

**CITY OF SAINT MARY'S
ORDINANCE 2020-05**

An Ordinance to mitigate the impacts of the COVID-19 virus on the residents of Saint Mary's, and to specify precautionary measures for critical workers, intervillage travelers and residents.

BE IT ORDAINED AND ENACTED BY THE CITY OF SAINT MARY'S:

Section 1: Findings and Purpose

A pandemic virus known as COVID-19 has circulated throughout the world, the USA, and Alaska. It has finally reached Saint Mary's.

The virus is highly contagious, spread mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. Many virus carriers may not exhibit symptoms for days, or even, while still being contagious.

Our community does not have the resources necessary to house, treat and monitor more than a handful of cases; and virtually no treatment is currently available to those who develop complications. The principal means for controlling the virus are to eliminate contact between contagious and healthy individuals; to maintain "social distance" between households or closed social circles; and to wear personal protective equipment (PPE), including face masks and gloves (when required or appropriate).

On July 30, 2020, the Council passed an Emergency Ordinance 2020-04 addressing intervillage travel, protective measures, and critical personnel. Emergency Ordinance 2020-04 expired on August 30, 2020. In that time, the COVID-19 virus was introduced in St. Mary's by non-resident travelers to our community. However, St. Mary's was able to stop the spread of the virus in large part due to the requirements of and restricted imposed by Emergency Ordinance 2020-04.

For that and other reasons the Council finds that Emergency Ordinance 2020-04 was effective at reducing intervillage travel, restricting non-essential travel, and otherwise preventing the spread of the COVID-19 virus in St. Mary's. Therefore, the Council desires to codify on a more permanent basis parts of Emergency Ordinance 2020-04, including specifically those intended to set guidelines and rules for travelers and would-be travelers to St. Mary's, until such time as the public health threat posed by the COVID-19 virus has sufficiently abated.

The further introduction and spread of the deadly COVID-19 virus can only be avoided by strict adherence to this ordinance, State Health Mandates, and Center of Disease Control (CDC) guidance.

City residents and non-residents must follow the requirements of this ordinance to keep our City and the region safe. Violating these requirements will endanger lives. This ordinance is put forward to preserve the health and safety of our City and region while ensuring that vital goods and services continue to be available.

Section 2: Classification and Term.

This ordinance is of a permanent nature, and upon enactment shall become a part of the City of Saint Mary's Code of Ordinances. However, unless extended by further action of the Council, this ordinance shall expire on January 1, 2022.

Section 3: Amendment.

The Code of Ordinances of the City of Saint Mary's, Alaska, is hereby amended by addition of the following new Chapter 17 to Title VII (General Welfare):

Chapter 7.17

Mitigation of COVID-19 Impact on the Residents of Saint Mary's

7.17.01.

- A. All travelers entering the City (whether by land, sea, or air) must follow this ordinance, including the mask mandate, as well as all State Health Mandates and Center of Disease Control (CDC) guidance. Questions should be directed to the City Manager at: (907) 438 2515.
- B. It is strongly recommended, in accordance with CDC guidance, that certain individuals within the City take even greater precaution. Those individuals include people particularly at risk of complications from COVID-19 such as people 60 years and older, and individuals of any age who are immune-compromised or with a serious underlying condition.

7.17.02.

- A. When in enclosed areas, all persons must maintain social distancing of at least six feet from any person outside their household or closed social circle and comply with the other provisions of this ordinance.
- B. Individuals must wear masks when indoors in public settings and practice recommended hygiene, including regular hand washing and hand sanitization. More information on the mask wearing requirement is found in **Attachment B**, the initial form of which has been adopted by the Council by separate resolution and is attached to the enacting ordinance for convenience. Amendments or modifications to **Attachment B** may be passed by resolution of the Council. The most current version of **Attachment B** is available at the City office.

7.17.03.

- A. Residents of the City of Saint Mary's should avoid non-critical and non-essential personal travel, both within the City limits and out, as much as possible. Residents are permitted to conduct subsistence activities, but are encouraged then (and at all other times) to maintain proper social distancing from members outside of the resident's household or closed social circle.
- B. Residents arriving in St. Mary's after traveling outside the State of Alaska must comply with Section 7.17.04(D), as well as any requirements of the State of Alaska then in place.
- C. Residents arriving in St. Mary's after traveling outside the City limits but not outside the State of Alaska must comply with Section 7.17.04(D), unless the person had no contact with other people outside of that person's household or closed social circle while traveling. For example, a person who gathers berries outside of City limits with their household members would not be required to comply with the terms of Section 7.17.04(D).

