

**CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2020-55**

**AN EMERGENCY ORDINANCE OF THE CITY AND BOROUGH OF SITKA
LIMITING CAPACITY AT ALL BARS, RESTAURANTS AND OTHER LARGE GATHERING
PLACES AND PROVIDING GUIDANCE TO MITIGATE THE SPREAD OF COVID-19**

FAILED 4-3 ON 11/24/2020

BE IT ENACTED by the Assembly of the City and Borough of Sitka as follows:

- 1. CLASSIFICATION.** This emergency ordinance is not of a permanent nature and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka.
- 2. SEVERABILITY.** If any provision of this emergency ordinance and application thereof to any person and circumstances is held invalid, the remainder of this emergency ordinance and application thereof to any person and circumstances shall not be affected thereby.
- 3. PURPOSE.** The purpose of this emergency ordinance is to provide additional protections and help mitigate the impacts of rising COVID-19 infection rates in the City and Borough of Sitka. More specifically:

WHEREAS, the Assembly recognizes that an emergency exists due to the COVID-19 pandemic that affects the life, health, welfare or property of persons owning real property in Sitka; and

WHEREAS, the COVID-19 pandemic has recently seen a significant increase in infections around the United States, including Alaska and the City and Borough of Sitka; and

WHEREAS, it is the priority of the City and Borough of Sitka, the Sitka School District, and the citizens of Sitka to reopen our schools under the Sitka Schools SMART precautions; and

WHEREAS, the current rate of infection and spread is preventing our children from returning to school, severely hampering their educational growth, socialization, and future success, and the closure of our schools is also an incredible strain on the economy of Sitka, curtailing the ability of many families to work in full.

- 4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka the following restrictions and requirements for bars, restaurants and other large gathering places to protect the health, welfare and safety of the citizens of Sitka, and our limited healthcare systems:

Section 1. Bars and restaurants.

1. Indoor service is permitted at a reduced capacity: 50% for restaurants and 25% for bars. Curbside and delivery service are encouraged, including alcohol service permitted by the State of Alaska.
2. Outdoor service permissible. Table service only. No standing at bar tops. All customer must to be seated.
3. Masks or face coverings required for all staff and customers, unless eating or drinking.
4. Staff and customers must adhere to physical distancing protocols, including remaining at least six feet apart.

5. Outdoor service under temporary tents or structures is permitted. Temporary tents or structures must have either two (2) walls removed, four (4) walls pulled up at least 50%, or windows open to create an equivalent amount of ventilation.

Section 2. Large Gathering Places (50 persons or more) – e.g., social and religious gatherings or activities, bingo halls, theaters/ performing art centers, fairs and markets, etc.

1. Indoor gatherings of groups larger than 50 persons are prohibited.
2. For indoor gatherings of groups of 50 persons or smaller, staff, customers, and other persons gathering must adhere to the following:
 - a. All persons must follow physical distancing protocols, including remaining at least six (6) feet apart. While singing or projecting one's voice, those persons must remain at least ten (10) feet apart.
 - b. All staff must follow Center for Disease Control guidance for COVID-19 hand hygiene and wearing of masks or face coverings.
 - c. Physical distancing and mask/face coverings protocols must be prominently posted such that they are reasonably viewable by the public.

5. ENFORCEMENT. The failure to follow this emergency ordinance poses a substantial risk to the life, health and welfare of the persons in Sitka and, accordingly the City and Borough of Sitka shall be able to and may seek an expedited court order requiring a person, whether an individual or entity, not complying with this emergency ordinance to comply with and enjoin any activity that violates this emergency ordinance. Further, failure to follow this emergency ordinance is punishable by the maximum fines and penalties permitted by law under the State of Alaska Health Orders.

6. EMERGENCY DECLARATION. In accordance with the Home Rule Charter of the City and Borough of Sitka, Section 3.03 "Emergency Ordinances," the Assembly of the City and Borough of Sitka hereby declares that an emergency exists that affects the life, health, welfare or property of persons within Sitka for those reasons stated above.

7. EFFECTIVE DATE AND EXPIRATION DATE. This emergency ordinance shall become effective on the day it is adopted, as an emergency exists as stated above and expires on December 22, 2020, unless re-enacted at the December 22, 2020 regular meeting of the Assembly, if the emergency still exists on that date. A public service announcement shall be widely distributed providing public notice of this emergency ordinance.

INITIALLY PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka this 24th day of November, 2020.

XXXXXXXXXX

Steven Eisenbeisz, Mayor

ATTEST:

XXXXXXXXXX

Sara Peterson, MMC
Municipal Clerk

1st reading – Emergency Ordinance 11/24/2020 in accordance with Home Rule Charter, Section 3.03.

Re-enactment pre-scheduled for 12/22/2020

Sponsors: Knox/Duncan