CITY OF GALENA, ALASKA
ORDINANCE 2020-02

EMERGENCY ORDINANCE

AN EMERGENCY ORDINANCE CREATING AN ESSENTIAL AIR TRAVEL ZONING DISTRICT

WHEREAS, on October 20, 1918, a flu virus was introduced to Nome, Alaska by persons traveling to Nome on the S.S. Victoria killing 162 Native Alaskan residents of Nome in eight days; and

WHEREAS, the virus spread rapidly through the Bearing Sea and Yukon-Koyukuk regions, devasting the populations of remote communities; and

WHEREAS, during the 1918 Flu Pandemic, only 80 of 150 residents of Teller survived; and

WHEREAS, during the 1918 Flu Pandemic, 72 out of 80 Brevig Mission residents died in a period of five days; and

WHEREAS, during the 1918 Flu Pandemic, Shismaref and Shaktoolik by posting guards and enforcing a rigid quarantine and were not infected with the flu virus; and

WHEREAS, the United States Center for Disease Control and Prevention ("CDC") has identified the COVID-19 virus as a new stain of coronavirus not previously identified in humans, causing respiratory disease that can result in serious illness or death and which poses a significant public health risk; and

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

WHEREAS, the COVID-19 pandemic is being compared to the 1918 Flu Pandemic; and

WHEREAS, on March 11, 2020, Governor Mike Dunleavy declared a Public Health Disaster Emergency in the State of Alaska; and

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency; and

WHEREAS, the CDC has recommended all persons at higher risk for COVID-19 complications avoid all nonessential air travel; and
WHEREAS, on March 20, 2020 the United States State Department issued a Level 4 Travel Advisor “Do Not Travel” advising all United States citizens to avoid all international travel due to the global impact of COVID-19; and

WHEREAS, the Norton Sound Health Corporation (“NSHC”) is the primary provider of medical services to Nome and thirteen communities in the Norton Sound region (collectively “Village Clinics”); and

WHEREAS, on March 16, 2020, NSHC temporarily suspended on site medical visits to Village Clinics “in an effort to safeguard and minimize the risk of COVID-19 exposure”; and

WHEREAS, effective March 16, 2020, NSHC is temporarily limiting non-emergency medical travel to and from Nome for patients over sixty years of age, or who are immunocompromised; and

WHEREAS, the NSHC director of Emergency Medical Services Dr. Mark G. Peterson has recommended limiting air travel between the City of Nome and Village Clinics and between Nome and Anchorage as a reasonable and prudent public health measure to reduce the impact and spread of COVID-19; and

WHEREAS, Tanana Chiefs Conference operates the Edgar Nollner Health Center and is the primary provider of medical services to the City of Galena and villages in the Yukon-Koyukuk region; and

WHEREAS, Tanana Chiefs Conference has suspended non-emergency employee travel to and from villages to slow transmission of COVID-19 and preserve health care resources; and

WHEREAS, Tanana Chiefs Conference is suspending patient travel for all elective appointments to slow transmission of COVID-19 and preserve health care resources; and

WHEREAS, on March 24, 2020, the Galena City Council adopted Emergency Ordinance No. O-20-01 which declared the COVID-19 threat and its impact a public health emergency; and

WHEREAS, the Galena Interior Learning Academy has returned students to their families and home communities to slow the transmission of COVID-19, pursuant to Commissioner of Education and Early Development Dr. Michael Johnson’s March 16, 2020 memorandum; and

WHEREAS, the Yukon Koyukuk Elder Assisted Living Facility in the City of Galena is home to many of our elders, who are extremely vulnerable to COVID-19 and other infectious disease; and

WHEREAS, the Edgar Nollner Health Center, excellent work of its health professionals notwithstanding, is inadequate to treat severe cases of COVID-19 and other infectious disease that would occur in Galena, much less those that could occur in the villages, which have very little health care infrastructure; and
WHEREAS, the City of Galena and the Yukok-Koyukok region are exceptionally vulnerable to devastation by rapidly spreading infectious disease; and

WHEREAS, quarantine, particularly in the absence of any effective vaccine, is recognized as an effective and essential measure to slow the transmission and spread of infectious disease; and

WHEREAS the United States Supreme Court has held that the “power of States to enact and enforce quarantine laws for the safety and the protection of the health of their inhabitants . . . is beyond question”; and

WHEREAS, the CDC has recommended all persons at higher risk for COVID-19 complications avoid all nonessential air travel; and

WHEREAS, on March 17, 2020, the Governor of the State of Alaska issued COVID-19 Health Mandate 004 “to prevent or slow the spread of Coronavirus Disease” which mandated a 14-day self-quarantine for persons traveling from CDC Level 3 Travel Health Notice Areas; and

WHEREAS, on March 20, 2020 the United States State Department issued a Level 4 Travel Advisor “Do Not Travel” advising all United States citizens to avoid all international travel due to the global impact of COVID-19; and

WHEREAS, as of the date of this ordinance, the only access to and from Galena from other places in the world is by snow machine over land and through regularly scheduled or chartered air services which use the Galena Edward G. Pitka, Sr. Airport (“Galena Airport”); and

WHEREAS, as of the date of this ordinance there are no known cases of COVID-19 in the City of Galena; and

WHEREAS, the most effective way to prevent introduction of COVID-19 to Galena and the remote communities for which Galena is a regional hub is through prevention of persons from outside Galena who are infected with COVID-19 from entering Galena through the Galena Airport; and

WHEREAS, RAVN Alaska, Wright Air Service, and Everts Air Gargo (“Air Carriers”) are private companies that provide scheduled or chartered air services to and from the City of Galena; and

