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Submitted by: Assembly Members Petersen and
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Prepared by: Assembly Counsel's Office
For reading: October 12, 2021

**ANCHORAGE, ALASKA
EO No. 2021-____**

**AN EMERGENCY ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
REGARDING PUBLIC HEALTH AND SAFETY MEASURES FOR THE COVID-19
PANDEMIC.**

WHEREAS, on July 27, 2021 the Centers for Disease Control and Prevention (CDC) updated their public health recommendations given new evidence on the highly transmissible B.1.617.2 (Delta) variant of the virus that causes COVID-19, which is now the dominant variant circulating in Alaska and around the United States; and

WHEREAS, the CDC's updated 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 CDC notes that until vaccination coverage is high, communities and organizations should regularly assess the need for prevention strategies, based on five critical factors, including: 1) level of SARS-CoV-2 community transmission; 2) health system capacity; 3) vaccination coverage; 4) capacity for early detection of increases in COVID-19 cases; and 5) populations at risk for severe outcomes from COVID-19; and

WHEREAS, the CDC reports that proven effective strategies against SARS-CoV-2 (COVID-19) transmission, in addition to vaccination, include using masks consistently and correctly, maximizing ventilation, maintaining physical distance, and avoiding crowds; and

WHEREAS, the CDC recommends to maximize protection from the Delta variant to wear a mask indoors, regardless of vaccination status, in public if in an area of substantial or high transmission, and to follow basic public health measures such as staying home when sick, handwashing, and regular cleaning of high-touch surfaces are also encouraged; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The Assembly hereby finds that a health crisis exists with the COVID-19 pandemic based on the circumstances in our community, and that the unforeseen rapid increase in community transmission of COVID-19 and hospitalizations have resulted in, or apparently will result in, insufficiency of health care system capacity within local hospitals substantial enough to endanger the public health, safety or welfare. The circumstances in our community have been described and manifested through public participation and testimony at public

1 hearings, and government agency and hospital reporting on COVID-19 infection and
2 transmission rates, hospital capacity and capability, and local conditions. The
3 Assembly finds that an emergency exists and therefore enacts this Emergency
4 Ordinance in accordance with Anchorage Municipal Charter section 10.03.

5
6 **Section 2.** A public health emergency is determined to exist when local hospitals;
7 Providence Alaska Medical Center, Alaska Regional Hospital and the Alaska Native
8 Medical Center; have insufficient capacity to meet demand without invoking crisis
9 standards of care and community transmission remains at a substantial or high level
10 per the CDC. The public health emergency does not end until either (1) crisis
11 standards of care are ended at two of three local hospitals for 14 consecutive days;
12 or (2) there is no longer substantial or high community transmission per the CDC for
13 14 consecutive days. When the Municipality of Anchorage is experiencing a public
14 health emergency, the requirements of this ordinance shall be in effect.

15
16 **Section 3.** All individuals must wear masks or face coverings over their noses and
17 mouths when they are (a) indoors in areas which are open to the public or which are
18 communal spaces shared with other individuals not from one's household.

- 19
20 A. Face shields may be permitted in lieu of a mask or face covering for
21 the following individuals, who must wear a face shield whenever a face
22 covering would be required unless it is impossible to do so:
23
24 1. Any individual who cannot tolerate a mask due to a physical or
25 mental disability;
26 2. Individuals who are communicating with someone who is deaf
27 or hard of hearing;
28 3. Individuals performing an activity that cannot be conducted or
29 safely conducted while wearing a mask (for example, a driver
30 experiencing foggy glasses, a dental patient receiving care, an
31 equipment operator where there is a risk of dangerous
32 entanglement).

33
34 **Section 4.** The requirements of this ordinance do not apply to the following
35 categories of businesses, people, or activities:

- 36
37 A. Any child under the age of 5 years but face coverings are
38 recommended for children over 2 years of age.
39
40 B. Individuals who are incarcerated, in police custody, or inside a
41 courtroom; these individuals should follow guidance particular to their
42 location or institution.
43
44 C. Presenters, musicians, others communicating to an audience or being
45 recorded, if they are 10 feet from the audience and all members of the
46 audience are wearing face coverings.
47
48 D. Individuals removing their face coverings to eat, drink, or briefly
49 scratch an itch.
50

