

CITY OF SEWARD

CITY COUNCIL COVID-19 EMERGENCY REGULATIONS

Last updated July 7, 2020

The following are the COVID-19 Emergency Regulations adopted by City Council and commentary explaining the purpose and scope of these regulations. These regulations, together with the City of Seward COVID-19 Emergency Rules adopted by the City Manager, comprise the rules and procedures adopted by the City to preserve public health and safety within the City during the coronavirus outbreak. The City's COVID-19 rules and regulations are constantly changing to ensure that the protections adopted by the City are tailored to the risks posed by COVID-19 and the needs of the community. As a result, the City recommends all members of the public contact the City directly with questions and review the most recent emergency orders and ordinances adopted by the City Manager and Council respectively. Any and all laws, regulations, policies, plans or other documents created by the City in response to COVID-19 are available on the City's website.

Regulation No. 1 – “Pick-Up” Parking Spots. All businesses authorized to provide goods under the State of Alaska COVID-19 health mandates may designate up to two pre-existing on-street parking spaces for exclusive use by its customers to pick-up goods offered by that business. Participating businesses must designate the space(s) closest to the front entrance of that business unless an alternate location of its “pick-up spots” with a sign for each spot that does not exceed two square feet in accordance with SCC 15.20.030(H). Participating business owners must remove all signs and return the street and all public property to its original condition upon expiration or repeal of this regulation. A participating business is solely responsible for maintenance of any parking spot it designates or sign it erects under this rule. The City shall not be liable for any damage or liability arising on or from the use of a designated parking spot or signage under this rule.

Commentary regarding Regulation No.1

Regulation No. 1 was adopted by Council to ensure that businesses offering “pick-up” service to minimize exposure to COVID-19 could offer patrons an efficient and convenient way to take advantage of such service. This regulation was adopted via Ordinance 2020-005.

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.

Commentary regarding Regulation No. 2

Under this regulation, Council intended only to require facial coverings when there was a clear and substantial risk of contracting or spreading COVID-19 to others. To this end, facial coverings or masks need only be worn inside buildings open to the public and only when six feet of distance cannot be maintained. No one is required to wear facial coverings or masks when the only other people around them are members of their household. The regulation does not require individuals to wear facial coverings when playing outside, walking their dogs, boating, fishing, hiking, biking, running or engaging in any outdoor activity. Similarly, visitors and residents are not required to wear facial coverings while eating or drinking. This ensures the public is able to enjoy the outdoors and Seward's eating and drinking establishments. While the regulation only requires the use of facial coverings in buildings open to the public, Council strongly encourages individuals to cover their nose and mouth when within 6 feet of non-household members. Conversely, Council *strongly* discourages the use of masks or facial coverings by individuals under 2, due to the risk of suffocation. Children under 4, individuals with trouble breathing, and individuals with medical conditions that prevent them from wearing a covering over their nose and mouth are also exempt from the regulation. "Medical conditions" may include, but are not limited to, hearing impairment, COPD, asthma, anxiety disorders or PTSD. The regulation does not require individuals to prove the existence of any "medical condition" nor does it require businesses to enforce the regulation. Compliance with this regulation is the responsibility of each individual and authority to enforce the regulation lies with the City. Businesses may, however, require facial coverings in order to protect their employees and customers. Individuals do not need to wear a facial covering if doing so would interfere with the receipt of services. For example, an individual does not need to wear a mask while giving a speech, getting a facial, having your teeth cleaned, singing or playing a wind instrument. Under this regulation, an individual may use any type of covering so long as it covers their nose and mouth, including but not limited to bandanas, N-95 masks, scarves, masks with plastic or vinyl inserts, cloth masks, or gaiters.

The CDC has numerous resources regarding the use of facial coverings on its website. Council recommends all individuals review that information to ensure the safe and effective use of facial coverings. This comment was adopted via Emergency Ordinance 2020-08.

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.

Commentary regarding Regulation No. 3

According to the CDC, camping “can pose a risk to [individuals] if [they] come in close contact with others or share public facilities (like restrooms or picnic areas) at campsites...” The purpose of this regulation was to reduce the number of people using City-owned campgrounds and campground facilities to slow transmission of COVID-19 within the City. However, individuals using the City campground should be aware of the risk that camping poses during the COVID-19 outbreak and should take every precaution to maintain social distancing and minimize their exposure to COVID-19 while using City-owned facilities. While the City makes every effort to increase sanitation measures and the reduced capacity certainly increases social distancing at City campgrounds, the City cannot eliminate the risks posed by public restrooms, playgrounds, picnic facilities, and outdoor spaces without completely closing such facilities. City Council’s reduction of City campground capacity was not intended to eliminate or hinder the use of City campground sites by people using the campgrounds in compliance with Seward City Code while working for or with or volunteering at Seward area businesses or service providers.

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.

Commentary regarding Regulations No. 4 and No. 5

The purpose of Regulations No.4 and No. 5 is to reduce the amount of people gathering in a single location, thereby slowing the transmission of COVID-19 within the City. Council’s objective with Regulation No. 4 is to ensure that large private gatherings and sponsored events are postponed while the risk of COVID-19 within the community remains high. While Council does not want to interfere with individual constitutional rights, it does want people to temporarily refrain from holding events for recreational and entertainment purposes. Public gatherings limited to 20 people under Regulation No. 4 may include, among others, weddings, birthdays, picnics, auctions, concerts, plays, dances or any other type of gathering with more than 20 people in one place at one time. Under Regulation No. 4, a “gathering” is an event where individuals are located inside a building or an outside event where individuals are likely to spend at least 10 minutes within 6 feet of a person who is not a member of their household. For example, a little league game or other sporting event or practice may not constitute a “gathering” where players are less than 6 feet from one another for less than 10 minutes at a

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time and onlookers avoid socializing with individuals outside their household. Conversely, a wedding would usually qualify as a “gathering” because the nature of the event is to socialize and interact with others and the activities traditionally included in a ceremony and reception place people either within a single building or within six feet of one another for more than ten minutes. Regulations No. 4 and No. 5 were in no way intended to interfere with essential or critical workforce operations, which are governed by State Public Health mandates. In addition to essential workforce and critical infrastructure operations, Council recognizes that some businesses that do not constitute essential businesses under Alaska mandates but are valued members of Seward’s business community would be unable to operate if limited to only 20 passengers or participants at once. To this end, Regulation No. 4 exempts these businesses from the 20-person limit and Regulation No. 5 imposes a capacity restriction on these businesses. The imposition of the capacity restriction under Regulation No.5 alongside an exemption from Regulation No. 4 ensures that these businesses can continue to operate but do so at a capacity that affords greater social distancing and, as a result, decreased risk of COVID-19 transmission within the City.

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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