

City of Fort Yukon, Alaska

Emergency Ordinance 20-___

WHEREAS, The United States Centers for Disease Control and Prevention has identified the COVID-19 virus a new strain 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, 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, on March 19, 2020 the City of Fort Yukon is issuing a Declaration of Disaster and a Local Emergency; and

WHEREAS, a proactive approach taken by individuals and communities to slow the rate of infection will reduce the negative impact on our health care system.

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, AS 29.25.030 provides that a governing body may adopt an emergency ordinance at a meeting where it is first introduced and is effective on adoption, provided that the ordinance receives the affirmative vote of all members present or the affirmative vote of three- fourths of the total membership of the governing body, whichever is less; and

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

SECTION 1. Classification. This an emergency code ordinance.

SECTION 2. Amendment to Fort Yukon Municipal Code of Ordinances Title 8.
Health and Safety

Fort Yukon Municipal Code Title 8 is hereby amended with the addition of a new Chapter 8.12 - Infectious Disease Control, to read as follows:

8.12 Infectious Disease Control

8.12.010 Definitions

8.12.020 Post-travel shelter-in-place

8.12.030 Quarantine

8.12.040 Quarantine and shelter-in-place orders

8.12.050 Appeal of order

8.12.060 Enforcement

8.12.070 Infraction and minor offense citation

8.12.080 Disposition of infraction offenses

8.12.090 Minor offense fine schedule

8.12.010 Definitions

"Quarantine" means physical separation and confinement of an individual who are or may have been exposed to a contagious or possibly contagious disease to prevent or limit the transmission of the disease to non-quarantined individual s, and requires a person to remain in a residence or place of lodging accept for emergency medical services and

refrain from gathering with any persons except for qualified medical experts and immediate family.

"Shelter-in-place" means and requires remaining in a place of residence or lodging as much as possible, not shopping to the extent possible, and not going to any places of public accommodation, and not gathering in any groups of six or more. Shelter-in-place does not prohibit outdoor exercise or walking of pets, provided that the person required to shelter-in-place maintains a distance of 6 feet or more from other persons.

8.12.020 Post-travel shelter-in-place

A. When an infectious disease-related emergency has been declared by the city manager or city council and there is probable cause to believe limiting community interaction, for a period of time, of persons arriving in the city is necessary to prevent, reduce or limit the spread of the disease within the city, all persons arriving into the city, except for critical infrastructure and response workers as determined by the city manager, shall be subject to mandatory post-travel shelter-in-place of a duration to be determined by the city manager in consultation with a qualified medical officer, which shall not, in any event, exceed 20 days in duration.

B. The shelter-in-place requirements of this section are applicable to all persons arriving in the city when an infectious disease-related emergency has been declared by the city manager or city council. The city manager may also issue individual post-travel shelter-in-place orders.

8.12.030 Quarantine

When an infectious disease-related emergency has been declared by the city manager or city council there is probable cause to believe that the circumstances mean any delay in seeking a state-ordered or judicially-ordered quarantine would pose a clear and immediate threat to public health such that a limited quarantine of a group of individuals is the least restrictive alternative and is necessary to prevent, reduce or limit the spread of the disease within the city, the city

manager may, upon the advice of a qualified medical officer, order any person into mandatory quarantine.

8.12.40 Quarantine and shelter-in-place orders

Any individual shelter-in-place order issued under 8.12.020(b) or quarantine order issued under 8.12.030 shall be in writing and state:

- a. The location in which the person is to be confined or sheltered;
- b. The duration of the confinement or social distancing;
- c. Any conditions necessary to ensure the effectiveness of the confinement or social distancing;
- d. Findings of fact that are the basis of the order, such that the conditions of the confinement have a real or substantial relation to protection of the public health; and
- e. The person's right to appeal the order.

8.12.050 Appeal of order

A shelter-in-place or quarantine order issued under this chapter shall constitute a final determination of the city and may be appealed by a person subject to the order to the superior court as an administrative appeal with 30 days of the issuance of the order.

8.12.060 Enforcement

- A. It shall be unlawful for any person required to shelter-in-place to fail to do so.

B. It shall be unlawful for any person subject to a quarantine order to violate the terms of that order.

C. It shall be unlawful for any person to assist another in any violation of a quarantine order if the person is aware, or reasonably should be aware, of the existence of the order.

D. The city manager and city police officers may take any lawful action or issue any lawful command to ensure compliance with an order issued under this chapter. In addition to any other penalty, including any applicable criminal offense, it shall be unlawful for any person to violate any order or command issued under this subsection.

E. Each violation of this section shall be punishable by a fine of \$500.

F. In addition to any other remedies or penalties which may be provided in this chapter, or may otherwise be available, the city or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the chapter. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant

the injunction.

8.12.070 Infraction and minor offense citation

A. The charge for the violation of a provision of this chapter may be brought by a city police officer or the city manager.

B. The city shall use the Alaska uniform citation form to provide notice of an infraction to anyone accused of violating any provision of this chapter.

8.12.080 Disposition of infraction offenses

A person charged with an infraction offense may appear in court to contest the charge, and must appear if the citation indicates that a court appearance is mandatory. As an infraction, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

8.12.090 Minor offense fine schedule

A. In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine amounts listed in this section, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of Minor Offense Procedures applies to all offenses listed in this section. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine schedule amount listed below for that offense. Citations charging these offenses must meet the requirements of the Minor Offense Rules. The fines set forth below may not be judicially reduced.

Code Section	Offense	Fine/Penalty
8.12.050 A	Violation of Shelter-in-Place	\$500
8.12.050 B	Violation of Quarantine Order	\$500
8.12.050 C	Aiding Violation of Quarantine Order	\$500
8.12.050 D	Violation of command enforcing quarantine	\$500

B. Any surcharge required to be imposed under AS 12.55.039 shall be added to any penalty imposed or levied pursuant to this section, and all such collected surcharges shall be remitted to the state of Alaska, Department of Administration as required by AS 29.25.074.

SECTION 3. Effective Date. This ordinance is effective immediately upon adoption and for a period of 60 days thereafter unless it is earlier adopted or ratified as non-emergency ordinance pursuant to AS 29.25.020.

APPROVED and SIGNED the 14th day of July 2020.

Arlene Peter, Mayor

Attest: