

CITY AND BOROUGH OF WRANGELL, ALASKA
ORDINANCE NO. 987

AN EMERGENCY ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA REAFFIRMING THE DECLARATION OF EMERGENCY IN EMERGENCY ORDINANCES 976, 980 AND 985 AND REQUIRING A FACE COVERING IN CERTAIN INDOOR SETTINGS, ACTIVATING THE PENALTY IN THE WRANGELL MUNICIPAL CODE, AND STRONGLY URGING OTHER MITIGATION ACTIONS

WHEREAS, Petersburg is experiencing a major outbreak with 60 active cases, 200 outstanding tests, 2 COVID hospitalizations and two COVID medevacs; and

WHEREAS, our populations mix regularly; and

WHEREAS, we recently had a large gathering of residents in Wrangell; and

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; on October 13, 2020 approved Emergency Ordinance 980 extending the declaration to December 21, 2020; and on January 12, 2021 approved Emergency Ordinance 985 extending the declaration to March 31, 2021; and

WHEREAS, Wrangell has had four positive cases within the past twelve days; and

WHEREAS, Public Health informed the City & Borough of Wrangell that up until late morning on February 27, 2021 fifty percent (50%) of the individuals most recently testing positive had either refused, or contact had not been established following multiple attempts by Public Health for interviews so contact tracing could be completed; and

WHEREAS, this means there is no way to understand the risk of exposure in the community because contacts of the positive cases were unable to be notified, or contact was delayed by several days, so contacts can isolate and get tested; and

WHEREAS, potential risk of community exposure has increased significantly; and

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

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 REQUIREMENT.

- A. Requirement.** All individuals must wear a mask or cloth face covering over their nose and mouth 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, in conformance with the Federal Mandate.
 4. Personal care facilities.
 5. Childcare facilities.
 6. Communal areas and 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 masks or cloth face coverings when in direct contact with customers, members of the public, or other employees. Masks are not required when the only direct contact is between members of the same household.
- 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, or cloth face covering 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 due to a physical or mental disability. Any individual in this category capable of wearing and tolerating a protective face shield shall be required to do so.
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. Any individual in this category capable of wearing and tolerating a protective face shield shall be required to do so.
5. Individuals who are exercising, if mask 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 (for example, a driver experiencing foggy glasses, a dental patient receiving care, an equipment operator where there is a risk of dangerous entanglement).
8. Musicians, presenters, ministers, and others communicating to an audience or being recorded, for the duration of their presentation/practice/performance where mask 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 or a face covering 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.

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 before and 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) Restaurants and bars should reduce capacity 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) Follow state or local advisories, mandates and ordinances related to International, Interstate and Intrastate travel testing upon arrival in Wrangell and follow strict social distancing protocols until negative test results arrive.

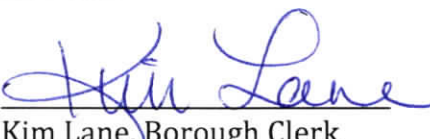
SECTION 4: EFFECTIVE DATES. This ordinance shall be effective upon adoption and shall sunset at 11:59pm on April 13, 2021 unless terminated earlier or extended by action of the Assembly.

PASSED AND APPROVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA THIS 2nd DAY OF March, 2021.

CITY & BOROUGH OF WRANGELL, ALASKA


Stephen Prysunka, Mayor

ATTEST:


Kim Lane, Borough Clerk

