

EMERGENCY ORDER NO. 2020-01 REGULATING USE OF NOME AIRPORT, THE
NOME AIRPORT TERMINAL AND CITY FIELD AND REQUIRING LIMITED
QUARANTINE FOR PERSONS ARRIVING IN NOME

Issued Pursuant to Emergency Ordinance No. 0-20-07

WHEREAS, on October 20, 1918, a flu virus was introduced to Nome by persons traveling to Nome on the S.S. Victoria killing 162 Native Alaskan residents of Nome in eight days and;

WHEREAS, during the 1918 flu pandemic only 80 of 150 residents of Teller survived and;

WHEREAS, during the 1918 flu pandemic 170 out of 310 residents of Wales died and;

WHEREAS, during the 1918 flu pandemic Shishmaref and Shaktoolik by posting guards and enforcing a rigid quarantine were not infected with the flu virus and;

WHEREAS, the United States Center for Disease Control and Prevention ("CDC") has identified the COVID-19 virus as a new strain of coronavirus not previously identified in humans, causing respiratory disease that can result in serious illness or death and which poses a significant public health risk; and

WHEREAS, on March 11, 2020, the World Health Organization declared a pandemic related to COVID-19; and

WHEREAS, the Covid-19 pandemic is being compared to the 1918 flu pandemic and;

WHEREAS, on March 11, 2020, Governor Mike Dunleavy declared a Public Health Disaster Emergency in the State of Alaska; and

WHEREAS, on March 12, 2020, the Nome Common Council closed certain public facilities and took other action to slow the spread of COVID-19; and

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency; and

WHEREAS, the CDC has recommended all persons at higher risk for COVID-19 complications avoid all nonessential air travel; and

WHEREAS, on March 20, 2020 the United States State Department issued a Level 4 Travel Advisor "Do Not Travel" advising all United States citizens to avoid all international travel due to the global impact of Covid-19; and

WHEREAS, the Norton Sound Health Corporation (“NSHC”) is the primary provider of medical services to Nome and thirteen communities in the Norton Sound region: Gambell, Savoonga, St. Michael, Unalakleet; Shaktoolik, Koyuk, Elim, White Mountain, Council, Teller, Wales, Diomede and Shishmaref (collectively “Village Clinics”) and;

WHEREAS, on March 16, 2020, NSHC temporarily suspended on site medical visits to Village Clinics “in an effort to safeguard and minimize the risk of COVID-19 exposure”; and

WHEREAS, effective March 16, 2020, NSHC is temporarily limiting non-emergency medical travel to and from Nome for patients over sixty years of age, or who are immunocompromised; and

WHEREAS, on March 17, 2020, the Governor of the State of Alaska issued Covid-19 Health Mandate 004 “to prevent or slow the spread of Coronavirus Disease” which mandated a 14 day self-quarantine for persons traveling from CDC Level 3 Travel Health Notice Areas and;

WHEREAS, on March 17, 2020, the Nome Common Council adopted Emergency Ordinance No. O-20-07 which declared the corona virus threat and its impact a public health emergency; and

WHEREAS, Emergency Ordinance No. O-20-07 delegated authority to the City Manager to exercise discretion to direct and compel the closing or regulation of public accommodations until midnight March 31, 2020 in order to “reduce the impact and spread of the coronavirus”; and

WHEREAS, as of the date of this Order, the only access to and from Nome from other places in the world is by snow machine over land and through regularly scheduled or chartered air services which use the Nome Airport or City Field; and

WHEREAS, as of the date of this Order there are no known cases of Covid-19 in Nome; and

WHEREAS, the most effective way to prevent introduction of the Covid-19 virus to Nome is through prevention of persons from outside Nome who are infected with Covid-19 from entering Nome through the Nome Airport Terminal and City Field; and

WHEREAS, the Nome Airport and City Field are public accommodations; and

WHEREAS, Alaska Airlines, Bering Air, Inc. and RAVN (“Air Carriers”) are private companies that provide scheduled or chartered air services to and from Nome; and

WHEREAS, the Air Carriers are under no legal obligation to provide transportation to persons simply because that person has a valid ticket and in fact may deny transportation to any person who may adversely affect the safety or security of crew or other passengers; and

WHEREAS, the CDC and federal and state health authorities have recommended all persons practice “social distancing” by remaining at least a six foot separation from other persons at all times and;

WHEREAS, it is frequently not possible to maintain a six foot separation from other persons when using commercial air services between Nome and Village Clinics due to the small size of the aircraft used to provide air transportation; and

WHEREAS, the President’s Coronavirus Guidelines for America recommends that people AVOID SOCIAL GATHERINGS OF MORE THAN TEN PEOPLE and;

WHEREAS, traveling by air between Nome and Village Clinics frequently involves social gatherings of more than ten people and;

WHEREAS, the President’s Coronavirus Guidelines for America recommends persons “AVOID DISCRETIONARY TRAVEL” and;

WHEREAS, the President’s Coronavirus Guidelines for America recommends persons LISTEN TO AND FOLLOW THE DIRECTIONS OF YOUR STATE AND LOCAL AUTHORITIES and;

WHEREAS, the NSHC director of Emergency Medical Services Dr. Mark G. Peterson has recommended limiting air travel between Nome and Village Clinics and between Nome and Anchorage as a reasonable and prudent public health measure to reduce the impact and spread of coronavirus; and

