

Submitted by: Assembly Members Zaletel and LaFrance,
and Acting Vice-Chair Weddleton
Prepared by: Assembly Counsel's Office
For reading: January 26, 2021

ANCHORAGE, ALASKA
AO No. 2021-13

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE CHAPTER 16.140 TO REQUIRE MASKS OR CLOTH**
3 **FACE COVERINGS IN RESPONSE TO COVID-19, AND TERMINATING THE**
4 **RELEVANT EMERGENCY ORDER.**
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7 **WHEREAS**, Anchorage Municipal Code (AMC) Chapter 16.140 governs the medical and
8 mental health practices within the Municipality of Anchorage; and
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10 **WHEREAS**, the purpose of AMC 16.140 is to exercise the municipality's police power for
11 the public safety, health, and welfare in relation to the provision of medical and mental
12 health practices; and its provisions shall be liberally construed to accomplish this purpose;
13 and
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15 **WHEREAS**, over the past year, scientific studies have shown that mask wearing by the
16 public can help reduce the spread of COVID-19 because a significant portion of individuals
17 with COVID-19 are capable of transmitting the disease to others before or without showing
18 any symptoms; and
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20 **WHEREAS**, the State of Alaska's Chief Medical Officer, Dr. Anne Zink, has consistently
21 stated that when it is not possible to keep a physical distance of 6 feet, wearing a mask or
22 face covering is a key tool in mitigating the spread of COVID-19; and
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24 **WHEREAS**, since November 9, 2020, Emergency Order 13-v3 issued by the Mayor under
25 emergency powers conferred by the Charter and under the March 12, 2020 Proclamation
26 of Emergency has been in effect requiring masks or cloth face coverings when individuals
27 are in (a) indoor public settings or communal spaces outside their home; or (b) outdoors
28 when at a gathering or when not at a gathering, but six feet of physical distancing from non-
29 household members (or small chosen closed group) cannot be maintained; and
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31 **WHEREAS**, Emergency Order 13-v3 further clarified when use of a face shield is
32 permissible, and provided rules for employers, businesses, and building owners and
33 provided certain narrow exemptions to the mask or face covering requirement; and
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35 **WHEREAS**, the effectiveness of mask or face coverings to mitigate the spread of COVID-
36 19 may extend beyond the need for a declared emergency that authorizes the issuance of
37 Emergency Orders; and
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39 **WHEREAS**, placing the mask or face covering requirement in Code provides a public
40 process for creating this requirement; and
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42 **WHEREAS**, although vaccinations have become available on a limited basis, it will be
43 several months before vaccination becomes the primary tool to mitigate the spread of

1 COVID-19; now, therefore,
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3 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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5 **Section 1.** Anchorage Municipal Code chapter 16.140 is hereby amended by adding a
6 new section to read as follows (*the remainder of the section is not affected and therefore*
7 *not set out*):
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9 **16.140.030 Mask or face covering requirements in response to COVID-19.**
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11 A. All individuals must wear masks or face coverings over their noses and
12 mouths when they are:
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- 14 1. Indoors in public settings or communal spaces outside the home; or
- 15 2. Outdoors when at a gathering or when six feet of physical distancing
16 from non-household members (or small chosen closed group) cannot
17 be maintained.
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20 B. A face shield is generally not permitted in lieu of a mask or face covering,
21 as face shields are less effective in stopping the spread of COVID-19.
22 However, face shields may be permitted in lieu of a mask or face covering
23 for the following individuals, who must wear a face shield whenever a mask
24 or face covering would be required unless it is impossible to do so:
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- 26 1. Any individual who cannot tolerate a mask due to a physical or mental
27 disability;
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- 29 2. Individuals who are communicating with someone who is deaf or
30 hard of hearing;
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- 32 3. Individuals performing an activity that cannot be conducted or safely
33 conducted while wearing a mask (for example, a driver experiencing
34 foggy glasses, a dental patient receiving care, an equipment operator
35 where there is a risk of dangerous entanglement).
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37 C. Definitions.
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- 39 1. *Face covering* means a cloth, polypropylene, paper or other face
40 covering that covers the nose and the mouth and that rests snugly
41 above the nose, below the mouth, and on the sides of the face.
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43 (a) The following are not face coverings because they allow
44 droplets to be released: a covering that incorporates a valve
45 that is designed to facilitate easy exhalation, mesh masks,
46 lace masks, or other coverings with openings, holes, visible
47 gaps in the design or material, or vents.
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- 49 2. *Face shield* means a clear plastic shield that covers the forehead,
50 extends below the chin, and wraps around the sides of the face

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2 3. *Gathering* means a meeting or other event that bring together people
3 from multiple households at the same time for a shared or group
4 experience in a single room, space, or place such as auditorium,
5 stadium, arena, large conference room, meeting hall, or other indoor
6 or outdoor space.

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8 4. *Mask* means a medical grade mask.

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10 D. Exceptions. This section does not apply to the following categories of people
11 or activities:

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13 1. Any child under the age of 2 years. These very young children should
14 not wear a face covering because of the risk of suffocation;

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16 2. Masks are recommended, but not required, for children ages 2-5.
17 Daycare settings that serve preschool children are encouraged, but
18 not required, to enforce mask usage for children age 2 and older;

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20 3. Any individual for whom wearing a mask or face covering would be
21 contrary to his or her health or safety because of a medical condition
22 or mental health condition, and any individual unable to tolerate a
23 mask due to a physical or mental disability;

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25 4. Individuals communicating with someone who is deaf or hard of
26 hearing, where facial or mouth movements are an integral part of
27 communication;

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29 5. Any individual who has trouble breathing or is unconscious,
30 incapacitated, or otherwise unable to remove the face covering
31 without assistance;

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33 6. Individuals who are incarcerated, in police custody, or inside a
34 courtroom should follow guidance particular to their location or
35 institution;

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37 7. Individuals performing an activity that cannot be conducted or safely
38 conducted while wearing a mask (for example, a driver experiencing
39 foggy glasses, a dental patient receiving care, an equipment operator
40 where there is a risk of dangerous entanglement);

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42 8. Musicians, presenters, ministers, and others communicating to an
43 audience or being recorded, for the duration of their
44 presentation/practice/performance where mask usage impairs
45 communication, and so long as they are 25 feet from the audience
46 and all members of the audience are wearing masks or face
47 coverings, or are otherwise exempt from doing so as provided herein;

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49 9. Individuals doing high intensity exercise outdoors; and

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10. Brief removal of a face covering, such as is necessary to eat, drink, or scratch an itch (although hand washing/sanitizing is recommended after such activities).

E. Businesses and building owners shall deny admittance to any individual who fails to comply with this section and shall require or compel removal of such individuals from the premises. However, this section 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 law to wear a face shield, or may consider accommodating these individuals through alternate means of providing goods or services, such as curbside pickup, delivery, or telephonic service. If a person declines to wear a mask or face covering because of a medical condition or disability as described above, this section does not require them to produce medical documentation verifying the stated condition or disability.

F. The Municipality reserves the right to use all available enforcement options to assure compliance with this section. However, employers will not be subject to fines based on non-compliance by customers so long as there is a clearly posted sign informing customers that they are required to wear face coverings.

Section 2. The Mayor’s Emergency Order EO-13.v3 is hereby terminated and revoked in its entirety.

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

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

Chair of the Assembly

ATTEST:

Municipal Clerk