

ORDINANCE

IN RE: REGULATIONS TO PREVENT THE SPREAD OF A CONTAGIOUS DISEASE—COVID-19 PANDEMIC

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency in response to the spread of the novel coronavirus (COVID-19); and

WHEREAS, on March 12, 2020, the Governor, in Executive Order 51, declared a state of emergency in the Commonwealth of Virginia, acknowledging the spread of COVID-19 as a disaster as defined in Virginia Code § 44-146.16; and

WHEREAS, Executive Order 51 authorized local governments to render appropriate assistance and to alleviate conditions, as appropriate, to prepare for and mitigate the effects of the virus; and

WHEREAS, on March 13, 2020, the President of the United States found and declared the outbreak of COVID-19 to constitute a national emergency, beginning March 1, 2020; and

WHEREAS, on March 17, 2020, in accordance with Virginia Code § 44-146.21, the Buchanan County Director of Emergency Management, Robert Craig Horn, declared a local state of emergency in Buchanan County and that said COVID-19 constituted a “disaster” as contemplated in section 15.2-1413 of the Code of Virginia of 1950, as amended; and

WHEREAS, on March 17 and 23, the Governor requested and then directed Virginians to avoid non-essential gatherings of more than 10 people; and

WHEREAS, the Buchanan County Board of Supervisors at the beginning of it April 6, 2020 regular monthly Board meeting confirmed, pursuant to Virginia Code § 44-146.21, the declaration of a local emergency in Buchanan County; and

WHEREAS, the Board of Supervisors has determined that COVID-19 constitutes a communicable disease of public health threat which has caused a disaster as those terms are defined in Virginia Code § 44-146.16; and

WHEREAS, Virginia Code § 15.2-1200 provides the county with authority to adopt necessary regulations to prevent the spread of contagious diseases among its residents; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes the public health, safety, and welfare, and its adoption is consistent with the law of the Commonwealth of Virginia, the Virginia Constitution and the United States Constitution.

NOW, THEREFORE, BE IT ORDAINED, that this uncodified ordinance is hereby enacted as follows:

An Emergency Ordinance Allowing for the Regulations to Prevent the spread of the contagious disease of COVID-19 in Buchanan County During the Pandemic of the Coronavirus

Sec. 1. Purpose; Effective Date; Expiration

This ordinance provides for regulations pursuant to Va. Code section 15.2-1200 in order to protect the health, safety, and welfare of residents and employees from the spread of COVID-19. This ordinance providing for specific regulations to prevent the spread of the contagious disease of COVID-19 is adopted in conjunction with the Declaration of a Local Emergency and finding that the COVID-19 Pandemic constitutes a disaster.

At this time, public health experts recommend against assembling groups of people in confined spaces. Furthermore, the Governor of Virginia has issued Executive Orders requiring social distancing guidance, restrictions on public and private gatherings of more than ten people, and requiring sheltering in place for all Virginians with some limited travel exceptions.

This emergency ordinance is effective immediately and will remain in effect for 60 days unless amended, rescinded, or readopted in conformity with the notice provisions of Virginia Code § 15.2-1427.

Sec.2. Governors Executive Orders

This ordinance is adopted to complement the Governor's Executive Orders that defined essential and non-essential businesses and that established restrictions to protect against the COVID-19 contagion. All provisions of the Governor's Executive Orders shall be enforced to the greatest extent of County authority to do so.

In the event the Governor issues an Executive Order that conflicts with a provision of this ordinance, the conflicting portion of the ordinance shall immediately cease to have force and effect. Otherwise, this emergency ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment of this ordinance, whichever date is earlier.

Sec. 3. Public or Private Gatherings of more than ten individuals

A. All indoor or outdoor gatherings of more than ten individuals, public or private are prohibited. This prohibition does not apply to family members living in the same residence. This prohibition does not apply to the operation of businesses not required to close to the public under the Governor's Executive Order No. 53, and as same may be amended in the future.

B. All County Parks are closed effective April 1, 2020 and all members of the public are prohibited from being on County Park property until such Parks are re-opened, except with the permission of a District Supervisor.

