

**Sponsored by:** Mayor Terry & Vice Mayor McClure

**Introduction Date:** July 27, 2020

**Public Hearing Date:** July 27, 2020

**Enactment Date:** July 27, 2020

**CITY OF SEWARD, ALASKA  
EMERGENCY ORDINANCE 2020-009**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, TEMPORARILY ADOPTING CITY COUNCIL EMERGENCY REGULATIONS ORDERING THE 50% CAPACITY OF CITY-OWNED CAMPGROUNDS, PROHIBITING GATHERINGS OF MORE THAN 20 PERSONS, REQUIRING FACIAL COVERINGS INSIDE BUILDINGS OPEN TO THE PUBLIC, AND LIMITING EATING ESTABLISHMENTS, BARS, AND RETAIL STORES TO 50% CAPACITY INDOORS IN RESPONSE TO THE RAPID INCREASE IN COVID-19 CASES WITHIN THE CITY OF SEWARD**

**WHEREAS**, the United States Center for Disease Control and Prevention (“CDC”) has identified COVID-19 as a significant public risk; and

**WHEREAS**, on March 11, 2020, Governor Dunleavy issued a declaration of public health disaster emergency in response to the anticipated outbreak of COVID-19 within Alaska’s communities; and

**WHEREAS**, City Council also declared a local emergency as a result of the COVID-19 outbreak; and

**WHEREAS**, on April 9, 2020, President Donald J. Trump declared that a statewide emergency exists in Alaska; and

**WHEREAS**, the City of Seward experienced a sudden and substantial increase in COVID-19 positive cases the end of June and additional regulations with Emergency Ordinance 2020-008 was approved in response; and

**WHEREAS**, since that time, positive cases have slowed but continue to be higher than desired and demonstrate on-going spread of COVID-19 throughout the Seward Community; and

**WHEREAS**, City Council finds continuing the temporary implementation of social distancing regulations necessary to preserve the public health and safety and slow the spread of COVID-19 within Seward’s borders while the City Administration and its medical providers increase healthcare, medical care, and COVID-19 testing capacities; and

**WHEREAS**, according to the CDC, large in-person gatherings where it is difficult for individuals to remain spaced six feet apart and attendees travel from outside the local area pose the highest risk of COVID-19 transmission; and

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**WHEREAS**, The World Health Organization indicated in a scientific brief published March 29, 2020 that COVID-19 is spread primarily by respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, the CDC recommends wearing face coverings in public settings where other social distancing measures are difficult to maintain and acknowledges that a significant portion of individuals with coronavirus are asymptomatic but can still spread COVID-19 to others; and

**WHEREAS**, requiring individuals to comply with federal and state medical guidance regarding facial coverings and additional social distancing restrictions is necessary to preserve public health and safety during the COVID-19 pandemic; and

**WHEREAS**, the City acknowledges the importance of every individual's constitutional right to privacy and due process, but finds the regulations included in this Ordinance to be narrowly tailored, both in duration and scope, to preserve these constitutional rights while protecting the public from an immediate threat to life and safety.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA HEREBY ORDAINS** that:

**Section 1. Emergency Declaration.** Pursuant to SCC 2.15.040, Council declares that a state of emergency exists that requires immediate action by Council to preserve public health, welfare, and safety of the Seward community and protect it from the spread of COVID-19.

**Section 2. City Council Emergency Regulation No. 2.** Council hereby adopts the following temporary emergency regulation, which shall be entitled City Council Emergency Regulation No. 2:

**Council Emergency Regulation No. 2:** Except as otherwise provided in this regulation, all individuals in Seward must wear a mask or covering over their nose and mouth in buildings open to the public when they cannot maintain six feet of space between themselves and individuals outside their household. Individuals four and under, individuals with trouble breathing, and individuals with a medical condition that prevents them from wearing a covering over their nose and mouth are exempt from this regulation. Facial coverings need not be worn when:

1. Individuals are alone or only with members of their household;
2. Individuals are eating or drinking in compliance with State of Alaska public health mandates. However, facial coverings must be worn in public establishments when not actively eating or drinking; or

**CITY OF SEWARD, ALASKA**  
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3. Individuals are receiving lawful services that cannot be adequately performed while the recipient is wearing a facial covering.

**Section 3. City Council Emergency Regulation No. 3.** Council hereby adopts the following temporary emergency regulation, which shall be entitled City Council Emergency Regulation No. 3:

**Council Emergency Regulation No. 3:** All City-owned campgrounds shall be not more than 50% capacity for recreational camping purposes. The City will not take additional reservations over 50% capacity. City-owned campgrounds may remain open for use by Seward area workers and employees.