D. Non-residents must not travel to St. Mary's, except to:

- work in certain critical jobs identified in **Attachment A** and as otherwise permitted by the State of Alaska;
- buy, sell, or deliver necessary groceries or other important goods;
- receive or provide necessary health care;
- reach a final destination other than St. Mary's, provided the traveler does not visit any public or private businesses or residences in St. Mary's prior to continuing on to his or her final destination; and
- conduct subsistence activities in and around the City, provided the traveler maintains social distancing requirements set out in this ordinance and does not otherwise visit any public or private businesses or residences in St. Mary's unless otherwise permitted by this Chapter 7.17.

Refer to Section 7.17.05(B) for more information on **Attachment A**, including where to view the most recent version. For clarity, non-resident travelers to St. Mary's must comply with Section 7.17.04(D), as well as any requirements of the State of Alaska then in place.

- E. Non-residents when performing permitted activities in St. Mary's must use "curbside pickup" located at a designated area outside the store or at a boat harbor or another controlled location set by the City. Residents are encouraged to do the same, when possible. All persons are strongly encouraged to otherwise plan ahead by contacting vendors and paying in advance for goods and services. Whenever possible, residents and non-residents should accept deliveries without person-to-person interaction.

7.17.04.

- A. **A person who tests positive for COVID-19 is not permitted to travel to the City** until a qualified medical professional advises that the person is no longer contagious and the person is able to provide satisfactory proof of a negative COVID-19 test result.
- B. A person already in the City who has tested positive for COVID-19 must follow all advice of a qualified medical professional, and must self-quarantine until a qualified medical professional advises that the person is no longer contagious and the person is able to provide satisfactory proof of a negative COVID-19 test.
- C. Household members or members within a closed social circle who have been potentially exposed to COVID-19 and who are possibly contagious should be tested immediately and follow recommended quarantine measures to prevent a community outbreak.
- D. All travelers entering the City must have satisfactory proof of recent (within 72 hours prior to arrival) negative COVID-19 test results before traveling within Saint Mary's or to another village. If awaiting test results, travelers must self-isolate or self-quarantine to limit potential exposure. Travelers testing positive for COVID-19 must follow quarantine instructions from public health staff administering the tests. Travelers who do not have satisfactory proof of negative test results must self-quarantine for 14 days upon entering Saint Mary's. The City may request proof of the negative test result. This Section 7.17.04(D) does not apply to travelers who arrive in St. Mary's but whose final destination is not St. Mary's, so long as the

traveler does not visit any public or private businesses or residences in St. Mary's prior to continuing on to his or her final destination. This Section 7.17.04(D) does not apply to a traveler conducting subsistence activities in and around the City, provided the traveler maintains social distancing requirements set out in this ordinance and does not otherwise visit any public or private businesses or residences in St. Mary's. This Section 7.17.04(D) does not apply to resident travelers who are excepted from compliance under Section 7.17.03(C). **Failure to comply with this mandate may result in prosecution for reckless endangerment (AS 11.41.250), which could result in imprisonment for up to one year and a fine up to \$25,000.**

7.17.05.

- A. Businesses in St. Mary's must comply with social distancing guidelines, including maintaining six feet social distancing for employees and for members of the public, in addition to mask-wearing and conducting frequent sanitization.
- B. Some businesses and entities serve critical roles that are necessary to combat this public health emergency or provide critical community functions. Those businesses and entities are encouraged to remain open. A list of businesses defined as critical is listed in **Attachment A** to this ordinance, the initial form of which has been adopted by the Council by separate resolution, and is attached to the enacting ordinance for convenience. Amendments or modifications to **Attachment A** may be passed by resolution of the Council. The most current version of **Attachment A** is available at the City office.
- C. All other businesses, entities, and organizations in the City may remain open, but are encouraged, when possible, to utilize telecommuting or work-from-home procedures. Entities and organizations offering services that include congregate gatherings indoors may only do so at 40% of maximum capacity, and must otherwise be extra cautious to mitigate the risk of transmission of COVID-19. The mitigation plan required under Section 7.17.06 for entities and organizations offering services that include congregate gatherings indoors must include specific provisions for mitigation related to the congregate nature of such services.

7.17.06. All businesses and entities that remain open must submit to the City Manager an approved plan for avoiding contact with and contamination of residents and the spread of COVID-19. If a business or entity has already submitted its approved plan to the City Manager, it does not need to do so again. All revisions, amendments, and modifications to plans must be promptly filed with the City Manager for approval.

In addition, businesses and entities that entail interstate or international travel must submit to the City Manager the protective plan required to be filed with the State of Alaska pursuant to State Health Mandate 010, as amended.

If a business or entity has not already submitted such plan(s) to the City Manager, the plan(s) must be submitted to the City Manager as soon as possible but not later than 5:00 pm on September 18, 2020.

A business or entity that begins operating in the City or with employees who travel to or through the City after 5:00 pm on September 18, 2020 must submit the plan(s) to the City Manager prior

to commencing operations or the employees' travel. Plans should be submitted to the City Manager by e-mail at: waltonksm@yahoo.com.

