

**CITY OF SEWARD, ALASKA  
ORDINANCE 2020-013**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEWARD,  
ALASKA, TEMPORARILY ADOPTING CITY COUNCIL EMERGENCY  
REGULATIONS REQUIRING FACIAL COVERINGS INSIDE  
BUILDINGS OPEN TO THE PUBLIC WHEN SIX FEET OF DISTANCE  
FROM OTHER INDIVIDUALS CANNOT BE MAINTAINED 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, and November 6, 2020 Governor Dunleavy issued declarations of public health disaster emergency in response to the outbreak of COVID-19 within Alaska's communities; and

**WHEREAS**, the Seward City Council previously 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**, though the community saw a decrease in COVID-19 cases between August and September 2020, cases are now increasing with the State of Alaska reporting 37 active cases in Seward as of November 11, 2020, and

**WHEREAS**, on November 6, 2020, Governor Dunleavy issued a further disaster declaration that will take effect starting November 16, 2020; and

**WHEREAS**, on November 12, 2020, Governor Dunleavy issued an emergency statement finding that the current escalation of COVID-19 infections among front-line workers, including healthcare staff, first responders, and service members and their support crews, as an imminent threat to the safety of Alaskans. and urging Alaskans to wear face masks when social distancing is not possible and to maintain social distancing by staying six feet apart from all non-household members; and

**WHEREAS**, this ordinance is intended to implement CDC recommendations and the Governor's recommendation in an effort to reduce the spread of COVID-19 in Seward; and

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**WHEREAS**, City Council finds the temporary implementation of social distancing and facial covering regulations necessary to preserve the public health and safety and slow the spread of COVID-19 within Seward's borders; and

**WHEREAS**, according to the CDC, in-person gatherings where it is difficult for individuals to remain spaced six feet apart and attendees include friends and family members from outside an immediate household currently pose the highest risk of COVID-19 transmission; and

**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**, the CDC issued a scientific brief updated on November 10, 2020 identifying multiple scientific studies and investigations that “have confirmed the benefit of universal masking in community level analyses” each of which “demonstrated that, following directives from organizational and political leadership for universal masking, new infections fell significantly” which can be found at the following internet address: <https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html>; 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; and

**WHEREAS**, the affirmative vote of all members present at the city council meeting at which this ordinance is considered or the affirmative vote of five members of the city council whichever is less is required for enactment of this emergency ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA HEREBY ORDAINS that:**

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**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 hereby adopts the following temporary emergency regulation, which shall be titled City Council Emergency Regulation:

**Council Emergency Regulation:** 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:

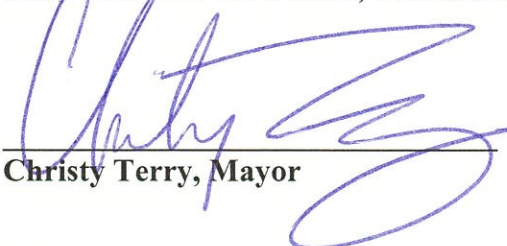
1. Individuals are alone or only with members of their household;
2. Individuals are eating or drinking in compliance with State of Alaska public recommendations. However, facial coverings must be worn in public establishments when not actively eating or drinking; or
3. Individuals are receiving lawful services that cannot be adequately performed while the recipient is wearing a facial covering.

**Section 3.** Codification. This ordinance is an emergency ordinance, is not permanent in nature, and shall not be codified.

**Section 4.** Effective Date. This ordinance shall take effect at 12:00 a.m. on Wednesday, November 25, 2020, and 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 23<sup>rd</sup> day of November, 2020.

**THE CITY OF SEWARD, ALASKA**

  
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**Christy Terry, Mayor**

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

**ATTEST:**



Brenda J. Ballou, MMC  
City Clerk

(City Seal)

