



CITY OF UTQIAGVIK

"Farthest North Incorporated City"

INTRODUCED BY:	FANNIE SUVLU, MAYOR
DATE OF INTRODUCTION:	NOVEMBER 10, 2020
DATE OF PUBLIC HEARING:	NOVEMBER 10, 2020 BY EMERGENCY
ACTION:	Approved
VOTE:	November 10, 2020

CITY OF UTQIAGVIK, ALASKA

ORDINANCE #: 12-2020

AN ORDINANCE RELATING TO A PUBLIC HEALTH EMERGENCY INVOLVING THE COVID-19 CORONAVIRUS, MANDATING (1) QUARANTINE FOR RESIDENTS AND NON-RESIDENTS ARRIVING IN THE CITY, (2) ISOLATION FOR ANY PERSON WHO TESTS POSITIVE FOR COVID-19, AND (3) MASKS OR CLOTH FACE COVERINGS, AND STRONGLY RECOMMENDING ALL RESIDENTS TO HUNKER DOWN

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 coronavirus a pandemic;

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 coronavirus pandemic a national public health emergency and the Governor of the State of Alaska declared a public emergency;

WHEREAS, on March 28, 2020, State of Alaska Health Mandate 011 went into effect, which required all persons in Alaska, except for those engaged in essential health care services, public government services, and essential business activities, to remain at their place of residence and practice social distancing, and required all businesses in Alaska, except those listed in the Alaska Essential Services and Critical Workforce Infrastructure Order, to cease all activities;

WHEREAS, on April 24, 2020, State of Alaska Health Mandate 016, titled Reopen Alaska Responsibility Plan – Phase 1-A, went into effect modifying Health Mandate 011 and permitting certain activities and businesses in Alaska to resume under the conditions and guidance set forth in the attachments to Health Mandate 016;



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WHEREAS, on May 7, 2020, the City mandated that all City residents hunker down and shelter in place as much as possible, and to practice social distancing to minimize the spread of COVID-19;

WHEREAS, on May 22, 2020, State of Alaska's Reopen Alaska Responsibility Plan – Phase 3/4 went into effect permitting most activities and businesses in Alaska to resume under the conditions and guidance set forth in the Plan;

WHEREAS, as on June 5, 2020, the State of Alaska issued a revision to Health Mandate 18, which empowers local communities off the road system to enact travel restrictions as long as automatic quarantine or measures are not implemented that prevent travel for Critical Personal Needs or the conduct of Essential Services/Critical Infrastructure;

WHEREAS, as on July 14, 2020, the State of Alaska issued a revision to Health Mandate 10, which updated the mandatory quarantine and COVID-19 testing requirements for international and interstate travel into Alaska;

WHEREAS, as of October 15, 2020, there were more than 39 million reported coronavirus cases worldwide, including over 11,100 in Alaska, and 189 in the North Slope Borough; a stark and continuing increase from the time of the City's previous emergency Ordinance;

WHEREAS, the City has a unique risk profile due to factors, including its geography and limited health resources, and the COVID-19 pandemic continues to threaten to overwhelm those resources without ongoing, concerted, community action; and

WHEREAS, given the City's unique risk profile and the City's first COVID-19 reported case, the City has a need to require COVID-19 testing or quarantining to limit the pandemic's threat to overwhelm the City's limited health resources; and

WHEREAS, the City has a need to supplement its previous ordinances and actions to try to stop the spread of COVID-19 in the community.

BE IT ORDAINED by the City Council of Utqiagvik, Alaska, that:

SECTION 1. Classification. This Ordinance is not permanent or general in nature and shall not be placed in the City of Utqiagvik Code of Ordinances ("Code").



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SECTION 2. Council Finding. In accordance with Section 2.12.100(A) of the Code, the City Council hereby finds and declares that, based on the fact statements in the recitals above, a public health emergency involving the COVID-19 coronavirus continues to exist.

SECTION 3. Council Approval. In accordance with Section 2.12.100(A) and (B) of the Code, the City Council hereby ratifies the Mayor's Emergency Order EO-06-2020 effective as of 5:00 p.m. on Wednesday, November 11, 2020, to preserve life in and adjacent to the City. That the following emergency regulations have the power of law, and shall remain in effect until 11:59 p.m. on January 10, 2021, or to rescind such emergency regulations if the COVID-19 public health emergency abates or the Council passes a replacement Ordinance:

A. Mandatory Quarantine for Residents and Non-Residents to the City

This Ordinance imposes a fourteen (14) day self-quarantine on individuals arriving in the City from outside the City. Persons mandated to quarantine upon arrival in the City will proceed directly to their quarantine site.

