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| Proposed by:     | Assemblymember S. Burnham |
| Attorney Review: | 03/11/2021                |
| Vote:            | 4 Aye 2 Nay 0 Absent      |

**MUNICIPALITY OF SKAGWAY, ALASKA  
RESOLUTION NO. 21-08R**

**A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA REQUIRING ALL PERSONS TO WEAR FACE COVERINGS WHEN IN PUBLIC SPACES FOR THE DURATION OF THE MUNICIPALITY'S DECLARATION OF EMERGENCY.**

**WHEREAS**, an outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

**WHEREAS**, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

**WHEREAS**, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; 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 Municipality of Skagway declared an emergency based on the risk to the public posed by the global COVID-19 pandemic and substantial economic impacts to the Municipality of Skagway, which was confirmed by the Assembly on March 19, 2020; and

**WHEREAS**, over 520,000 have succumbed to COVID-19 in the United States alone, with an average of over 60,000 new cases identified every day<sup>1</sup>; and

**WHEREAS**, the main economy of Skagway relies upon persons visiting Skagway, and a visitor's ability to move in buildings and outside buildings as safely as possible throughout the borough; and

**WHEREAS**, the COVID-19 vaccines available in Skagway are not recommended for children younger than 16, and this group represents about 80 people in Skagway; and

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<sup>1</sup> <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>

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**WHEREAS**, according to the CDC<sup>2</sup>, if a person is vaccinated against COVID-19, they may still be exposed to the virus that causes COVID-19, and they can be infected with or “carry” the virus that causes COVID-19;

**NOW THEREFORE BE IT RESOLVED THAT** all persons are required to wear face coverings when in public spaces for the duration of the Municipality of Skagway’s Declaration of Emergency as follows:

**Section 1. Applicability.**

The requirements detailed in this resolution shall apply to all persons five (5) years of age and older within the Municipality of Skagway Borough for the duration of the Municipality’s Declaration of Emergency, unless otherwise specified in this resolution.

**Section 2. Definitions.**

1. **“Face covering”** means a protective mask covering the nose and mouth, including cloth face coverings or surgical masks, or otherwise as described by CDC guidance.
2. **“Building open to the public”** means any structure or premises licensed by the Municipality of Skagway pursuant to SMC 5.04.020 or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or other use by the public within the Municipality of Skagway Borough.

**Section 3. Face Covering Requirements.**

1. **Face Covering Required Indoors.** Any person five (5) years of age and older who is present in the Municipality of Skagway Borough, including employees, shall wear a face covering whenever the person is in a building open to the public, where six (6) feet of distance cannot be maintained.
2. **Exceptions.** Exceptions for face coverings will be made under the following circumstances:
  - a. Persons who are eligible under CDC guidance as those who should not wear face coverings due to a medical condition, mental health condition, developmental disability, or for whom no other accommodation can be offered under the Americans with Disabilities Act.

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<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>

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- b. Persons who have upper-respiratory chronic conditions, silent or invisible disabilities, or are communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
  - c. Persons in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services, including but not limited to the receipt of dental services or medical treatments or while in the act of consuming food or beverages, in adherence with CDC requirements for face coverings. Patrons of restaurants and bars must still comply with requirements for face coverings when not actively consuming food or beverages.
  - d. Whenever federal, state, or local law otherwise prohibits wearing a face covering or when it is necessary to evaluate or verify an individual's identity.
  - e. Public safety workers actively engaged in a public safety role, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.
3. **Enforcement.** The Municipality of Skagway reserves the right to use all available enforcement options to assure compliance with this resolution.
- a. Private business shall have the ability to enforce face covering requirements for patrons and employees as they deem appropriate. Patrons or employees not abiding by posted requirements can be asked by a business owner or business owner's representative to wear a face covering or to vacate the premises.
  - b. Failure to wear a face covering may result in a penalty as described in section c. Failure to vacate may result in a penalty as described in section d. In such instances the business owner or employee may request assistance from the Police Department.
  - c. If an individual refuses to wear a face covering after being requested to by a private business owner, employee of a private business, or Police Officer, such individual is subject to any of the following penalties:
    - 1. Warning.
  - d. If an individual is requested by a private business owner, employee of a private business, or Police Officer, to vacate a building open to the public after refusing to wear a face covering, such individual shall vacate the area or premises. If such individual refuses to vacate the area or premises, such individual is subject to any of the following penalties:
    - 1. Warning.

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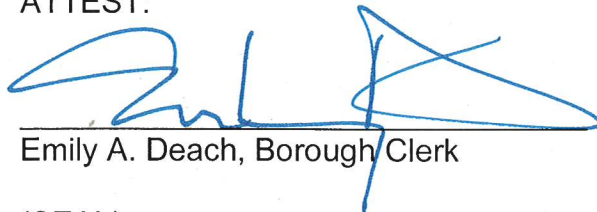
4. **Supply of Face Covering.** The Municipality of Skagway will provide a single, quality face covering to individuals who applied and received Emergency and Economic Stimulus Program funding from Municipality of Skagway during 2020, based on the number of dependents listed on each respective program application. The Municipality will also make face coverings readily available to anyone by request, and at key locations in the Municipality, at the discretion of the borough manager.

**BE IT FURTHER RESOLVED THAT** this resolution shall be effective immediately upon adoption and remain in place until such time that the Assembly resolves that the virus does not pose a health or financial emergency in the community and ends the local emergency declaration.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway the 18th day of March, 2021.

  
Andrew Cremata, Mayor

ATTEST:

  
Emily A. Deach, Borough Clerk

(SEAL)

