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Mayor’s COVID-19 Emergency Rule No. 4

Post Date:05/06/2020 1:12 PM

Pursuant to the authority vested in me by Hawai‘i Revised Statutes Chapter 127A and due to the public health concerns related to COVID-19, I hereby find that immediate promulgation of this rule is necessary and do so in order to protect the health, safety and welfare of the people of this County. This rule consolidates and amends Mayor’s Covid-19 Emergency Rules Nos. 1, 2, and 3. This rule also incorporates the Governor’s Sixth Supplementary Proclamation Amending and Restating Prior Proclamations and Executive Orders Related to the Covid-19 Emergency issued on April 25, 2020.

“COVID-19” disease is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of new patients and to safeguard public health and safety. Because of the dangerous conditions caused by the risk of rapid spread of the disease and the need to protect the residents of this County, this rule requires all individuals anywhere in this County to stay at home or in their place of residence except for conducting permitted essential activities, performing permitted activities outside the home or place of residence, operation of an essential

business or governmental operation, or other designated businesses and operations. Know the importance of staying mentally, physically, and socially healthy within these rules.

I. Definitions

A. Permitted Essential Activities include:

1. Engaging in solitary outdoor exercise activity including walking, hiking or running;
2. Obtaining necessary services or supplies for an individual or that individual's family or household members, such as getting food, pet food, and supplies necessary for staying at home;
3. Performing work related to operation of an essential business or essential government function (defined below);
4. Caring for a family member in another household;
5. Caring for elderly, minors, dependents, persons with a disability, or other vulnerable at-risk persons; and
6. Tasks related to maintain health and safety, such as obtaining medicine or seeing a doctor.

B. Permitted Activities Outside the Home or Place of Residence include:

1. Travel for health and safety;
2. Travel to engage in, receive or obtain goods or services from the essential businesses or operations;
3. Travel to engage in minimum basic operations of non-essential businesses, including the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, and related functions as well as the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences;
4. Travel to care for the elderly, minors, dependents, persons with disabilities, or other high risk persons;
5. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement;
6. Outdoor exercise activities, including ocean activities such as surfing and swimming, so long as social distancing requirements are maintained; and
7. Walking pets on a leash.

C. Essential Businesses or Operations include:

Essential businesses or operations that are identified in the Sixth Supplementary Proclamation on Covid-19 issued on April 25, 2020 and identified in Attachment "A" –Essential Businesses or Operations.

D. Other Designated Businesses or Operations include:

Designated businesses or operations that are identified in Attachment "B".

E. Social Distancing:

Maintaining at least a six-foot (6') physical separation from other individuals; covering coughs and sneezes; regularly sanitizing high-touch surfaces; not shaking hands, hugging, kissing, fist and elbow-bumping; and wearing a face covering or masks when outside the home or place of residence in compliance with the Centers for Disease Control and Prevention guidance, unless more stringent requirements are imposed by any government entity, employer, or professional organization.

II. RULES

1. All individuals anywhere in this County must stay at home or in their place of residence except for conducting permitted essential activities, performing permitted activities outside the home or place of residence, actively engaging in the operation of an essential business or operation, or actively engaging in the operation of other designated businesses and operations.
2. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in these Rules.
3. The following Essential Businesses and Operations must implement additional social distancing procedures:

a. Essential Businesses/Operations type:

1. Stores that sell groceries and medicine. Grocery stores, pharmacies, licensed medical cannabis dispensaries, farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes establishments that sell groceries, medicine, including medication not requiring a medical prescription, supplies for children under the age of five and also that sell other non-grocery products, and products necessary to maintain the safety, sanitation, health and essential operation of residences and essential businesses or operations;
2. Gas stations and businesses needed for transportation. Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;
3. Financial Institutions. Financial institutions, currency exchanges, consumer lenders, including but not limited to payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, institutions selling financial products, and money service businesses such as money transmitters;
4. Hardware and supply stores. Hardware stores and businesses that sell electrical, plumbing, and heating material;
5. Laundry services. Laundromats, dry cleaners, industrial laundry services, laundry rooms in hotels, condominiums, townhomes, apartments, and other multi-unit dwelling structures, and laundry service providers; and
6. Supplies for essential businesses or operations. Businesses that sell, manufacture, or supply other essential businesses or operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security.

b. Additional social distancing procedures applicable to Section II.3.a:

1. **Use of face coverings and face masks:** All persons, who are five (5) years old and older and all employees, who have any contact with other employees, customers, or goods to be purchased, shall wear face coverings or masks.

