

CITY OF DILLINGHAM, ALASKA

EMERGENCY ORDINANCE NO. 2020-11

AN EMERGENCY ORDINANCE OF THE DILLINGHAM CITY COUNCIL 1) ESTABLISHING A TEMPORARY LAND USE DISTRICT CALLED THE FISHERIES RELATED USE DISTRICT; 2) LIMITING PERMITTED USES WITHIN THE FISHERIES RELATED USE DISTRICT; AND 3) REQUIRING PERSONS ENTERING THE FISHERIES RELATED USE DISTRICT TO COMPLY WITH STATE MANDATES AND CITY RULES.

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Legislative Findings:

The legislative findings contained in Emergency Ordinance 2020-07 Section 1 numbered 1-46 are adopted by reference as if fully set forth herein. In addition Council makes the following legislative findings:

47. As of May 5, 2020 Dillingham still had 0 reported cases of COVID-19.

48. As of May 5, 2020 there had been 371 reported cases of COVID-19 in the State of Alaska.

49. As of May 5, 2020, the number of confirmed cases of COVID-19 infections in Oregon, Washington and California was:

California -	54,937
Oregon -	2,759
Washington -	15,594

Section 2. Finding of Emergency. The City Council hereby finds the facts set forth in Section 1 constitute an emergency.

Section 3. Authority. This ordinance is enacted pursuant to the general police powers of the City of Dillingham to protect the public health and general welfare of persons in Dillingham, the City's authority to establish land use regulations to protect the public health and general welfare of persons in Dillingham under Section 18.08.010 of the Dillingham Municipal Code, and the City's authority to regulate use of public facilities such as streets and highways and the Dillingham Small Boat Harbor.

Section 4. Establishment of Fisheries Related Use District. The Fisheries Related Use District is hereby created. The Fisheries Related Use District encompasses property whose primary use is commercial fish processing, storage of commercial fishing vessels and mooring of commercial fishing vessels.

Section 5. Permitted Uses by Individuals. No person may enter a Fisheries Related Use District unless that person either:

1. is in quarantine within that district.
2. owns a commercial fishing vessel stored within that district.
3. is a Commercial Fishing Vendor providing services to a commercial fishing vessel stored within that district.
4. is a Commercial Fishing Vendor providing goods or materials to a commercial fishing vessel stored within that district that cannot be delivered to a designated delivery area immediately adjacent to that district.
5. owns or works at a place of business within that district.
6. is employed by a person who owns a commercial fishing vessel stored within that district

Section 6. Prohibited Use of Property. All property and structures within the Fisheries Related Use District may only be used for purposes of providing Essential Fisheries Services and accessory uses for Essential Fisheries Services. All other uses within the Fisheries Related Use District are prohibited.

Section 7. Definitions. For the purposes of this ordinance, the words and terms defined herein shall be defined and interpreted as follows:

A. "Essential Fisheries Services" means maintenance, operation, and supply of fish processing facilities and commercial fishing vessels including housing persons employed in fish processing and commercial fishing and transporting and launching commercial fishing vessels by persons who have been issued a Travel Use Permit.

B. "Commercial Fishing Vendor" means a person who has or is required to have a City of Dillingham business license, and is providing services or supplies to a commercial fishing vessel or a fish processing facility. All Commercial Fishing Vendors must sign an acknowledgement of receipt of the City of Dillingham Harbor, Dock and Commercial Fishing Vendor rules.

Section 8. Limitation on Entry to Fisheries Related Use District. Any permitted entry to the Fisheries Related Use District is limited to a single entry each day.

Section 9. Limitation on Leaving the Fisheries Related Use District.

A. Any person authorized to enter the Commercial Fisheries Use District shall remain within the Fisheries Related Use District except to:

1. receive nonelective medical care
2. move directly from one place within the Commercial Fisheries Use District to another place within the Commercial Fisheries Use District.
3. return directly to their residence
4. return directly to their quarantine location
5. be tested for COVID-19

6. use designated portable toilets and shower facilities

B. Any authorized travel while in quarantine other than to use portable toilets is limited to a single trip each day directly to and from the quarantine location.

C. Person who have left the district to be tested for COVID-19 upon return from the testing site shall not leave the district for any reason other than to use designated portable toilets until they have received negative test results.

Section 10. Compliance with Harbor, Dock and Commercial Fishing Vendor Rules. All persons shall comply with the City of Dillingham Harbor, Dock and Commercial Fishing Vendor Rules.

Section 11. Compliance with Health Mandates. All persons authorized to be present in the Commercial Fisheries Related Use District shall comply with all requirements of Health Mandates 17, Health Mandate 10, Health Mandate 11 and Health Mandate 12 as in effect on April 30, 2020. This requirement shall survive any subsequent changes to or suspensions of Health Mandates 10, 11, 12 or 17.

Section 12. Face Mask Requirement. All persons within the Fisheries Related Use District must wear face masks covering their nose and mouth to provide additional protection from spread of COVID-19. The face coverings need not be medical-grade masks or N95 respirators, but can be cloth face coverings. A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts or towels. A business owner or operator may refuse admission or service to any individual who fails to wear face coverings as required by this ordinance.

Section 13. Social Distancing.

A. All persons in the fisheries related use district shall practice social distancing while in the district to the maximum extent possible.

B. All persons entering the fisheries related use district shall practice social distancing while in the district to the maximum extent possible.

Section 14. Enforcement.

A. Violations of this Emergency Ordinance shall be a Minor Offense. In accordance with AS 29.25.070(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 one-thousand dollar (\$1,000) fine, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of Minor Offense Procedures applies. This fine may not be judicially reduced. Each day of violation shall be considered a separate offense.

B. Violations of this Emergency Ordinance shall be a Minor Offense. In accordance with AS 29.25.070(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 one-hundred dollar (\$100) fine for a first offense, a five-hundred dollar (\$500) fine for a second offense and a one-thousand dollar (\$1,000) fine for all subsequent offenses, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of

Minor Offense Procedures applies. This fine may not be judicially reduced. Each day of violation shall be considered a separate offense.

Section 15. Code Provisions Superseded. This ordinance supersedes any inconsistent ordinances, rules, or regulations of the City of Dillingham including any inconsistent requirements of Emergency Ordinance No. 2020-07. However, in the event of any conflict between the requirements of this emergency ordinance and any other emergency ordinance the more stringent ordinance provision shall apply.

Section 16. Effective Date. This ordinance is effective May 7 at 11:59 p.m. and shall continue in effect until June 29, 2020 unless extended by action of the city council. The adoption of this ordinance shall not in any manner affect any prosecution for violations of any other Emergency Ordinance) committed prior to the effective date hereof.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on May 7, 2020.

SEAL:

Alice Ruby, Mayor

ATTEST:

Lori Goodell, City Clerk

FAILED