

**PETERSBURG BOROUGH
ORDINANCE #2021-21**

**AN EMERGENCY ORDINANCE CONTINUING 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 continuing to experience a significant community spread COVID-19 outbreak; and

WHEREAS, on November 5, 2021, the Borough Assembly unanimously approved Emergency Ordinance #2021-19 requiring face coverings to be worn indoors in any building within the Borough that is open to the public; and

WHEREAS, Emergency Ordinance #2021-19 expires December 6, 2021 at 11:59 p.m.; and

WHEREAS, while the Petersburg Medical Center (PMC) reports COVID-19 cases rapidly decreasing, in the past 4 weeks there were over 230 Petersburg residents who tested positive for COVID-19, 30 monoclonal antibody treatments provided, and over 10 inpatient admissions due to COVID-19; and

WHEREAS, PMC continues to be in **RED** status and has required the addition of emergency FEMA nurses and state GSA personnel to assist with PMC's staffing shortages. PMC required emergency assistance from other agencies (Bartlett and SEARHC) for PCR test supplies and from the State of Alaska for rapid home kit antigen tests to assist in testing the Petersburg community quickly to identify COVID-19 cases; and

WHEREAS, with the increased COVID-19 hospitalizations in the past 2 weeks and incidences of long recovery time for individuals, particularly those unvaccinated, PMC continues to use high staffing and supply resources to manage post outbreak difficulties that require a higher level of care; and

WHEREAS, the Petersburg Schools continue to experience 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 Petersburg Schools have implemented multiple mitigation measures to keep staff and students safe and keep the schools open, however reduced mitigation efforts in the community at large negatively impact 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 the new Omicron variant recently identified in the United States, 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 continuation of 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 immediate 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 January 3, 2022, 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 by the Petersburg Borough Assembly this 6th day of December, 2021.

ATTEST:

Mark Jensen, Mayor

Debra K. Thompson, Borough Clerk

Adopted: 12/6/2021
Published: 12/9/2021
Effective: 12/6/2021