- 1 E. Employees within their own fully enclosed office or workspace or
2 within an unenclosed workspace if they are totally alone.
3
- 4 F. Fully vaccinated employees working in a separate room from the
5 public and unvaccinated coworkers. Employees wishing to utilize this
6 exception must be able to show evidence to their employer that all
7 employees in the separate room are vaccinated in a manner
8 consistent with workplace anti-discrimination laws.
9
- 10 G. Individuals performing an activity that cannot be conducted or safely
11 conducted while wearing a face covering.
12
- 13 H. Individuals who cannot tolerate a face covering due to physical or
14 mental disability. The individual's or a guardian's statement that they
15 are exempted is sufficient evidence.
16
- 17 I. All athletic activities when a person is actively engaged in that activity.
18 Indoor gyms, fitness centers, boutique fitness clubs, and other
19 businesses or entities, including the school district, may require face
20 coverings regardless of this exemption. This exemption does not apply
21 to spectators not engaged in athletic activity.
22
- 23 J. Religious Assemblies.
24
- 25 K. The Mayor and his executive team.
26
27

28 **Section 5.** Businesses, employers, and building owners shall
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- 30 A. Deny admittance to any individual who fails to comply with this Emergency
31 Ordinance. Provided, however, that this regulation shall be applied in a
32 manner consistent with the federal Americans with Disabilities Act (ADA) and
33 any other applicable provision of law. Businesses may choose to allow
34 individuals who request an accommodation under the ADA to wear a face
35 shield or accommodate these individuals through alternate means of
36 providing goods or services, such as curbside, delivery, or telephonic service.
37
- 38 B. Employers must make sure employees who are present in the workplace
39 have access to and wear masks or face coverings when required.
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41 **Section 6.** Facilities in the ownership or control of the Municipality of Anchorage
42 shall comply with Section 5 of this Emergency Ordinance. The Municipal Manager,
43 Real Estate Department Director, and head of the department with management
44 authority over a Municipal facility is hereby authorized to interpret and apply the
45 exceptions in Section 4.
46

47 **Section 7.** The Anchorage Assembly recommends and encourages all people to
48 practice effective strategies to prevent the spread of COVID-19, including getting
49 vaccinated, maintaining physical distance, avoiding crowds, and practicing basic
50 public health measures such as staying home when sick, handwashing, and regular

1 cleaning of high-touch surfaces. The Assembly requests the Mayor issue public
2 health information, including periodic briefings, to the public consistent with these
3 recommendations.
4

5 **Section 8.** The Municipality reserves the right to use all available enforcement
6 options to assure compliance with this Emergency Ordinance. Violation of this
7 Ordinance does not create grounds for residents to harass individuals who do not
8 comply with it.
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10 **Section 9.** Definitions.
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- 12 A. "Mask" means a medical grade mask.
- 13
- 14 B. "Face covering" means a cloth, polypropylene, paper or other face
15 covering that covers the nose and the mouth and that rests snugly
16 above the nose, below the mouth, and on the sides of the face. A
17 "mask" is also a face covering.
- 18
- 19 1. The following are not face coverings because they allow
20 droplets to be released: a covering that incorporates a valve
21 that is designed to facilitate easy exhalation, mesh masks, lace
22 masks or other coverings with openings, holes, visible gaps in
23 the design or material, or vents.
- 24
- 25 C. "Face shield" means a clear plastic shield that covers the forehead,
26 extends below the chin, and wraps around the sides of the face.
27
- 28 D. "Fully vaccinated" individual is an individual who has received a
29 COVID-19 vaccine where at least two weeks have elapsed since
30 receipt of the Johnson & Johnson vaccine or two weeks since the
31 second dose of the Moderna or Pfizer vaccines.
32
- 33 E. "Unvaccinated" individual means any individual who is not fully
34 vaccinated.
35
- 36 F. "Large crowded public events" means events such as live
37 performances, parades, and sporting events bringing together a
38 multitude of individuals from different households where six feet of
39 physical distancing between household groups is not maintained.
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41 **Section 10.** This Ordinance shall be effective immediately upon passage and
42 approval by the Assembly. This ordinance shall expire when Anchorage has
43 reached a point of sufficient medical capacity as described in Section 2 or no later
44 than 60 days without further action by the Assembly.
45

46 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
47 _____, 2021.
48

49 _____
50 Chair of the Assembly

1 ATTEST:

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Municipal Clerk