

CITY AND BOROUGH OF WRANGELL, ALASKA
ORDINANCE NO. 981

AN EMERGENCY ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA REAFFIRMING THE DECLARATION OF EMERGENCY IN EMERGENCY ORDINANCES 976 AND 980 AND REQUIRING A FACE COVERING IN CERTAIN INDOOR SETTINGS, ACTIVATING THE PENALTY IN THE WRANGELL MUNICIPAL CODE, AND STRONGLY URGING OTHER MITIGATION ACTIONS

WHEREAS, Alaska, along with the rest of the United States, and World, has been fighting the global COVID-19 pandemic since March 2020; and

WHEREAS, On March 17, 2020 the Assembly approved Emergency Ordinance No. 976 declaring an emergency related to the COVID-19 Pandemic; and on October 13, 2020 approved Emergency Ordinance 980 extending the declaration to December 21, 2020; and

WHEREAS, in the past seven weeks Alaska has seen unprecedented increases in positive case counts with daily numbers exceeding 300 and exceeding 500 on many days; and

WHEREAS, increased positive case counts are resulting in increased hospitalizations putting significant pressure on the statewide healthcare system, specifically ICU capacity; and

WHEREAS, diminished ICU capacity puts all Alaskans, including Wrangell residents, at increased risk for medevac outside of the state for normal health emergencies and COVID-19 emergencies; and

WHEREAS, all regions of the State, including all of Southeast Alaska, are categorized as high risk for transmission of COVID-19; and

WHEREAS, the Wrangell EOC believes it is of paramount importance Wrangell remain at a low risk level to ensure continued unrestricted economic, group, and individual activities; and

WHEREAS, on November 12, 2020 Governor Dunleavy issued an EMERGENCY ALERT to all Alaskans because of unprecedented numbers of hospitalizations of COVID-19 positive individuals, and unprecedented levels of COVID-19 infections in healthcare personnel and first responders; and

WHEREAS, Governor Dunleavy implored Alaskans to change daily habits by working from home; pre-ordering supplies, goods and food for pick-up; staying six feet separated at all times from non-household members; wearing masks at all time when six feet of separation cannot be maintained; and considering a different way to celebrate Thanksgiving and holiday-time gatherings; and

WHEREAS, the most effective, and easiest, mitigation measure to keep our residents, economy and active lifestyle safe is wearing a face covering; and

WHEREAS, the assembly finds mandating the use of face coverings in public necessary for the immediate preservation of the public health and safety; and

WHEREAS, Wrangell's COVID-19 Risk Mitigation Matrix outlines several additional mitigation efforts to help stop the spread of COVID-19; and

WHEREAS, the EOC is strongly urging these other mitigation efforts in addition to the face-covering mandate.

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

SECTION 1: AUTHORIZATION. This is a non-codified EMERGENCY ORDINANCE provided for in the Home Rule Charter of the City & Borough of Wrangell, Alaska Section 2-11.

SECTION 2: FACE COVERING MANDATE.

- A. Requirement.** All individuals must wear a mask, cloth face covering over their nose and mouth, or a face shield when they are indoors in public settings or communal spaces outside the home. This ordinance is subject to the conditions and exceptions stated below.
- B. Context.** The settings included in this ordinance include, but are not limited to, the public and communal spaces within the following:
1. Grocery stores, pharmacies, and all other retail stores.
 2. Restaurants, cafes, and bars – 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.
 3. Buses, taxis, and other forms of public transportation when passengers are present.
 4. Personal care facilities.
 5. Child care facilities.
 6. Communal areas of offices where people from multiple households are present.
 7. Elevators and indoor communal spaces in other buildings.
- C. Employment.** Employers are responsible to make sure employees who are present in the workplace have access to and wear mask, cloth face coverings, or face shield when in direct contact with customers, members of the public, or other employees. Masks or Face Shields 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).

D. Exceptions. This ordinance does not apply to the following categories of people or activities:

1. Any child under the age of 2 years. These very young children should not wear a face covering because of the risk of suffocation;
2. Any individual for whom wearing a mask, cloth face covering, or face shield 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 or face shield due to a physical or mental disability;
3. 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;
4. Any individual who has trouble breathing or otherwise unable to remove the face covering without assistance;
5. Individuals who are exercising, if mask or face shield wearing would interfere with their breathing;
6. Individuals who are incarcerated, in police custody, or inside a courtroom; these individuals should follow guidance particular to their location or institution;
7. Individuals performing an activity that cannot be conducted or safely conducted while wearing a mask or face shield (for example, a driver experiencing foggy glasses, a dental patient receiving care, an equipment operator where there is a risk of dangerous entanglement); and
8. Musicians, presenters, ministers, and others communicating to an audience or being recorded, for the duration of their presentation/practice/performance where mask or face shield usage impairs communication, and so long as safe physical distancing is maintained.

E. Proof of Medical Reason or Disability. If a person declines to wear a mask, face covering, or face shield because of a medical condition or disability as described above, this ordinance 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 or face shield if doing so will not place others at risk.

F. Enforcement Policy. The City and Borough of Wrangell reserves the right to use all available enforcement options to assure compliance with this ordinance. However, employers will not be subject to fines based on non-compliance by customers so long as 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 ordinance (although hand washing/sanitizing is recommended after such activities). Additionally, violation of this ordinance does not create grounds for residents to harass individuals who do not comply with it.

G. Violation. Violation of the face covering requirement in Section 2 shall be a minor offense. In accordance with AS 29.25.0709(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 fine of \$25.00 plus any surcharge required to be imposed by AS 12.55.039 and 29.25.074584019, which shall be considered incorporated into Wrangell Municipal Code (WMC) Section 1.20.050; payment of the fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the provisions outlined in WMC Section 1.20.050.

SECTION 3: OTHER MITIGATION EFFORTS ENCOURAGED: 1) Avoid gatherings if possible, but if necessary limit indoor gatherings to as few non-household members as possible (preferably 20 or less); 2) Reduce capacity in restaurants and bars to ensure the ability for six feet of separation between parties; 3) Use pick-up/take-out options for dining; 4) Personal services should be by appointment only with one customer per provider and no waiting areas; 5) Eliminate group gym or exercise activities and reduce capacity; 6) Intrastate travelers should test upon arrival in Wrangell and follow strict social distancing protocols until negative test results arrive.

SECTION 4: EFFECTIVE DATES. This ordinance shall be effective upon adoption and shall sunset December 7, 2020 unless extended by action of the Assembly.

PASSED AND APPROVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA THIS 12TH DAY OF NOVEMBER, 2020.



CITY & BOROUGH OF WRANGELL, ALASKA

Stephen Prysunka, Mayor

ATTEST: 
Erin Andresen, Deputy Borough Clerk