



CITY OF HARRISONBURG CITY MANAGER

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801
OFFICE (540) 432-7701 • FAX (540) 432-7778

TO: Eric Campbell, City Manager
FROM: G. Chris Brown, City Attorney
DATE: 12/2/2020
RE: COVID-19 Gathering Ordinance

Summary: Several months ago, City Council passed an ordinance limiting public and private gatherings to 50 people. This gathering ordinance is intended to suppress the spread of COVID-19 and has been effective in limiting large gatherings. The gathering ordinance is set to expire on December 12, 2020. On November 13, 2020, Governor Northam issued an amendment to his Executive Order 67 which is more restrictive than the City's gathering ordinance. Staff recommends that Council not renew the City's gathering ordinance at this time.

Background: On August 11, 2020 City Council passed an ordinance to limit the number of people at public or private gatherings in the City to 50. The gathering ordinance was renewed in October of this year with limited amendments. The ordinance contains exemptions for religious gatherings and expressive activities and contains exclusions such as gatherings occurring on governmental property and property owned by institutions of higher learning. The gathering provides that a violation of the ordinance constitutes a class 3 misdemeanor for owners or tenants of the property on which a gathering is held and a class 4 misdemeanor for attendees of the gathering. The gathering ordinance has been rarely used, but its existence has been an effective deterrent to large gatherings.

The current ordinance expires on December 12 unless extended by Council.

On November 13, Governor Northam issued an amendment to his Executive Order 67, which is the EO which sets out various COVID-19 related restrictions statewide. The most current amendment limits public and private social gatherings to 25 people. Violation of the EO's gathering restrictions constitutes a Class 1 misdemeanor. The gathering restrictions in EO 67 can be enforced by HPD.

The Governor's latest amended EO 67 is more restrictive than the City's gathering ordinance and requires more severe penalties. Council does not have the Authority to lessen the restrictions set out in EO 67. Therefore, staff recommends that Council not renew the City's gathering ordinance at this time. The City's gathering ordinance is superfluous to EO 67. Furthermore, maintaining the City's gathering ordinance could lead to confusion as to what is being enforced.



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Council can re-enact the gathering ordinance if the Governor amends EO 67 to remove the restriction on public or private gatherings if the COVID-19 pandemic emergency still exists and Council determines the restrictions on large gatherings is necessary for the protection of Harrisonburg's residents.

Staff has prepared amendments to the gathering ordinance to make it consistent with EO 67. However, to avoid confusion, staff recommends these amendments not be approved and that the City's gathering ordinance be allowed to lapse.

Key Issues: Renewal of the City's gathering ordinance in light of new, tougher restrictions set out in the Governor's amended EO 67.

Environmental Impact: None

Fiscal Impact: None

Prior Actions: Enactment and re-enactment of the City's gathering ordinance.

Alternatives: (a) Allow the City's gathering ordinance to lapse, or
(b) enact drafted amendments to the City's gathering ordinance.

Community Engagement: None

Recommendation: Staff recommends permitting the City's gathering ordinance to lapse.

Attachments: 1) Potential amendments to the City's gathering ordinance.

Review:

The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

