

PETERSBURG BOROUGH
ORDINANCE #2021-19
as amended by Ordinance #2021-20
on November 17, 2021

**AN EMERGENCY ORDINANCE IMPLEMENTING A PUBLIC HEALTH AND SAFETY
MEASURE (REQUIREMENT OF FACE COVERINGS IN INDOOR PUBLIC
SETTINGS) TO ADDRESS CURRENT COMMUNITY COVID-19 OUTBREAK**

WHEREAS, the community of Petersburg is currently experiencing a significant and rapidly occurring community spread COVID-19 outbreak; and

WHEREAS, on November 1, 2021, the Petersburg Medical Center (PMC) reported 15 new active COVID-19 cases, one of the highest number of new cases in a single day since the inception of the pandemic; and

WHEREAS, on November 3, 2021, PMC reported an additional 12 new cases, bringing the active case count to 48, with 93 pending send out COVID tests that should be resulted in the next 3-5 business days; and

WHEREAS, PMC has moved into **RED** status and is reporting staffing shortages and high utilization of scarce resources of monoclonal antibody treatment and rapid PCR tests; and

WHEREAS, if hospitalizations increase, PMC expects significant difficulties in moving patients out of Petersburg who require a higher level of care due to COVID outbreaks being experienced in other parts of Alaska; and

WHEREAS, the Petersburg Schools are experiencing significant impacts due to the current outbreak in the community, with numerous students and staff members absent due to either testing positive or being identified as close contacts; and

WHEREAS, the current outbreak is resulting in available school staff spending significant time responding to inquiries from public health officials, students, the families of students and other staff members, while at the same time attempting to provide quality instruction to students both in-classroom and those studying remotely due to quarantine or isolation; and

WHEREAS, the Petersburg Schools are implementing multiple mitigation measures to keep staff and students safe and keep the schools open, however the lack of mitigation efforts in the community at large are negatively impacting those measures; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) updated its public health recommendations to address the highly transmissible Delta variant of the virus, and that guidance includes a recommendation that all people, including fully vaccinated people, wear a mask in public indoor settings in areas of substantial or high transmission of COVID-19; and

WHEREAS, the Assembly finds that a health crisis currently exists in the community due to the rapid increase in community transmission of COVID-19 and the limited medical resources existing within the community to address the outbreak, including limited space and staffing to

address potential hospitalizations and the inability to medivac patients outside of the community to receive needed care; and

WHEREAS, Borough Charter Section 3.03 provides for emergency ordinances which in the judgement of the assembly are necessary for the immediate preservation of the public peace, health or safety, and such ordinances may be adopted at the meeting at which it is introduced. An Emergency Ordinance is repealed by resolution or automatically expires in sixty days; and

WHEREAS, under the described circumstances, the Assembly finds that the provisions of this ordinance are required for the immediately preservation of public health and safety.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS as follows:

Section 1. Classification: This Emergency Ordinance is of a non-permanent nature and shall not be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this Emergency Ordinance is to require masks or face coverings in public indoor settings within the Borough, with the exceptions provided under Section 3.

Section 3. Substantive Provisions:

Except as provided herein, all persons must wear masks or face coverings over their nose and mouth when they are indoors in any building within the Borough (1) that is open to the public or (2) within a communal space shared with other individuals not from one's household.

The requirements of this ordinance do not apply to:

1. Children under the age of three (3) years.
2. Any person with chronic pulmonary, breathing and/or medical conditions who cannot tolerate a mask or face covering due to those conditions, or any person who is communicating with someone who is deaf or hard of hearing, such that wearing a mask or face covering is not feasible. Such persons are encouraged to wear a face shield if available;
3. Any person who is incarcerated, in police custody, or inside a courtroom. Such persons are directed to follow the orders specific to their location.
4. Any person who temporarily removes their mask or face covering to eat or drink;
5. The premises of either the Petersburg School District (PSD) or the Petersburg Medical Center (PMC). Persons are directed to follow COVID-19 rules and directives issued by either PSD or PMC when on premises;
6. The offices of health care professionals when removal of a mask or face covering is necessary to the performance of testing or procedures;
7. Any person performing an activity that cannot be conducted or safely conducted while wearing a mask or face covering;
8. Any employee within their own fully enclosed office or workspace or within an unenclosed workspace if they are totally alone; and
9. Daycare facilities, which are directed to follow the guidance of the Alaska Department of Health and Social Services and the Centers for Disease Control and Prevention (CDC).

Businesses are permitted to institute more restrictive measures than set out herein for their individual premises, provided that such measures are consistent with applicable law.

"Mask or face covering" means a medical grade mask or a cloth, paper or other face covering that covers the nose and the mouth, and rests snugly above the nose, below the mouth and on the sides of the face, and is of such material so as to not have openings, holes, visible gaps or vents that would allow droplets to be released.

"Communal space" means any area in a building where members of more than one household can commingle, including without limitation areas used for (1) exercise or fitness, (2) community events, whether ticketed or otherwise, (3) meetings, events or other usage by private social clubs, societies, lodges, associations or nonprofit groups, and (4) including entrance lobbies, hallways, and stairwells for such areas. This shall not be deemed to include areas within private residences.

Section 4. Enforcement: The Borough reserves the right to use all available enforcement options to assure compliance with this emergency ordinance. Violation of this ordinance does not create grounds for residents to harass individuals who do not comply with it.

Section 5. Recommendations: The Assembly recommends and encourages all residents to take additional measures to protect your family, friends and neighbors from the spread of COVID-19 within the community, including getting vaccinated, maintaining physical distance, avoiding crowds, staying home when feeling sick, frequent hand washing and regular cleaning of high-touch surfaces.

Section 6. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application of other persons or circumstances shall not be affected.

Section 7. Effective Date and Term: This Ordinance shall be effective immediately upon adoption and be in effect until December 6, 2021, at 11:59 p.m., unless sooner repealed by the Assembly due to cessation of the current outbreak.

Section 8. Repeal/Health Officer Recommendations: This ordinance may be earlier repealed at a regular or special meeting of the Assembly upon a determination by the Assembly that the provisions of the ordinance are no longer necessary to address the health and safety of the public. The Assembly may receive the advice and recommendations of the Borough Health Officer in making this determination.

Passed and approved as amended by Ordinance #2021-20 by the Petersburg Borough Assembly, Petersburg, Alaska this 17th day of November, 2021.

ATTEST:


Debra K. Thompson, Borough Clerk


Mark Jensen, Mayor

Adopted: 11/17/2021
Published: 11/24/2021
Effective: 11/17/2021