

CITY OF DILLINGHAM, ALASKA

EMERGENCY ORDINANCE NO. 2020-14

AN EMERGENCY ORDINANCE OF THE DILLINGHAM CITY COUNCIL MANDATING QUARANTINE, PROTECTIVE MEASURES, TESTING, ISOLATION, AND RESTRICTING THE USE OF CITY FACILITIES AND PROPERTY FOR HEALTH AND SAFETY OF ALL USERS AND TO FACILITATE OPENING UP OF THE LOCAL ECONOMY

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Legislative findings.

The legislative findings contained in Emergency Ordinance 2020-07 Section 1 numbered 1-46 are adopted by reference as if fully set forth herein. In addition Council makes the following legislative findings:

47. As of May 20, 2020, Dillingham had 1 reported case of COVID-19.

48. As of May 20, 2020, there had been 399 reported cases of COVID-19 in the State of Alaska, with 356 recovered cases.

49. As of May 20, 2020, the number of confirmed cases of COVID-19 infections in California, Oregon, and Washington was:

California	80,430
Oregon	3,687
Washington	18,611

50. It is the goal of the City to promote sustainable opening of the economy.

51. Unrestricted use of City property and facilities is likely to result in unhygienic practices and, in turn, COVID-19 outbreaks, which would require complete closure of the facilities and result in significant economic loss.

51. To ensure that city property and facilities remain available for public use and to ensure that economic activity is sustainable, restrictions on the use of city property and facilities are desirable.

52. To further federal, state, and city goals of “opening the economy” and ensuring that it can remain open, the city council has determined that short-term use restrictions are necessary.

Section 2. Finding of Emergency. The City Council hereby finds the facts set forth in Section 1 constitute an emergency.

Section 3. Authority. This ordinance is enacted pursuant to the general police powers of the City of Dillingham, and the City's authority to regulate use of public facilities such as streets and highways and the Dillingham Small Boat Harbor.

Section 4. Classification. This is an emergency non-code ordinance.

Section 5. Mandatory Quarantine. This ordinance imposes a fourteen day self-quarantine on individuals arriving in Dillingham from places outside the Dillingham Census Area. Persons mandated to quarantine upon arrival in Dillingham will proceed directly to their quarantine site.

A. The following will be considered to have already completed a mandatory quarantine:

1. Persons that have completed a quarantine immediately prior to arrival in Dillingham and received a negative COVID-19 test within 72 hours of arrival in Dillingham. (Time spent in quarantine on a vessel or at an employer designated and supervised quarantine site immediately prior to arrival in Dillingham after initially entering Alaska shall be credited towards completion of the required quarantine.)
2. Persons that have chosen to, and obtained two negative COVID-19 tests administered no less than ten days apart. One COVID-19 test must be done in Dillingham no less than 72 hours after arrival.
3. Persons identified by the State of Alaska in the Essential Services and Critical Workforce Infrastructure Order dated April 10, 2020 whose travel to Dillingham originated from elsewhere in Alaska. State of Alaska Mandate 18 and Mandate 17 will be observed.

B. Quarantine Location: any location identified to the City in writing by the person quarantining or their employer that is safe, offers sanitary facilities, and can provide necessary space for quarantine purposes.

C. Social Distancing will be maintained within quarantine locations to the maximum extent possible, including but not limited to the use of face masks, as recommended by the CDC.

D. Any person required to quarantine shall not leave their quarantine location during their quarantine period for any reason other than to:

1. Receive non-elective medical care.
2. Go to their worksite if their work is identified on the State of Alaska Essential Service and Critical Workforce Infrastructure Order dated April 10, 2020.
3. Use designated portable toilets and shower facilities.
4. Be tested for COVID-19.
5. Leave Dillingham.

E. Entry to Quarantine Location is limited to the following:

1. Persons in quarantine.
2. Persons providing required goods or services for critical personal needs, and critical infrastructure needs.
3. Persons providing medical care to a person in that location.
4. All persons residing at the quarantine site if the quarantine location is their usual place of residence while in Dillingham. Those persons shall be subject to the same quarantine requirements with the quarantine period beginning from the date of arrival of the person quarantining at that residence.

