

**PETERSBURG BOROUGH
ORDINANCE #2021-20**

**AN EMERGENCY ORDINANCE AMENDING EMERGENCY ORDINANCE #2021-19,
WHICH IMPLEMENTED A PUBLIC HEALTH AND SAFETY MEASURE REQUIRING
FACE COVERINGS IN INDOOR PUBLIC SETTINGS, TO INCLUDE (1) A FINE FOR
NONCOMPLIANCE, (2) COMMUNALLY USED AREAS WITHIN ITS SCOPE, AND (3)
A PROVISION THAT REQUIRES BUSINESSES AND BUILDING OWNERS TO DENY
ADMITTANCE TO ANY INDIVIDUAL WHO FAILS TO COMPLY WITH THE
ORDINANCE**

WHEREAS, in response to a significant community spread COVID-19 outbreak, the Borough Assembly, on November 5, 2021, enacted Emergency Ordinance #2021-19; and

WHEREAS, that Emergency Ordinance required all persons to wear masks or face coverings over their nose and mouth when they were indoors in any building within the Borough that is open to the public; and

WHEREAS, since that date the number of new cases has continued to quickly grow, with the Petersburg Medical Center (PMC) reporting 22 new active COVID-19 cases on November 10, 2021, bringing the active case count to 92, with 86 pending send-out COVID tests that should be resulted in the next 3-5 business days; and

WHEREAS, there have been 74 new positive cases in the last seven days alone, with Petersburg having a daily new case rate (per 100,000) nearly 6 times that of the State of Alaska as a whole, which is itself over 3 times higher than the national average; and

WHEREAS, many businesses and building owners are taking measures to ensure compliance with the Emergency Ordinance to keep their employees, customers and visitors safe, however it has been reported that a number of businesses are not; and

WHEREAS, the Assembly believes that requiring businesses and building owners to deny admittance to those not complying with the Emergency Ordinance will assist in stemming this rapidly spreading outbreak; and

WHEREAS, in order to provide an additional safety measure, the Assembly wishes to include within the scope of the Emergency Ordinance communal areas in buildings not specifically open to the public where individuals gather who are not members of the same household; and

WHEREAS, the Assembly further believes that instituting specific fines for violation of the Emergency Ordinance will provide an incentive for compliance, to further aid in bringing this public health crisis under control; and

WHEREAS, the Assembly finds that a health crisis continues to exist in the community due to the expanding COVID-19 outbreak and the limited medical resources existing within the community to address the outbreak; and

WHEREAS, 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; 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 amend Emergency Ordinance #2021-19 to provide fines for noncompliance, require businesses and building owners to deny admittance to those failing to comply with the ordinance, and to add communally used spaces within the scope of the ordinance.

Section 3. Substantive Provisions:

A. The first paragraph of Section 3 of the Emergency Ordinance is amended as follows (the new language is underlined and in red):

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.

B. New language is added at the end of Section 3 of the Emergency Ordinance, to read as follows:

“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.

C. New language is added at the end of Section 3 of the Emergency Ordinance, to read as follows:

Businesses, employers, and building owners or lessees shall deny admittance to any individual who fails to comply with this Emergency Ordinance; provided, however, that this ordinance shall be applied in a manner consistent with the federal Americans with Disabilities Act (ADA) and any other applicable provision of law. Businesses may choose to allow individuals who request an accommodation under the ADA to wear a face shield.

D. A new Section 3A, entitled Fines, is added immediately following Section 3 of the Emergency Ordinance, to read as follows:

Section 3A. Fines:

1. Any person who violates this Emergency Ordinance shall be guilty of a violation, punishable by imposition of a fine of Fifty Dollars (\$50.00) for each separate violation.

2. Any business, employer, or building owner or lessee who violates this Emergency Ordinance by improperly granting admittance to an individual failing to comply with this Emergency Ordinance shall be guilty of a violation, punishable by imposition of a fine of One Hundred Dollars (\$100.00) for each separate violation. Issuance of a citation to an entity, including a business entity, may be accomplished by leaving a copy at the entity's location, during regular operating or business hours, with any owner, officer or official, or employee. Owners, officers, officials and employees of an entity shall be deemed agents of the entity for purposes of a violation and service of a citation.

E. All other provisions of Emergency Ordinance #2021-19 remain in full force and effect.

Section 4. 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 5. Effective Date and Term: This Ordinance shall be effective immediately upon adoption and remain in effect through the effective term of Emergency Ordinance #2021-19.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this 15th day of November, 2021.

ATTEST:

Mark Jensen, Mayor

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective: