

Presented by: COW
Presented: 09/21/2020
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Emergency Ordinance Serial No. 2020-46

**An Emergency Ordinance Adopting the City and Borough of Juneau
COVID-19 Mitigation Strategies and Providing for a Penalty.**

WHEREAS, CBJ Charter 5.4(a) provides the Assembly may adopt an emergency ordinance to meet a public emergency by an affirmative vote of at least six assemblymembers; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and is easily transmittable person to person; and

WHEREAS, on March 11, 2020, the World Health Organization declared the virus a pandemic; and

WHEREAS, on March 11, 2020, the State of Alaska declared a public health emergency in response to the anticipated outbreak of the virus in Alaska; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency in response to the virus pandemic; and

WHEREAS, on March 16, 2020, the Assembly declared a local emergency in response to COVID-19; and

WHEREAS, on March 22, 2020, the City and Borough of Juneau (“CBJ”) received its first positive case of COVID-19; and

WHEREAS, since March the community has had more than 284 confirmed COVID-19 cases as of September 4, 2020; and

WHEREAS, the COVID-19 Mitigation Strategies will help provide structure and certainty as the community balances the needs to mitigate harm and keep the economy open; and

THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,
ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. COVID-19 Mitigation Strategies.

- (a) **Adoption.** The City and Borough of Juneau COVID-19 Mitigation Strategies identified in Exhibit A are adopted.
- (b) **Determination of Incident Risk Level.** The Manager is authorized to determine which Incident Risk Level best fits the City and Borough of Juneau based on a comprehensive range of public health factors related to COVID-19.
- (c) **Public Notice.** The Manager shall conspicuously identify the Incident Risk Level on the City and Borough of Juneau's webpage and widely distribute public notice when the level changes.
- (d) **Exemptions.**
- (1) **Exemption Request.** An entity or person may request an exemption from the COVID-19 Mitigation Strategies by submitting a site specific COVID-19 Mitigation Plan to the CBJ Emergency Operations Center by emailing covidquestions@juneau.org. The Emergency Operations Center may issue an exemption if the COVID-19 Mitigation Plan has sufficient measures and policies to mitigate the spread of COVID-19 in light of the Incident Risk Level.
 - (2) **Public Records.** All exemption requests, communication, and responses are presumptively public records. If an entity or person requests that the City and Borough of Juneau withhold any information contained in your COVID-19 Mitigation Plan from public release because the information is protected under AS 40.25.120(a), you must submit the following information with the request:
 - (A) Identify each set of discrete information that the entity or person asserts is confidential;
 - (B) Identify each specific legal authority that the entity or person asserts applies to each such set of information; and
 - (C) For each such set of information, explain why the entity or person asserts the information is confidential based on each legal authority the entity or person asserts applies to that information.

Should the City and Borough of Juneau receive a request for records under the Public Records Act applicable to any item marked confidential, the City and Borough of Juneau should notify the person or entity asserting confidentiality as soon as practicable prior to making any disclosure. The person or entity asserting confidentiality acknowledges it has five (5) calendar days after receipt of notice to notify the City and Borough of Juneau of its objection to any disclosure, and to file any action with any competent court to protect its interests. Should the person or entity asserting confidentiality fail to notify the City and Borough of Juneau of its objection or fail to file suit within five (5) calendar days, the CBJ may disclose the records.

(e) **Violation.** A person who violates a mitigation strategy in Exhibit A shall be subject to a civil fine not to exceed \$25.00 per violation, which shall be considered incorporated into CBJC 03.30.070(a); payment of the civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to CBJC 03.30.070(b)-(c) and CBJC 03.30.075-03.30.085. In addition to a civil fine, the City and Borough of Juneau may use all available civil enforcement options (i.e. injunction, revocation of certificate of occupancy, civil lawsuit, etc.) to assure compliance with this ordinance.

(f) **Amendments.** The Manager shall advise the Assembly if new and relevant information about COVID-19 is discovered that warrant revisions to the COVID-19 Mitigation Strategies in Exhibit A.

Section 3. Effective Date. This ordinance shall be effective immediately after its adoption and be in effect for 180 days.

Adopted this 21st day of September, 2020.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk

Exhibit A to EO 2020-46

City and Borough of Juneau COVID-19 Mitigation Strategies						
Incident Risk Level	Masks/Face Coverings	Social Distancing	Large Gatherings	Restaurants, Bars,	Personal Services, Gyms	Travel
Very High	Masks/Face coverings required outside the home.	Residents are required to stay at home except as needed for groceries, medical care, and essential workforce needs.	Outdoor gatherings limited to no more than 10 people with proper social distancing. Indoor communal events not allowed.	Restaurants and bars limited to delivery and curbside pickup if allowed by law.	Personal Services and Gyms closed.	Critical Infrastructure and essential travel only.
High	Masks/Face coverings must be worn indoors and outdoors in public areas where 6ft of social distancing cannot be maintained.	6 feet of distance must be maintained. Keep social bubble contained to family members.	Indoor gatherings should be limited to 20* people with safety measures (masks required). Outdoor gatherings with 6ft distancing recommended.	Bars closed for indoor service. Restaurants reduce capacity to ensure physical distancing not to exceed 50% with reservations required. Delivery/curbside pickup if allowed up law	Personal Services by appointment only, one customer per service provider, no waiting areas. Gyms, no group activities, limit capacity to 25%	Interstate: Follow provisions of Health Mandate 10. Intrastate: Travelers coming from other communities with Moderate to High alert levels are required to test and follow strict social distancing protocols until negative test results arrive.
Moderate	Masks/Face coverings must be worn indoors in public areas where 6ft of social distancing cannot be maintained. Masks/face coverings recommended when: outdoors and 6 feet of distance can't be maintained from others.	6 feet of distance must be maintained. Keep social bubble limited to family members and critical contacts.	Indoor gatherings should be limited to 50* people with safety measures (masks required). Outdoor gatherings with 6ft distancing recommended.	Bars not to exceed 50% capacity. Strongly recommend restaurants reduce capacity to ensure physical distancing between parties, recommend reservations required. Recommend deliver and curbside pickup if allowed by law.	Personal Services by appointment only, no waiting areas. Gyms, small group activities outdoors, limit capacity to 50%.	Interstate: Follow provisions of Health Mandate 10. Intrastate: Travelers coming from other communities with Moderate to High alert levels are strongly encouraged to test and follow strict social distancing protocols until negative test results arrive.
Minimal	Masks/Face coverings must be worn indoors in public areas where 6ft of social distancing cannot be maintained.	6 feet of distance must be maintained. Keep social bubble limited to family members and a few other key contacts.	Limit gathering size so a minimum distance of 6 feet can be maintained. Outdoor gatherings recommended.	Follow all Public Health State Mandates in reopen responsibly plan.	Follow all Public Health State Mandates in reopen responsibly plan.	Follow provisions of Health Mandate 10.

*Exemptions can be requested with approved COVID mitigation plans in place.

DRAFT Version 2 August 31, 2020