F. Quarantine requirements established by this ordinance shall survive any subsequent changes to or suspensions of Health Mandates 10, 17 or 18.

Section 6. Protective Measures. Protection identified by the CDC, and AK DHSS as instrumental in slowing / stopping the spread of COVID-19 to be implemented:

A. Cloth Face Coverings. All customers, employees and visitors of businesses and organizations that are open must wear face masks covering their nose and mouth to provide additional protection from spread of COVID-19 when entering and when inside those premises. Face masks shall also be worn in public settings where other social distancing measures are difficult to maintain.

1. Face coverings should not be placed on children under age 2, anyone who has trouble breathing, is unconscious, incapacitated, or is otherwise unable to remove the mask without assistance.
2. A business owner or operator of a building open to the public may refuse admission or service to any individual who fails to wear face coverings as required by this ordinance.
3. A cloth face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts or towels.

B. Social Distancing as recommended by the CDC and Alaska DHSS shall be observed when in public or in a work area to the maximum extent possible.

1. The City of Dillingham may issue additional rules and regulations governing use of city facilities to implement social distancing. All persons utilizing the City of Dillingham Harbor dock shall comply with all dock, Harbor, and commercial fishing vendor rules.
2. The owners or operators of all commercial fishing vessels in Dillingham shall comply with applicable social distancing requirements set forth in State Health Mandate 17, Appendix 1 issued April 23, 2020 which are incorporated herein by reference as if fully set forth. This requirement shall survive the subsequent repeal or modification of Mandate 17 or Appendix 1 and Appendix 3.

C. Cleanliness Standards.

1. All businesses in Dillingham shall comply with applicable hygiene, cleaning and disinfecting requirements and protocols set forth in State Health Mandate 16 Attachments D, E, F, G and H, which are incorporated herein by reference as if fully set forth. This requirement shall survive the subsequent repeal or modification of Mandate 16 or any of Attachments D, E, F, G and H.
2. The owners or operators of all commercial fishing vessels in Dillingham shall comply with applicable hygiene, cleaning and disinfecting requirements and protocols set forth in State Health Mandate 17 Appendix 1 and Appendix 3 issued April 23, 2020 which are incorporated herein by reference as if fully set forth. This requirement shall survive the subsequent repeal or modification of Mandate 17 or Appendix 1.

Section 7. Testing. If quarantine is being completed while in Dillingham, a COVID-19 test must be taken in Dillingham on the thirteenth day of quarantine. Persons shall continue in quarantine for an additional day after this test is administered unless the test is positive in which case the person shall immediately self-isolate and comply with the isolation requirements of Section 8.

A. Seafood Processors who have an approved plan filed with the State of Alaska may fulfill testing requirements as outlined in Health Mandate 10, Appendix 01.

B. Persons required to quarantine who are leaving Dillingham prior to completion of a 14 day quarantine shall complete a COVID-19 test in Dillingham, and receive a negative result prior to departure returning to Dillingham, or complete a 14 day quarantine.

Section 8. Mandatory Isolation.

A. Any person who tests positive for COVID-19 shall immediately self-isolate and monitor for signs of sickness. Persons shall isolate at one the following:

1. in a home with a specific 'sick room', or
2. in a designated isolation site managed by their employer, or
3. at a designated isolation site managed and supervised by the City of Dillingham or an authorized representative of the City of Dillingham if available.
4. a separate bathroom facility shall be used for isolation when possible. If not available strict cleanliness procedures must be maintained.
5. if a location outside the boundaries of the City is used for isolation, the person must obtain a negative COVID-19 test within 72 hours of arrival in Dillingham.

B. Adherence to CDC procedures; period of isolation shall be a minimum of; 1) seventy-two hours after the person has had resolution of a fever, without use of fever-reducing medications, and has improvement in respiratory symptoms (cough, shortness of breath); and 2) ten days after the date of the person's first positive COVID-19 diagnostic test without developing symptoms of COVID-19.

