



OFFICE OF THE MAYOR
THE COUNTY OF KAUA'I
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

Mayor's Emergency Rule #5

I. PURPOSE:

On March 13, 2020, the President of the United States of America declared a national emergency in response to the COVID-19 pandemic. On March 16, 2020, the President of the United States of America issued new Coronavirus Guidelines for America. The guidelines included avoidance of social gatherings in groups of more than 10 people. On March 17, 2020, Governor David Y. Ige issued a directive to slow the spread of COVID-19, he re-emphasized limiting social gatherings to groups of 10 people or less to follow Centers for Disease Control and Prevention (CDC) guidelines.

On the afternoon of March 23, 2020, Governor Ige issued a Third Supplementary Proclamation requiring all persons in the State to stay home or in their place of residence starting March 25, 2020, at 12:01 am and remain in place until 11:59 pm on April 30, 2020.

This rule incorporates and implements the Third Supplementary Proclamation throughout the County of Kauai, and establishes further guidance and definitions for implementation, particularly with regard to exemption classifications set forth by the Governor.

The Mayor incorporates the Governor's Rules with the **over-arching goal of limiting as much movement as possible** on island with four (4) goals in mind concerning essential activities:

- A. OBTAINING NECESSARY SUPPLIES AND SERVICES for family or household members and pets, such as groceries, food, and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
- B. ENGAGING IN ACTIVITIES ESSENTIAL FOR THE HEALTH AND SAFETY of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.

- C. CARING FOR a family member, friends, or pet in another household or residence, and to transport a family member, friend or their pet or essential health and safety activities, and to obtain necessary supplies and services.
- D. ENGAGING IN OUTDOOR EXERCISE ACTIVITIES such as walking, hiking, surfing, running, or biking, but only if appropriate social distancing practices are used.

II. "LOCAL" RULES WITH RESPECT TO THIRD SUPPLEMENTARY PROCLAMATION PART I.A:

Governor's Rule PART A	Local Rule
<p>1. Healthcare services and facilities. Hospitals, clinics, physician offices, assisted living facilities, and other healthcare facilities and services;</p>	<p>Includes those training medical professionals finishing a course of study and expected to immediately enter the health response to the disaster.</p>
<p>2. Stores that sell groceries and medicine. Grocery stores, pharmacies, licensed medical cannabis dispensaries, certified 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 3 of 8 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</p>	<p>Must primarily provide the products (e.g. an establishment that sells snacks on the side is not a store under this rule). Establishments under 2,500 square feet must only allow 5 patrons at a time. