



# CITY OF UTQIAGVIK

*"Farthest North Incorporated City"*

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INTRODUCED BY:	FANNIE SUVLU, MAYOR
DATE OF INTRODUCTION:	SEPTEMBER 22, 2020
DATE OF PUBLIC HEARING:	SEPTEMBER 22, 2020 BY EMERGENCY
ACTION:	
VOTE:	

## ***CITY OF UTQIAGVIK, ALASKA***

### **ORDINANCE #: 11-2020**

**AN ORDINANCE RELATING TO A PUBLIC HEALTH EMERGENCY INVOLVING THE COVID-19 CORONAVIRUS, AUTHORIZING A "HUNKER DOWN" ORDER FOR ALL RESIDENTS, MANDATING MASKS OR CLOTH FACE COVERINGS, AND RECOMMENDING TRAVELERS TO THE CITY EITHER TEST FOR COVID-19 AT THE AIRPORT OR SELF-QUARANTINE FOR 14 DAYS**

**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 18, 2020, the City of Utqiagvik ("City") mandated all public facilities closed to the general public and required restaurants to provide food only for take-out or delivery;

**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;



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**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;

**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 September 16, 2020, there were more than 29 million reported coronavirus cases worldwide, including over 7,200 in Alaska, 68 in the North Slope Borough, and over 936,000 deaths worldwide, including 41 in Alaska; 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 and self-quarantining until you receive your negative results or quarantining to limit the pandemic’s threat to overwhelm the City’s limited health resources; and



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**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").

**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-05 effective as of 9:00 a.m. on Wednesday, September 23, 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 October 21, 2020, or to rescind such emergency regulations if the COVID-19 public health emergency abates:

**A. The City Strongly Recommends Residents to Hunker Down**

1. The City strongly recommends that all City 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.

**B. The City Mandates Residents to Wear Masks or Cloth Face Coverings**

1. On the limited occasions when residents leave their home, residents are strongly encouraged to 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.



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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. Masks are not required when the only direct contact is between members of the same household or when employees are not within six feet of others. Businesses 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. Encourage 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);



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- 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;
  - 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



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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.

K. Social gatherings in homes with immediate family members.

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. Business may wish to consider accommodating such individuals through curbside or delivery service or by allowing the individuals inside without a mask if doing so will not place others at risk.

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.

**C. The City Strongly Recommends that Travelers Arriving in the City Obtain a COVID-19 Test at the Airport or Self-Quarantine for 14 Days**

1. 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”).

2. The City strongly recommends that all persons arriving in the City from outside the City obtain a COVID-19 test from ASNA at the Airport upon arrival, and that they self-quarantine until you get your negative results.



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3. If a person arriving in the City from outside the City does not wish to obtain a COVID-19 test from ASNA at the Airport upon arrival, the City strongly recommends that the person self-quarantine for fourteen (14) days.
4. The following persons are exempt from the City's testing recommendations set forth in Sections 2 and 3 above:
  - A. 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.
  - B. 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.
5. In addition to the Airport, COVID-19 tests are available at Samuel Simmonds Memorial Hospital.
6. Any person who tests positive for COVID-19 should immediately self-quarantine and monitor for signs of sickness in accordance with CDC procedures.

**SECTION 4. Effective Date.** This Ordinance shall become effective as of **September 23, 2020.**

**ENACTED THIS 22<sup>nd</sup> DAY OF September 22, 2020, by a vote of 6 in favor and 0 opposed.**

**FANNIE MITIKTAUN SUVLU, MAYOR**

**ATTEST:**

**MARY PATKOTAK, ACTING CITY CLERK**