WHEREAS, the Air Carriers are under no legal obligation to provide transportation to persons simply because that person has a valid ticket and in fact may deny transportation to any person who may adversely affect the safety or security of crew or other passengers; and

WHEREAS, the CDC and federal and state health authorities have recommended all persons practice “social distancing” by remaining at least a six foot separation from other persons at all times and;
WHEREAS, it is frequently not possible to maintain a six-foot separation from other persons when using commercial air services between Galena, Fairbanks, and remote communities due to the small size of the aircraft used to provide air transportation; and

WHEREAS, the President’s Coronavirus Guidelines for America recommends that people avoid social gatherings of more than ten people; and

WHEREAS, traveling by air between Galena, Fairbanks, and remote communities frequently involves social gatherings of more than ten people; and

WHEREAS, the President’s Coronavirus Guidelines for America recommends persons avoid discretionary travel; and

WHEREAS, the President’s Coronavirus Guidelines for America recommends persons listen to and follow the directions of local authorities; and

WHEREAS, on March 19 the Emergency Room medical directors of Joint-Base Elmendorf Richardson Hospital, Providence Alaska Medical Center, Alaska Regional Hospital, the Alaska Native Medical Center, Fairbanks Memorial Hospital, Bartlett Regional Hospital, the Mat-Su Regional Medical Center, the Central Peninsula Hospital, the President of the Alaska Chapter of the American College of Emergency Physicians and the Immediate Past President of the Alaska Chapter of the American College of Emergency Physicians recommended an immediate statewide ban on non-essential air travel to and from Alaska and immediate consideration of a similar ban on non-essential air travel within Alaska as a reasonable and prudent measure to reduce the impact and spread of COVID-19; and

WHEREAS, the protect the public health and welfare, it is crucial that Essential Air Travel to and from the City of Galena remain as safe as possible; and

WHEREAS, for Essential Air Travel to and from the City of Galena remain as safe as possible it is necessary to restrict non-essential air travel; and

WHEREAS, under the City of Galena’s general police powers including the power of to enact and enforce quarantine laws for the safety and the protection of the health of their inhabitants, as well as the authority to regulate the use of real property set forth in Title 17 of the Galena Municipal Code and in order to implement public health recommendations of NSHC, the President of the United States, the CDC, the Governor of the State of Alaska and numerous emergency room medical directors to reduce or limit the spread of the COVID-19 within and from the City of Galena;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Galena City Council as follows:

SECTION 1. Classification. This is an emergency, non-code ordinance.

SECTION 2. Essential Air Travel District Established.
A. There is hereby created a new Essential Air Travel District zoning district within the City of Galena consisting of that approximately rectangular area enclosed by Airport Road, South Dyke Road, and Back Dyke Road, and more specifically depicted on the map attached hereto.

B. As of 12:01 a.m. Thursday March 26, 2020, the Essential Air Travel District may only be used for Essential Air Travel and In-Transit Air Travel. All other uses within the Essential Air Travel District are prohibited.

C. As of 12:01 a.m. Thursday March 26, 2020, Air Carriers and the operator of any other privately-owned aircraft may only use or enter the Essential Air Travel District to provide Essential Air Travel and In-Transit Air Travel.

D. For purposes of this ordinance, Essential Air Travel means:

1. Travel by persons in transit to or from the City of Galena and identified as critical infrastructure workers in the Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 1.0 issued by the Department of Homeland Security dated March 19, 2020 (Critical Infrastructure Workers) (note that Critical Infrastructure Workers include those engaged in transportation and freight);

2. Travel by persons in transit to or from the City of Galena for the purpose of emergency medical treatment;

3. Travel by persons who have applied for and been issued an Essential Air Travel District use permit (“Permit”) by the city manager; and

4. Those services necessary for Essential Air Travel.

E. For purposes of this ordinance, In-Transit Air Travel means:

1. Arrival and departure of aircraft where Galena is not the origin or destination of the flight and no passengers deplane or cargo offloaded, and specifically includes flights landing in Galena for reasons of weather, fuel, or emergency maintenance.

2. In-Transit Air Travel is specifically limited to flights where no passengers deplane and flight personnel do not leave the Essential Air Travel District while on the ground.

F. Permits may be issued at the discretion of the city manager provided the applicant provides sufficient information to lead the city manager to reasonably conclude there is a need to use the Essential Air Travel District which is sufficiently similar to Essential Air Travel as defined herein.
G. Applications for a Permit shall be submitted to the city manager using an application form prepared by the City. A decision shall be made within 24 hours after the application is submitted.

H. A denial of a Permit application shall be in writing and state the reasons therefore. Denial of a Permit by the city manager may be appealed to the mayor by submitting a written notice of appeal. The mayor’s decision on appeal shall be the final city action on the application.

I. The city manager may, by written order, adopt any lawful measure to restrict entrance into the Essential Air Travel District for any purpose or use other than Essential Air Travel and to ensure that the Essential Air Travel District remains as safe as possible for the purpose of Essential Air Travel.

J. In addition to any other remedies provided by Title 17 and existing at law, any use of the public property in the Essential Air Service District for any use other than Essential Air Travel shall constitute a trespass upon public premises under GMC 9.26.020. Any person who knowingly assists a person trespass upon public premises shall be guilty of trespass upon public premises under GMC 9.26.020.

SECTION 3. Effective Date. This ordinance is effective immediately upon adoption and until midnight on April 25, 2020 unless otherwise rescinded or extended by the City of Galena Council.

APPROVED and SIGNED the 25th day of March 2020.

Nolan Aloysius, Mayor

ATTEST:

Shanda Huntington, City Clerk