Sponsored by: Mayor Terry & Vice Mayor McClure
Introduction Date: August 24, 2020
Public Hearing Date: August 24, 2020
Enactment Date: August 24, 2020

CITY OF SEWARD, ALASKA
EMERGENCY ORDINANCE 2020-010

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 continues to exist 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
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.

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Section 8. Effective Date. This ordinance shall take effect on Thursday, September 3, 2020 shall remain in effect for thirty (30) days or until the declaration of emergency regarding COVID-19 expires without renewal.

ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA this 24th day of August, 2020.

THE CITY OF SEWARD, ALASKA

Christy Terry, Mayor

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

ATTEST:

Brenda J. Ballou, MMC
City Clerk

(City Seal)

CITY OF SEWARD
INCORPORATED
SEAL
JUNE 1, 1912
STATE OF ALASKA

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 20-010 (non-code), enacted August 24, 2020 and effective September 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

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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.

Per Emergency Ordinance 20-010 (non-code), enacted August 24, 2020 and effective September 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.