1. The following persons will be considered to have already completed a mandatory quarantine:
 - a. Persons that have completed a quarantine immediately prior to arrival in the City and received a negative COVID-19 test within 72 hours of arrival in the City.
 - i. The Arctic Slope Native Association ("ASNA") provides free COVID-19 testing to all travelers who arrive at the City's Wiley Post-Will Rogers Memorial Airport ("Airport") at the Transit Center drive through testing station.
 - ii. In addition to the Airport, COVID-19 tests are available at Samuel Simmonds Memorial Hospital.
 - b. Persons identified by the State of Alaska in the Essential Services and Critical Workforce Infrastructure Order dated April 10, 2020 whose travel to the City originated from elsewhere in Alaska.



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- c. Persons with Critical Personal Needs as identified in the State of Alaska Health Mandate 18 dated June 5, 2020 who would be prevented from traveling due to the testing recommendations set forth in Sections 2 and 3 above.
2. Quarantine Location: any location identified to the City in writing by the person quarantining that is safe, offers sanitary facilities, and can provide necessary space for quarantine purposes.
3. Social distancing will be maintained within quarantine locations to the maximum extent possible, including but not limited to the use of face masks, as recommended by the CDC.
4. Any person required to quarantine shall not leave their quarantine location during their quarantine period for any reason other than to:
 - a. Receive non-elective medical care;
 - b. Go to their worksite if their work is identified on the State of Alaska in the Essential Services and Critical Workforce Infrastructure Order dated April 10, 2020;
 - c. Be tested for COVID-19;
 - d. Leave the City.
5. Entry to the Quarantine Location is limited to the following:
 - a. Persons in quarantine;
 - b. Persons providing required goods or critical personal needs, and critical infrastructure needs;
 - c. Persons providing medical care to a person in that location;
 - d. All persons residing at the quarantine site if the quarantine location is their usual place of residence while in the City.

B. Mandatory Isolation for any Person Who Tests Positive for COVID-19

1. Any person who tests positive for COVID-19 shall immediately self-isolate and monitor for signs of sickness.



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- a. Persons shall isolate in a home with a specific “sick room.” If not available, strict cleanliness procedures must be maintained including wearing a mask when in a room with other persons.
 - b. A separate bathroom facility shall be used for isolation when possible. If not available, strict cleanliness procedures must be maintained including wearing a mask.
2. The period of isolation shall be a minimum of ten (10) days after the date of the person’s first positive COVID-19 test.

C. Mandatory Requirement to Wear Masks or Cloth Face Coverings

1. On the limited occasions when residents leave their home, residents must wear masks or cloth face coverings over their noses and mouths when they are indoor in public settings or communal spaces outside the home, and should maintain social distancing of at least 6 feet from any person outside their household whenever possible. This Ordinance is subject to the conditions and exceptions stated below.
2. The indoor settings included in this Ordinance include, but are not limited to, the public and communal spaces within the following:
 - A. Grocery stores, pharmacies, and all other retail stores.
 - B. Restaurants and cafes, including food preparation, carry-out, and delivery operations. There is a limited exception for customers while they are actively eating or drinking in those settings.
 - C. Taxis, ride share services, or other forms of public transportation when non-household passengers are present.
 - D. Personal care facilities, child-care facilities, and communal areas of offices where people from multiple households are present.
 - E. Elevators and indoor communal spaces in other buildings.
3. Employers are responsible to make sure employees who are present in the workplace have access to and wear masks or cloth face coverings when in direct contact with customers, members of the public, or other employees. Businesses



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- are permitted to refuse service to any individual not willing to abide by this Ordinance.
4. As mandated by the State of Alaska's Reopen Alaska Responsibly Phase III/IV Guidance (<https://covid19.alaska.gov/wp-content/uploads/2020/05/05212020-Phase-III-IV-Guidance.pdf>), all businesses should assist individuals with personal mitigation strategies including:
 - A. Opportunities for frequent hand washing;
 - B. Maintaining opportunities for 6 foot distancing between all non-family members;
 - C. Require face covering/masks by the public, and require face coverings/masks by employees as set forth in this Ordinance (subject to the exceptions stated below);
 - D. Screening for people who are ill and limiting entrance to those who are healthy;
 - E. Regular cleaning and extra attention to high touch surfaces; and
 - F. Special accommodations for those at higher risk to help minimize their risk.
 5. This Ordinance does not apply to the following categories of people or activities:
 - A. Any child under the age of 2 years or who may have a risk of suffocation;
 - B. Any child under the age of 12 years unless a parent or caregiver actively supervises their use;
 - C. Any child in a day care setting, although such settings may provide their own requirement for use for children age 2 years old or older;
 - D. Any individual for whom wearing a mask or cloth face covering would be contrary to his or her health or safety because a medical condition or medical health condition, and any individual unable to tolerate a mask due to a physical or mental disability;



