

CITY OF BETHEL, ALASKA

EMERGENCY ORDINANCE 20-27

AN ORDINANCE BY THE BETHEL CITY COUNCIL ESTABLISHING A MANDATE WITHIN THE CITY OF BETHEL THAT MASKS OR SIMILAR FACE-COVERINGS BE WORN IN PUBLIC IN INDOOR AND INDOOR-ADJACENT SPACES, AND UNDER CERTAIN CONDITIONS IN OUTDOOR SPACES, DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

- WHEREAS,** on March 11, 2020, the State of Alaska declared a public health emergency in response to an anticipated outbreak of COVID-19 in Alaska;
- WHEREAS,** on March 24, 2020, the Bethel City Council adopted Ordinance #20-08, authorizing the City Manager and City Council to modify or suspend sections of the Bethel Municipal Code regarding public meetings and participation, procurement, contracts, leases, and personnel rules in order to ensure the health, safety and welfare of the City during a State-declared public health emergency;
- WHEREAS,** on March 25, 2020, the Bethel City Council adopted Ordinance #20-09, finding the existence of a public health emergency related to the COVID-19 outbreak, incorporating by reference the declaration of local disaster emergency issued by the Acting City Manager and Mayor on March 24, 2020; seeking state and federal funding assistance; and issuing certain health advisories and requests consistent with state and federal law;
- WHEREAS,** on May 26, 2020, the Bethel City Council Adopted Ordinance #20-11 further extending the public health emergency declared under Ordinance #20-09;
- WHEREAS,** on July 28, 2020, the Bethel City Council passed a resolution establishing a policy within the City of Bethel that masks or similar face-coverings be worn in public in indoor and indoor-adjacent spaces, and under certain conditions in outdoor spaces, during the COVID-19 public health emergency;
- WHEREAS,** the COVID-19 outbreak remains ongoing, and in fact cases continue to rise in Alaska; accordingly, the potential extent and effect of the disease cannot yet be known, and it remains vital for the City of Bethel to be prepared and take all necessary precautions until the outbreak no longer poses a threat;
- WHEREAS,** a growing body of scientific research shows that people with no or few symptoms of COVID-19 can still spread the disease, and that the use of face coverings, combined with physical distancing and frequent hand-washing, will dramatically

reduce the spread of COVID-19;

WHEREAS, because of the community's quick and voluntary actions to wear face coverings in public, limit social interactions, stay at home when sick, and wash hands frequently, Bethel has been fortunate to avoid large numbers of COVID-19 cases in the city and region at this time;

WHEREAS, the risk of COVID-19 remains high; the increasing numbers of Alaskans who are leaving their homes for work and other needs, and for travel both in and out of the region, increase the risk of COVID-19 exposure and infection;

WHEREAS, over the last few months, healthcare providers have learned a lot about COVID-19 transmission; crucially, research and data show that people who are infected but are asymptomatic or pre-symptomatic play a big role in community spread, as they can transmit the virus to others before those symptoms appear, meaning that the virus can spread between people interacting in close proximity to each other by actions such as speaking, coughing, singing, laughing, or sneezing;

WHEREAS, the Bethel City Council recognizes that it is critical to continue to maintain 6-feet of physical distancing to slow the spread of COVID-19, but that the additional use of a simple face covering, as recommended by the CDC, can further aid in slowing the spread of the virus by reducing the chances of asymptomatic or pre-symptomatic people transmitting the virus to others;

WHEREAS, the City of Bethel, as an employer and custodian of City-owned and operated public facilities, is required to maintain a safe work and public environment and on that basis is empowered to require masks, hand-washing, physical distancing, and other similar COVID-19 prevention and mitigation measures on City property in order to ensure the health and safety of the public and of City employees on City owned, leased, or operated property;

WHEREAS, it is imperative that the City take its role in protecting this community and region seriously, and every resident, visitor, business, organization and agency in this community has a responsibility to do their part in protecting each other from this serious disease; if we don't all participate in these mitigation and prevention measures, then the benefits will not be realized;

WHEREAS, the State of Alaska has issued formal legal guidance opining that second class cities have the power to enact masking mandates during this pandemic;

WHEREAS, the Council finds that it is in the best interest of the public peace, health, welfare

and safety, and to preserve the health, safety, and lives of the citizens of the community and region, to establish a mandate that masks and face-coverings be worn when interacting in public spaces in the community of Bethel, consistent with this mandate;

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA:

SECTION 1. This is a non-codified Ordinance of general and permanent nature and shall become part of the Bethel Municipal Code.

SECTION 2. Mandate:

To reduce the possibility of community spread of COVID-19, it is the mandate of the City of Bethel that face coverings be worn when people are in high risk public situations including but not limited to:

- Inside of, or in line to enter, any indoor public space;
- Obtaining services from a healthcare facility;
- Waiting for or riding on public transportation or while in a taxi or bus;
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through public common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance;
- Driving or operating any public transportation or taxi service or ride-sharing vehicle;
- While outdoors in public spaces when maintaining a physical distance of six feet from persons who are not members of the same household or residence is not feasible.

SECTION 3. Exemptions:

The following individuals are exempt from wearing a face covering:

- Persons younger than two years old;
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical

condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;

- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence;
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others; and
- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

Section 4. Enforcement. The City reserves the right to use all available enforcement options to ensure compliance with this mandate. However, brief removal of a face covering, such as is necessary to eat, drink, or scratch an itch does not constitute a violation of this mandate (although hand-washing is recommended after such activities). Additionally, a violation of this mandate does not create grounds for residents to harass individuals who do not comply with it.

NOW, THEREFORE, BE IT ORDAINED that the Bethel City Council establishes a community mandate that masks or similar face-coverings should be worn when interacting in public spaces in the community of Bethel consistent with this resolution and establishes a mandate that masks or similar face-coverings be worn in City facilities and on City property in accordance with this resolution. Ordained

Section 5. Effective and Expiration Date: This ordinance is effective immediately upon adoption by the City Council and shall remain in effect for a period of sixty (60) days.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA THIS ___ DAY OF SEPTEMBER 2020 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

Introduced by: Council Member DeWitt
Public Hearing and Adoption Date: August 31, 2020
Action:
Vote:

Perry Barr, Mayor

ATTEST:

Lori Strickler, City Clerk