WHEREAS, on March 19, 2020 the Emergency Room medical directors of Joint-Base Elmendorf Richardson Hospital, Providence Alaska Medical Center, Alaska Regional Hospital, the Alaska Native Medical Center, Fairbanks Memorial Hospital, Bartlett Regional Hospital, the Mat-Su Regional Medical Center, the Central Peninsula Hospital, the President of the Alaska Chapter of the American College of Emergency Physicians and the Immediate Past President of the Alaska Chapter of the American College of Emergency Physicians recommended an immediate statewide ban on non-essential air travel to and from Alaska and immediate consideration of a similar ban on non-essential air travel within Alaska as a reasonable and prudent measure to reduce the impact and spread of coronavirus; and

WHEREAS, the Chief of the Nome Volunteer Fire Department and Nome Ambulance Service has recommended limiting air travel to and from Nome as a reasonable and prudent public health measure to reduce the impact and spread of coronavirus;

Under the City of Nome’s general police powers including, but not limited to the authority set forth in Section 18.10.040 of the Nome Code of Ordinances to regulate the use of real property to “Provide protection from flood, and fire hazards and other dangers” and to “Promote the health, safety and general welfare of city residents”, and pursuant to the authority delegated to me by Ordinance No. 0-20-07 to exercise discretion to regulate public

accommodations in order to reduce or limit the spread of corona virus and in order to implement the public health recommendations of NSHC, the President of the United States, the CDC, the Governor of the State of Alaska and numerous emergency room medical directors to reduce or limit the spread of the corona virus within and from Nome; I order as follows:

1. Effective immediately, there is hereby created a new zoning district within the City of Nome entitled the Essential Air Travel District consisting of two subdistricts:

a. Subdistrict 1 - the real property at the Nome Airport owned and operated by the State of Alaska Department of Public Transportation, the Nome Airport Terminal and its immediate surroundings including the adjacent parking lot and extending to the intersection of Seppala Drive and Center Creek Road.

b. Subdistrict 2 - the real property at City Field and its immediate surroundings including adjacent parking areas and extending to the boundary of the existing right of way for the Beltz Highway also known as the Nome-Teller Highway.

2. As of 12:01 a.m. Thursday March 26, 2020, Alaska Airlines, Inc., Corvus Airlines/RAVN Air Group and Bering Air, Inc. and any other certificated air carrier may only use or enter the Essential Air Travel District including the Nome Airport, the Nome Airport Terminal and City Field to provide Essential Air Travel Services.

3. As of 12:01 a.m. Thursday March 26, 2020, all property and structures within the Essential Air Travel District may only be used for purposes of providing Essential Air Travel Services and accessory uses for Essential Air Travel Services ("Permitted Uses"). All other uses within the Essential Air Travel District are prohibited.

4. As of 12:01 a.m. Thursday March 26, 2020, only persons who require Essential Air Travel Services may embark and disembark aircraft within the Essential Air Travel District including at the Nome Airport or City Field and enter or leave the Nome Airport Terminal.

5. Only persons involved in providing Essential Air Travel Services may enter and use property within the Essential Air Travel District.

6. For purposes of this order Essential Air Travel Services and persons involved in providing Essential Air Travel Services means travel to or from Nome or entry to or from the Essential Air Travel District by or for:

- Persons identified as critical infrastructure workers in the Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 1.0 issued by the Department of Homeland Security dated March 19, 2020 (Critical Infrastructure Workers).

- Persons who have applied for and been issued an Essential Air Travel Services Use Permit by the City Manager.
- Persons providing transportation to the Essential Air Service District for a Permitted Use.

7. Essential Air Travel Services Use Permits (“Permit”) may be issued at the discretion of the City Manager provided the applicant provides sufficient information to lead the City Manager to reasonably conclude there is a need to use property within the Essential Air Travel Services District which is sufficiently similar to a Permitted Use as defined in Paragraph 6 of this Order to constitute Essential Air Travel Services.

8. Applications for an Essential Air Travel Services use permit shall be submitted to the city clerk using an application form prepared by the City. A decision shall be made within 24 hours after the application is submitted.

9. Any denial of the travel permit shall be in writing and state the reasons therefore. Denials of a permit by the city manager may be appealed to the Mayor by submitting a written notice of appeal. The Mayor’s decision on appeal shall be the final city action on the application.

11. There is probable cause to believe that the circumstances set forth in this Order mean any delay in seeking a state-ordered or judicially-ordered quarantine would pose a clear and immediate threat to public health such that a limited quarantine of a group of individuals is the least restrictive alternative and is necessary to prevent, reduce or limit the spread of the corona virus within Nome.

12. In addition to the limitations on use of property within the Essential Air Service District set forth above, this order imposes a quarantine on the following identified group of individuals (“Quarantine Group”):

All persons traveling into the City of Nome by airplane that came from outside of the City of Nome including an airplane that came from a community with known cases of COVID-19.

13. All persons in the Quarantine Group with the exception of Critical Infrastructure Workers are required to self-quarantine for 14 days upon arriving at their destination and monitor for symptoms of illness.

14. Any individuals in the Quarantine Group may request a court hearing to challenge the limitations imposed by this order within forty-eight hours after their arrival in Nome using procedures set forth in AS 18.15.385(f), (g) and (h) incorporated herein by reference.


15. This order shall remain in effect until midnight April 14, 2020 unless extended by action of the City Manager.

16. Violations of this order shall be subject to penalties as set forth in Section 18.10.110 of the Nome Code of Ordinances.

17. Remedies for violations of this order are as set forth in Section 18.10.110 of the Nome Code of Ordinances.

18. As set forth in Section 2 of Emergency Ordinance No. 0-20-07 this Order supercedes any inconsistent ordinance, rules or regulations of the City of Nome.

ENTERED THIS 23RD DAY OF MARCH, 2020.



GLENN STECKMAN
City Manager
City of Nome

ATTEST:



CHRISTINE PISCOYA
Deputy City Clerk