**Section 4. City Council Emergency Regulation No. 4.** Council hereby adopts the following temporary emergency regulation, which shall be entitled City Council Emergency Regulation No. 4:

**Council Emergency Regulation No. 4:** All in-person gatherings of 20 or more individuals are prohibited within the City. This excludes gatherings governed by Council Emergency Regulation No. 5 and gatherings for the purpose of exercising Constitutional rights.

**Section 5. City Council Emergency Regulation No. 5.** Council hereby adopts the following temporary emergency regulation, which shall be entitled City Council Emergency Regulation No. 5:

**Council Emergency Regulation No. 5:** All eating and drinking establishments, including restaurants, bars, ice cream and specialty food shops, all retail stores, all tours, including sightseeing and ecotourism operations, and all places of worship, shall limit indoor seating capacity to ten (10) people, or no more than 50% of maximum capacity, whichever is greater.

**Section 6. Council Emergency COVID-19 Regulations Commentary.** Council hereby acknowledges that it is in the public's best interest to have published commentary approved by Council regarding the scope and application of the regulations adopted by Council regarding COVID-19. Therefore, Council hereby directs the City Manager to draft corresponding commentary to these regulations and publish the commentary on the City website.

**Section 7. Codification.** This ordinance is an emergency ordinance, is not permanent in nature, and shall not be codified.

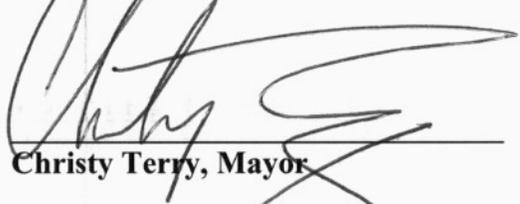
**Section 8. Effective Date.** This ordinance shall take effect on Monday August 3<sup>rd</sup> and shall remain in effect for thirty (30) days or until the declaration of emergency regarding COVID-19 expires without renewal.

**CITY OF SEWARD, ALASKA  
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**ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA**  
this 27<sup>th</sup> day of July, 2020.

**THE CITY OF SEWARD, ALASKA**



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**Christy Terry, Mayor**

AYES: Baclaan, Crites, Butts, Seese, McClure, Osenga, Terry  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**



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Brenda J. Ballou, MMC  
City Clerk

(City Seal)



# CITY OF SEWARD

P.O. Box 167  
410 Adams Street  
Seward, Alaska 99664-0167



- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- City Clerk (907) 224-4046
- Community Development (907) 22-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

## **Seward City Council**

### **Emergency COVID-19 Regulation No. 2**

#### **FACIAL COVERINGS**

Except as otherwise provided in this regulation, all individuals in Seward must wear a mask or covering over their nose and mouth in buildings open to the public when they cannot maintain six feet of space between themselves and individuals outside their household.

Individuals four and under, individuals with trouble breathing, and individuals with a medical condition that prevents them from wearing a covering over their nose and mouth are exempt from this regulation.

Facial coverings need not be worn when:

1. Individuals are alone or only with members of their household;
2. Individuals are eating or drinking in compliance with State of Alaska public health mandates. However, facial coverings must be worn in public establishments when not actively eating or drinking; or
3. Individuals are receiving lawful services that cannot be adequately performed while the recipient is wearing a facial covering.

*Per Emergency Ordinance 20-009 (non-code), enacted July 27, 2020 and effective August 3, 2020 (the date when posted on the City website). This ordinance shall remain in effect for thirty (30) days, or until the declaration of emergency regarding COVID-19 expires without renewal.*

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## **Seward City Council**

### **Emergency COVID-19 Regulation No. 3**

#### **CITY-OWNED CAMPGROUNDS**

All City-owned campgrounds shall be not more than 50% capacity for recreational camping purposes.

The City will not take additional reservations over 50% capacity.

City-owned campgrounds may remain open for use by Seward area workers and employees.

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## **Seward City Council**

### **Emergency COVID-19 Regulation No. 4**

#### **LARGE GATHERINGS**

All in-person gatherings of 20 or more individuals are prohibited within the City.

This excludes gatherings governed by Council Emergency Regulation No. 5 and gatherings for the purpose of exercising Constitutional rights.

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## **Seward City Council**

### **Emergency COVID-19 Regulation No. 5**

#### **RETAIL & SERVICE ESTABLISHMENTS**

All eating and drinking establishments, including restaurants, bars, ice cream and specialty food shops, all retail stores, all tours, including sightseeing and ecotourism operations, and all places of worship, shall limit indoor seating capacity to ten (10) people, or no more than 50% of maximum capacity, whichever is greater.

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