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- E. Individuals who are speech impaired, deaf, or hard of hearing, or individuals communicating with someone who is deaf or hard of hearing, where facial or mouth movements are an integral part of communication;
 - F. Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;
 - G. Individuals who are exercising, if mask wearing would interfere with their breathing;
 - H. Individuals who are incarcerated, in police custody, or inside a courtroom; these individuals should follow guidance particular to their location or institution;
 - I. Individuals performing an activity that cannot be safely conducted while wearing a mask (for example, a driver experiencing foggy glasses, an equipment operator using heavy equipment with a risk of tangling the mask); and
 - J. Musicians, presenters, ministers, and others communicating to an audience or being recorded, for the duration of their presentation/practice/performance where mask usage impairs communication, and so long as safe physical distancing is maintained.
6. If a person declines to wear a mask or face covering because of a medical condition or disability as described above, this Ordinance does not require them to produce medical documentation verifying the stated condition or disability. Businesses may wish to consider accommodating such individuals through curbside or delivery service.
7. Employers will not be subject to fines based on non-compliance by customers so long as there is a clearly posted sign informing customers that they are required to wear face coverings. Brief removal of a face covering, such as is necessary to eat, drink, or scratch an itch does not constitute a violation of this Ordinance (although hand washing/sanitizing is recommended after such activities). Additionally, violation of this Ordinance does not create grounds for residents to harass individuals who do not comply with it.

D. The City Continues to Strongly Recommend that Residents Hunker Down



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1. The City strongly recommends that all residents hunker down and shelter in place as much as possible in order to minimize any spread of COVID-19.
2. Residents should stay home and work from home as much as possible, except to buy, sell, or deliver groceries or other critical goods; to receive or provide health care; and to get fresh air without contacting others.

E. Penalties

Violations of Sections A, B, and C of this Ordinance shall result in the following penalties:

1. *First Offense – Perform a Public Service Announcement:* A first offense shall result in a citation requiring the violator to create a public service announcement regarding COVID-19 to be disseminated to City residents.
 - A. Upon receipt of a citation, the violator must follow the fourteen (14) day quarantine requirements set forth in Section A of this Ordinance.
 - B. Upon completion of the quarantine requirements, the violator has fourteen (14) days to produce a public service announcement.
2. *Second Offense – Perform Community Service:* A second offense shall result in a citation requiring the violator to perform community service.
 - A. Upon receipt of a citation, the violator must follow the fourteen (14) day quarantine requirements set forth in Section A of this Ordinance.
 - B. Upon completion of the quarantine requirements, the violator is required to perform two (2) hours of community service.
3. *Third and Subsequent Offenses – Pay a Monetary Fine:* Third and subsequent violations of Sections A, B and C of this Ordinance shall be a minor offense. In accordance with AS 29.25.070(a), citations for violation of this provision may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of a fifty dollar (\$50.00) fine for a third offense and all subsequent offenses plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System’s Rule of Minor Offense Procedures applies. This fine may not be judicially reduced.
4. *Violations of Sections E.5.1 and E.5.2 – Pay a Monetary Fine:* Failure to timely perform the penalties set forth in Section E.5.1 for a first offense or Section E.5.2



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for a second offense shall result in a separate violation. Violations of Section E.5.1 or E.5.2 shall be a minor offense. In accordance with AS 29.25.070(a), citations for violation of these provisions may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of a twenty dollar (\$20.00) fine plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of Minor Offense Procedures applies. This fine may not be judicially reduced.

SECTION 4. Effective Date. This Ordinance shall become effective as of November 11, 2020.

ENACTED THIS 10th DAY OF NOVEMBER, 2020, by a vote of 4 in favor and 2 opposed.

Fannie Suvlu, Mayor

ATTEST:

Mary V. Potkotak, Acting City Clerk