Exempted from wearing face coverings or masks are persons who have health or medical conditions, trouble breathing, or are otherwise unable to remove the cover

without assistance. Unless there is an exemption, a business shall not allow entry to anyone that refuses to follow this requirement.

2. **Sanitization:** All customers shall sanitize hands at entry. Hand sanitizing stations shall be available at each entrance. Businesses and operations shall assign, train, and schedule employees to sanitize carts, conveyors, counters, handles, knobs, and other high touch surfaces.
3. **Hoarding:** Businesses and operations shall implement and maintain controls to discourage hoarding of essential supplies.
4. **Social distancing:** Businesses and operations shall establish and enforce internal control measures to ensure social distancing requirements are being maintained throughout the establishment at all times.

It is strongly recommended that a maximum of one (1) customer per two hundred fifty (250) square feet of retail floor area be allowed into a facility or operation to maintain the six-foot (6') distancing requirement and increase social distancing.

5. **Signage:** Businesses and operations shall post and maintain clear signage communicating special hours for high-risk population.

4. Businesses and entities that handle food production and provide food prepared for consumption must implement the following additional requirements to the maximum extent possible.
 - a. Employees shall wear food-grade gloves while handling food. Should employees handle any payment transaction (cash or credit card) or the property of the customer, they must sanitize gloves or change gloves before servicing the next customer.
 - b. Every employee shall do a self-check prior to start of shift to monitor for any COVID-19 symptoms. If at any point during their work shift the employee notices such symptoms they shall immediately notify their supervisor and leave the premises.

Employee shall seek medical attention if symptoms progress, and shall not return to work until symptom-free for a minimum of seventy-two (72) hours; except that if employee tests positive for COVID-19, employee may discontinue home isolation under the following three (3) conditions:

1. At least seventy-two (72) hours have passed since recovery defined as resolution of fever without the use of fever reducing medications;
 2. Improvements in respiratory symptoms (eg. cough, shortness of breath, etc.); and
 3. At least seven (7) days have passed since symptoms first appeared.
5. Patrons or riders of any Mass Transit Agency vehicle or service, who are five (5) years old and over, shall wear face masks or face coverings. Exempted from wearing face masks or face coverings are patrons or riders who have medical conditions that prevent them from doing so for health reasons, trouble breathing, or are otherwise unable to remove the face cover without assistance. Unless there is an exemption, the patron or rider who refuses to wear a face covering or mask shall not be allowed to board or enter the vehicle.
6. Bed and Breakfasts, short-term vacation rentals and time-shares must cease operations except that workers of essential businesses or operations (such as medical personnel, first responders, or workers in critical trades) may rent or stay in a bed and breakfast, short-term vacation rental or timeshare during the proclamation period. When performing necessary functions outside their place of stay, workers must wear protective gear and follow social distancing requirements, or as otherwise directed by any Gubernatorial or Mayoral emergency proclamation, rule or order. Current

occupants of bed and breakfasts, short-term vacation rentals, and time-shares may stay until the end of the pre-booked period.