Businesses should be advised that filing a plan with the City Manager does not negate the obligation for inbound travelers to arrive with a negative test result under Section 7.17.04(D).

7.17.07. City residents and travelers to our City who disregard this ordinance and the State Health Mandates are putting themselves and our community at risk. To report non-compliance, send an e-mail to investigations@alaska.gov. The State of Alaska DHSS will treat the sender's identity as confidential information and protect it to the maximum extent permitted by law. You can also report non-compliance to the City Manager by e-mail at waltonksm@yahoo.com, or phone at (907) 438-2515.

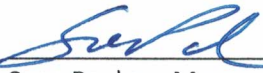
The continuing health and safety of our City and region depends on self-responsibility and adherence to this ordinance, State Health Mandates, and CDC guidance. Please take responsibility for yourself, your family and friends, and your community to help prevent the spread of COVID-19.

7.17.08. If at any time during the effective period of this Chapter 7.17 the City Council or a court of competent jurisdiction determines this Chapter 7.17, or any portion of this Chapter 7.17, conflicts with applicable State Health Mandates, or other State of Alaska or Federal laws, regulations, or rules, then the City Council shall amend this Chapter 7.17, or the applicable conflicting portion hereof, so as to not conflict with such State Health Mandates or other laws, regulations, or rules, while to the maximum extent possible continuing to give effect to the remainder of this Chapter 7.17 and the findings and purpose set forth in Section 1 of the enacting ordinance. Furthermore, if only a portion of this Chapter 7.17 is being amended, then, until such time as the conflicting portions of this Chapter 7.17 are amended as prescribed in this Section 7.17.08, the remaining, non-conflicting portions of this Chapter 7.17 shall remain effective to the fullest extent permitted by law.

Effective Date:

This Ordinance shall be effective immediately upon adoption.

DATED this 11th day of Sept, 2020.


Sven Paukan, Mayor
City of Saint Mary's, Alaska


Attest: Adeline Journey, acting clerk



**ATTACHMENT A
for Ordinance 2020-05
CITY OF SAINT MARY'S**

The critical jobs and businesses referenced in City of Saint Mary's Emergency Ordinance 2020-03 are below. This list is derived from the State of Alaska Governor Mike Dunleavy's Alaska Essential Services and Critical Workforce Infrastructure Order, Formerly "Attachment A" issued March 27, 2020, as amended on April 10, 2020, and as further amended on May 5, 2020. Some of the jobs and businesses below are not applicable to our City, but we decided to reference the list in full to avoid inadvertently changing the meaning. The list, and full order from Governor Dunleavy that accompanies the list, may be found at: <https://gov.alaska.gov/wp-content/uploads/sites/2/03232020-COVID-19-Health-Mandate-010-Attachment-A.pdf>.

- i. **"Healthcare Operations and Public Health,"** which includes:
 - i.1. Hospitals, clinics, home healthcare services and providers, mental health providers, dental emergency services, and other healthcare facilities.
 - i.2. Pharmacies, companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, biotechnology therapies, consumer health products, medical devices, diagnostics, equipment, services, or any related and/or ancillary healthcare services.
 - i.3. Veterinary care and healthcare services provided to animals.
 - i.4. Businesses performing mortuary, funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers. These businesses are required to maintain compliance with Health Mandates relating to social distancing.
 - i.5. "Healthcare Operations" does **not include** fitness and exercise gyms or similar facilities.
- ii. **"Critical Infrastructure,"** which includes:
 - ii.1. **Public Works**, including businesses providing any services or performing any work necessary to the operations and maintenance of public works, such as the Port of Alaska, public works construction, airport operations, water, sewer, gas, electrical, oil production, mining, logging, roads and highways, public transportation, and solid waste collection and removal.
 - ii.2. **Transportation/Logistics**, including airlines, railroads, taxis, private transportation providers, and public and private mail and shipping services.
 - ii.3. **Technology/Communications**, including businesses providing any services or performing any work necessary to the operations and maintenance of internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).
 - ii.4. **Essential Construction**, commercial construction, renovation or repair, including construction of housing.

ii.5. **Critical Manufacturing**, including manufacture of products needed for medical supply chains and supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, wood products, commodities used as fuel for power generation facilities, operation of dams, water and wastewater treatment, processing of solid waste, emergency services, and defense. Manufacturing of materials and products needed for medical equipment and personal protective equipment. Businesses necessary for mining and production of minerals, oil, and associated essential supply chains.

ii.6. **Food and Agriculture**, including grocery stores, supermarkets, food banks, convenience stores, animal/pet food and supply stores, and other establishments engaged in the retail sale of food, beverages, and other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries but also sell other non-grocery products. Food and agriculture, cultivation, including farming, livestock, fishing and processing. This includes manufacturers and suppliers of food and items necessary to support of the Food and Agriculture industry.

a. This includes farmers markets where vendors sell directly to consumers only agricultural products, food items, soaps, and sanitizers.