Section 9. Restricted Use of City Facilities for Health and Safety of All Users.

A. No person may use any city facilities, including, but not limited to, all city port facilities governed by DMC 2.42, unless the person:

1. Does not present with any symptoms of COVID-19; and
2. Has completed any required quarantine and/or testing mandated by City of Dillingham Emergency Ordinances, or
3. Is using city facilities to leave Dillingham to complete their required quarantine outside the City.

B. It is unlawful for a person to aid, abet, incite, compel, or coerce the doing of an act forbidden under subsection A. of this section or to attempt to do so; such act shall be deemed a violation of subsection A.

C. An organization shall be deemed to have violated this section if the violation was committed by or with the knowledge of any person with a fiduciary relationship to the organization, or other members of the organization, or where such relationship would exist if there were other members of the organization and specifically includes any officer, director of a corporation, member or manager of an LLC, partner in a partnership, and any person holding 10% or more of the equity or control of the organization.

Section 10. Penalties and Remedies.

A. Violations of Section 5, 6, 7, and 8 of this Emergency Ordinance shall be a minor offense. In accordance with AS 29.25.070(a), citations for violation of this ordinance may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of a one-hundred dollar (\$100) fine for a first offense, a five-hundred dollar (\$500) fine for a second offense,

and a one-thousand dollar (\$1,000) fine for all subsequent offenses 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. This fine may not be judicially reduced. Each day of violation shall be considered a separate offense.

B. Violation of Section 9 of this Ordinance constitutes criminal trespass upon city property, in violation of Dillingham Municipal Code section 9.50.010 and may be charged as such provided:

- a. that notice against trespass under this section is personally communicated to a person so charged by a city official, including any city police officer; or
 - b. that notice that violation of A. of this section constitutes criminal trespass upon city property is given by posting in a reasonably conspicuous manner under the circumstances; or
 - c. for vessel owners or captains, that notice that violation of A. of this section constitutes criminal trespass upon city property is given through any method of communication or transmission customarily use by mariners and of which mariners have a duty to remain informed, such as published notices to mariners.
1. In addition to any remedy or penalty, violation of this section, provided that notice described in Section 10.subsection B. has been given, shall be chargeable as a criminal violation of municipal code and punishable upon conviction by:
 - a. up to 10 days in jail and a \$1,000 fine, if the offender is a natural person, or
 - b. up to a \$10,000 fine and forfeiture of any instrument or property used in the commission of the offense if the offender is an organization.
 2. In addition to any remedy or penalty, except those set forth in Section 10. Subsection B., which shall not be cumulative, violation of this section, provided that notice described in subsection B.1 has been given, may be remedied following an administrative hearing by:
 - a. A civil fine of not more than \$1,000, if the violator is a natural person, or \$10,000 if the violator is an organization;
 - b. Forfeiture of any instrument or property used in the commission of the offense; and
 - c. If the violator is an organization, forfeiture of any profits or benefits the violator obtained in connection with or proximately related to the violation, including, but not limited to, any fish caught or obtained in connection with or proximately related to the violation.
 3. A natural person found to have violated this section shall be placed on the denied services list established by DMC 4.40.010 and shall remain on such list for 365 days for violation of this section.
 4. An organization found to have violated this section, and any vessel belonging to the organization at the time of the violation, shall be placed on the denied services list established by DMC 4.40.010 and shall remain on such list for five years for violation of this section.

Section 11. Code Provisions Superseded. This Emergency Ordinance supersedes Emergency Ordinance 2020-08, 2020-09, and 2020-10(A) and any inconsistent ordinances, rules,

or regulations of the City of Dillingham including the mandatory quarantine requirements of Section 15 of Emergency Ordinance No. 2020-07.

Section 12. Effective Date. This ordinance shall go into effect at 11:59 p.m. on June 4, 2020 and remain in effect through August 3, 2020, unless adjusted by action of the City Council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on June 4, 2020.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Lori Goodell, City Clerk

FAILED