7. Parks and Recreational Facilities:

- a. All County of Hawai‘i parks and recreational facilities: (1) listed specifically in Hawai‘i County Code, Chapter 15 Parks & Recreation, Article 3, Section 15-68.1 “Parks and recreational facility schedule,” or (2) as defined by Hawai‘i County Code, Chapter 15, Article 1, Section 15-3 as a “park area” or “recreational area” are closed. In addition, all permits and reservations for use associated with these parks and recreational facilities are canceled through May 31, 2020.
- b. County cemeteries, including veteran’s cemeteries administered by the County, remain open for visitation during standard hours.
- c. Pana‘ewa Equestrian Center remains open only for those persons with valid horse stall rental agreements that are actively boarding a horse at the facility.
- d. To allow passage for the specific purposes of:
 1. direct access to and from the ocean and shoreline in order to engage in outdoor exercise;
 2. fishing for and gathering food; and
 3. use of restroom and shower facilities, the following County parks are available daily, from 7 a.m. through 5 p.m.
 - Kahalu‘u Beach Park
 - Magic Sands Beach Park
 - Wai‘aha Bay Beach Park (Honl’s)
 - Kawaihae Canoe Area
 - Honoli‘i Beach Park
 - Kaipalaoa Landing Beach Park
 - Bayfront Beach Park
 - Reed’s Bay Beach Park
 - Lili‘uokalani Gardens
 - Richardson Ocean Park
 - Carlsmith Beach Park
 - Māhukona Wharf (does not include the park section)
- e. To address basic sanitation needs, the following restroom facilities are open for the public’s use during the hours noted:
 - Mo‘oheau Bus Terminal – 7 a.m. to 5 p.m.
 - Lincoln Park – 7 a.m. to 5 p.m.
 - Bayfront Soccer Fields – 7 a.m. to 5 p.m.
 - Bayfront Beach Park – 7 a.m. to 5 p.m.
 - Liliuokalani Gardens – 7 a.m. to 5 p.m.
 - Reeds Bay Beach Park – 7 a.m. to 5 p.m.
 - Veterans Cemetery No. 2 – 7 a.m. to 2 p.m.
 - Honoli‘i Beach Park – 7 a.m. to 5 p.m.
 - ‘Alae Cemetery – 7 a.m. to 7 p.m.
 - Shipman Park – 7 a.m. to 5 p.m.
 - Kurtistown Park – 7 a.m. to 5 p.m.
 - Kahalu‘u Beach Park – 7 a.m. to 5 p.m.
 - Magic Sands Beach Park (La‘aloa) – 7 a.m. to 5 p.m.
 - Wai‘aha Bay Beach Park (Honl’s) – 7 a.m. to 5 p.m.
 - Kailua Park (Old A/Maka‘eo) beach only – 7 a.m. to 5 p.m.
 - Waikoloa Pu‘u Nui Park – 7 a.m. to 5 p.m.
 - Waimea Park tennis courts only – 7 a.m. to 5 p.m.

- Gilbert Kahele Recreation Area – 24 hours
- Carlsmith Beach Park – 7 a.m. to 5 p.m.
- Richardson Ocean Park – 7 a.m. to 5 p.m.
- Wai‘ōhinu Park – 7 a.m. to 5 p.m.
- Clarence Lum Won Park – 7 a.m. to 5 p.m.

f. The following parks will be opened on a limited basis for the purpose of engaging in outdoor active exercise such as walking, jogging, and running:

- Hilo Bayfront Trails
- Kaūmana Lani Park (Hokulani)
- Machado Acres Park
- Wai‘ōhinu Park
- Clarence Lum Won Park
- Walua Trail

g. Hilo Municipal Golf Course will be opened effective Monday, May 11th with modified rules for play and social distancing requirements in effect.

III. Pursuant to Hawai‘i Revised Statutes Section §127A-29, any person violating this Rule shall be guilty of a misdemeanor and upon conviction fined not more than \$5,000 or imprisoned for not more than one year, or both.

IV. These Rules shall take effect immediately and shall continue until May 31, 2020, or until amended, repealed, or terminated by my order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County of Hawai‘i to be affixed. Done this 6th day of May 2020 in Hilo, Hawai‘i.

Harry Kim
Mayor
County of Hawai‘i

CONCURRENCE:
Governor David Y. Ige

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