7. **Home Emergency and Safety**, including establishments that sell products necessary to maintaining the safety, sanitation, and essential operation of residences or provide home emergency/safety equipment and gear including products for personal protection.

8. **Fishing**, including persons engaged in subsistence fishing and in the fishing industry including the fisherman, processors, guides, and transporters of the fish as well as those under contract with the fisherman, processors, guides, and transporters for provisioning.

iii. **"Financial services sector,"** which includes workers who are needed to: process and maintain systems for processing financial transactions and services, such as payment, clearing and settlement services, wholesale funding, insurance services, and capital markets activities; provide consumer access to banking and lending services, including ATMs, movement of currency (e.g., armored cash carriers); support financial operations, such as those staffing data and security operations centers, appraisals and titling, and key, third-party providers who deliver core services.

iv. **"Public Safety,"** which includes:

1. **"First Responders,"** including emergency management, emergency dispatch, and law enforcement.
2. **"Corrections,"** including Department of Corrections, jails and detention facilities, and probation offices.
3. **"Government Agencies,"** including Court systems, Office of Children's Services personnel acting in an official capacity, Public agencies responding to abuse and neglect of children, elders, and vulnerable adults,

and Department of Defense Personnel returning from temporary duty or engaging in mission essential travel.

a. This includes functions related to returning inmates begin released to the place of arrest (it is a “critical personal need” for the inmate to travel).

v. **“Essential Governmental Functions,”** which includes all services needed to ensure the continuing operation of government agencies including providing for the health, safety, and welfare of the public.

vi. **“Essential Business,”** which includes:

1. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
2. Newspapers, television, radio, and other media services;
3. Gas stations and auto-supply, auto-repair, bicycle-repair, and related facilities;
4. Hardware stores;
5. Plumbers, electricians, exterminators, mechanics, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, transportation, and critical infrastructure;
6. Businesses providing mailing and shipping services, including post office boxes;
7. Educational institutions facilitating distance learning;
8. Laundromats, dry cleaners, and laundry service providers;
9. Restaurants and other facilities that prepare and serve food, subject to other applicable Health Mandates and Attachments.
10. Businesses that supply products needed for people to work from home;
11. Businesses that supply other essential businesses with the support or supplies necessary to operate;
12. Businesses that transport goods to grocery stores, supermarkets, convenience stores, engaged in the retail sale of food, household consumer products, delivery of fuel, or other services directly to residences or other critical industries outlined in this health mandate;
13. Home-based care for seniors, adults, or children;
14. Residential facilities and shelters for seniors, adults, and children;
15. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally-mandated activities;
16. Childcare facilities, subject to new recommendations for increased hygiene and social distancing. Only those who need childcare to work at a critical job should use childcare facilities.

ATTACHMENT B
for Ordinance 2020-05
CITY OF SAINT MARY'S

1. All individuals must wear masks or cloth face coverings over their noses and mouths when they are indoors in public settings or communal spaces outside the home. This mandate is subject to the conditions and exceptions stated below.
2. The settings included in this mandate include, but are not limited to, the public and communal spaces within the following:
 - A. The store and post office.
 - B. Restaurants – including food preparation, carry-out, and delivery food operations. There is a limited exception for customers while they are eating or drinking in one of these settings.
 - C. Taxis and other forms of public or group transportation when passengers are present.
 - D. Personal care facilities, to the extent required by State Health Mandates.
 - E. Childcare facilities, to the extent required by State Health Mandates.
 - F. Communal areas of offices where people from multiple households are present.
 - G. 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 near others (within six feet).
4. This mandate does not apply to the following categories of people or activities:
 - A. Any child under the age of 2 years. These very young children should not wear a face covering because of the risk of suffocation;
 - B. Any child under the age of 12 years unless a parent or caregiver supervises the use of face coverings by the child to avoid misuse;
 - C. Any child in a child care or day camp 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 of a medical condition or mental 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 conducted or safely conducted while wearing a mask (for example, a driver experiencing foggy glasses, a dental patient receiving care, an equipment operator where there is a risk of dangerous entanglement); and,
 - J. 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.
5. If a person declines to wear a mask or face covering because of a medical condition or disability as described above, this order does not require them to produce medical documentation verifying the stated condition or disability. Businesses may wish to consider accommodating such individuals through curbside or delivery service or by allowing the individual inside without a mask if doing so will not place others at risk.
6. Employers will not be subject to fines based on non-compliance by customers if 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 mandate (although hand washing/sanitizing is recommended after such activities).
7. Violation of this mandate does not create grounds for residents to harass individuals who do not comply with it.