

CITY OF DILLINGHAM, ALASKA

EMERGENCY ORDINANCE NO. 2020-08

AN EMERGENCY ORDINANCE OF THE DILLINGHAM CITY COUNCIL REQUIRING PROTECTIVE MEASURES TO PREVENT THE SPREAD OF COVID 19

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 5, 2020 Dillingham still had 0 reported cases of COVID-19.

48. As of May 5, 2020 there had been 371 reported cases of COVID-19 in the State of Alaska.

49. As of May 5, 2020, the number of confirmed cases of COVID-19 infections in Oregon, Washington and California was:

- California - 54,937
- Oregon - 2,759
- Washington - 15,594

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 to protect the public health and general welfare of persons in 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. Face Mask Requirement.

A. 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.

B. The face coverings need not be medical-grade masks or N95 respirators, but can be cloth face coverings. A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts or towels.

C. 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.

Section 5. Social Distancing.

A. All persons in Dillingham shall practice social distancing when in public or in a work area to the maximum extent possible.

B. For purposes of this ordinance social distancing is defined as maintaining a distance of six feet or greater from any individuals with whom you do not currently reside.

C. The City Manager and Harbor Master may issue rules and regulations governing use of city facilities to implement social distancing. These may include limiting hours of operation, designating separate hours of access for persons required to quarantine or be tested for presence of the virus that causes COVID-19, designating separate hours of access for residents and non-commercial fisherman, requiring delivery of goods to a designated area, limiting the number of floats in the small boat harbor and limiting the time a vessel may remain in the small boat harbor.

D. 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.

Section 6. Cleanliness Standards.

A. 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.

B. 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 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. Compliance with Harbor, Dock and Commercial Fishing Vendor Rules. All persons shall comply with the City of Dillingham Harbor, Dock and Commercial Fishing Vendor Rules including rules authorized by Section 5 (C) of this emergency ordinance.

Section 8. Enforcement.

A. Violations 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.

Section 9. Code Provisions Superseded. This ordinance supersedes any inconsistent ordinances, rules, or regulations of the City of Dillingham.

Section 10. Effective Date. This ordinance is effective May 7 at 11:59 p.m. and shall continue in effect until June 29, 2020 unless extended by action of the city council. The adoption of this

ordinance shall not in any manner affect any prosecution for violations of any other Emergency Ordinance) committed prior to the effective date hereof.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on May 8, 2020.

SEAL:

A handwritten signature in black ink, appearing to read "Alice Ruby", written over a horizontal line.

Alice Ruby, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Lori Goodell", written over a horizontal line.

Lori Goodell, City Clerk