C. All County Offices and properties are closed to Public and all members of the public are prohibited from being on such property until same are re-opened to the public.

D. The members of the public are prohibited from access to recreational and entertainment businesses as delineated in paragraph No. 4 of the Governor's Executive Order No. 53. A copy of the Governor's Executive Order No. 53 and the Governor's Executive Order No. 55 are attached and incorporated by reference into this ordinance.

E. Any and all other activities specifically prohibited in the Governor's Executive Orders No. 53 and No. 55 are prohibited pursuant to this ordinance.

F. In regard to all stores permitted to be open pursuant to the Governor's Executive Orders, only one shopper per household may be in such a store at any one time. Stores that are permitted to be opened pursuant to this ordinance must adhere to strict compliance of the social distancing requirements established in the Governor's Executive Orders. Additionally, customers and employees of said stores shall wear face coverings, such as 3M masks, surgical masks, bandanas, or home-made masks while in said stores. Failure of members of the Public or by the management of said stores to comply with these requirements shall constitute a violation of this ordinance.

G. All essential businesses, as defined in the Governor's Executive Order Number 53 shall comply with the following:

Clearly mark an entrance to the store that is separate from a clearly marked exit to the store to reduce cross-travel of customers, when the store has at least two entries/exits available;

Allow no more than five customers for each 1,000 square feet in the store or 20 percent of a store's capacity as established by the Fire Marshall;

Maintain a count of customers that have entered the store; upon reaching capacity, admit customers on a "1-out-1-in" basis;

Encourage one-way movement through store aisles using floor markers and direction from associates;

Direct customers to exit the store through a designated exit door;

Designate with signage, tape, or by other means at least six (6) feet spacing requirements for customers who are waiting in line for entry to the building, for cash register check-out, customer service desk, and any other location where persons may be waiting for service from business staff;

Provide personnel to ensure that shopping carts are cleaned with sanitizing product prior to each use;

Maintain hand sanitizer and sanitizing products readily available for employees and customers;

Require employees to wear protective masks;

Offer separate operating hours only for elderly and vulnerable customers;

Offer and encourage use of an alternative means of purchasing and delivering products and services, to include online or telephone orders and curbside or off-site deliveries provided, however, no business is required to implement an online ordering platform or provide direct delivery service where they do not currently offer such services;

Place signage reminding customers and employees of social distancing measures;

Install protective barriers at check-out counters

H. Travel by out of county residents into Buchanan County is not permitted beyond 24 hours, except for employment purposes.

I. Failure of any member of the public to strictly adhere to the social distancing and essential travel requirements of the Governor's Executive Orders No. 53 and No. 55 shall constitute a violation of this ordinance.

Sec. 4. Enforcement of Ordinance

This ordinance shall be enforced by the Buchanan County Sheriff's Department. The Sheriff, in his discretion, is authorized to conduct traffic check points to assure that travel within Buchanan County is within the permitted travel restrictions pursuant to the Governor's Executive Orders No. 53 and No. 55 and the provisions of this ordinance.

Sec. 5. Penalties for Violation of Quarantine Ordinance

A. A first violation of this ordinance by any person shall result in a warning. The Sheriff's Office is directed to keep a record of all individuals who receive a violation of this ordinance.

B. A second violation of this ordinance shall result in a fine of \$500.00.

C. A third or subsequent violation of this ordinance shall be a Class 1 misdemeanor, resulting incarceration in jail of up to twelve months and/or a fine up to \$2,500.00, or any combination of both.

Sec. 6. Effective Date

1. This ordinance shall be effective upon adoption.

2. This ordinance shall expire June 10, 2020 unless re-adopted by the Board of Supervisors after public notice.

This emergency ordinance was adopted by the Buchanan County, Va. Board of Supervisors on the ____ day of April, 2020.

Craig Stiltner, Chairman,
Buchanan County, Va. Board of Supervisors

Recorded Vote:

J. Carroll Branham _____

Trey Adkins _____

Tim Hess _____

Jeff Cooper _____

Craig Stiltner _____

Drew Keene _____

G. Roger Rife _____

ATTESTED:

Robert Craig Horn, County Administrator