. While the Governor of Virginia has issued Executive Orders to try to alter the community's behavior to combat the pandemic, it is difficult for the Commonwealth as a whole to address the needs of a specific community like Alexandria. Governor Northam issued Executive Order 63 (EO 63) requiring that face coverings be worn while inside certain buildings, the City of Alexandria with this ordinance would be expanding the areas where face coverings are required and would implement a local mechanism to achieve compliance of the requirement. While physical distancing is still the most important mechanism for stopping the spread of COVID-19, wearing a face covering when those distances cannot be maintained is an important safety measure that must be also increasingly utilized.

The City of Alexandria is an urban jurisdiction situated in the metropolitan Washington, DC region with a compact downtown area that attracts visitors from around the region, the country and world. Additionally, the City includes workers who live in other jurisdictions and residents who work in and visit other jurisdictions, making the Alexandria community particularly susceptible to the spread of COVID-19. The City of Alexandria, although in a better condition than in May, has seen an increase in positive cases since the end of June. The City

has gone from an average of nine new daily cases to approximately 20 new daily cases in recent weeks. COVID-19 is extremely easy to transmit and can be transmitted by infected people who show no symptoms (i.e., asymptomatic). In order to reduce the probability of exposure while during certain daily activities, the City is requiring residents to wear face coverings in circumstances where maintaining six feet of distancing cannot be guaranteed. In summary, the ordinance requires in general that face coverings be worn when indoors other than in a personal residence or vehicle, and when outdoors other than when one can maintain the appropriate physical distancing requirement. The ordinance lists a number of exceptions for medical conditions and certain activities as well as exceptions for outdoor recreational sports and for students in school and daycare because those activities are governed by other Governor's Executive Orders or plans.

The proposed ordinance as currently drafted requires face coverings in all indoor locations other than a personal residence and personal vehicle, and all public outdoor locations unless physical distancing requirements can be maintained. The ordinance proposes a number of exceptions to address exigent circumstances when a face covering is not able to be worn but for the most part makes it clear that in most circumstances, patrons of publicly accessible Alexandria businesses and government facilities should be wearing a face covering to assist in stopping the spread of COVID-19.

The compliance mechanism for this ordinance would be based largely on seeking to obtain voluntary compliance but is proposed to have a \$100 civil penalty option. The City Manager will delegate the responsibility to seek compliance with this ordinance to appropriate departments. The designated City staff will advise the public that "use of a face covering that covers your nose and mouth are required in the City of Alexandria." Free face coverings will be distributed to those who do not have their own face covering. This approach to compliance will be focused on education and outreach.

**BACKGROUND:** On March 12, 2020, Governor Ralph S. Northam issued Executive Order Number Fifty-One ("EO 51") declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic. EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a "disaster" as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread.

Likewise, on March 14, 2020, effective at 5:00 p.m. and extending through June 10, 2020, at 5:00 p.m., or as may be amended by the City Council, the City Manager, in his capacity as Director of Emergency Management, issued a Declaration of Local Emergency applicable throughout the entire City of Alexandria, Virginia, pursuant to authority granted pursuant to City Code Section 4-3-5, Virginia Code Sections 44-146.21 and 15.2-1413. The City Declaration was unanimously consented to by the City Council on March 14, 2020, pursuant to City Resolution No. 2928, as required by applicable law. On June 9, 2020, the City Manager extended such Declaration of Local Emergency through September 30, 2020 which extension was unanimously consented to by the City Council on June 9, 2020.

Since the issuance of EO 51, Governor Northam has issued several more Executive Orders jointly with Orders of Public Health Emergency issued by M. Norman Oliver, MD, MA, State Health Commissioner, pertaining to COVID-19. Currently, "Executive Order Number Sixty-Seven (2020) and Order of Public Health Emergency Seven, Phase Three Easing of Certain Temporary Restrictions Due to Novel Coronavirus (COVID-19)" (collectively referred to as "EO 67"), which became effective at 12:00 a.m. on July 1, 2020, is in effect.

Pursuant to its charter, the City of Alexandria has the authority to make and enforce regulations necessary to protect its inhabitants from contagious and infectious diseases (See Charter Section 2.04(h)). Therefore, in addition to the actions taken by the State, the City may take action such as a face covering ordinance to address

the specific needs of its community.

**FISCAL IMPACT:** Staff is currently working on a compliance/education plan and already has in stock masks that can be distributed by the assigned compliance staff. Costs for this increased compliance effort will be funded by federal CARES Act grant funds.

**ATTACHMENTS:**

Attachment 1: Coversheet

Attachment 2: Ordinance

**STAFF:**

Joanna Anderson, City Attorney

Debra Collins, Deputy City Manager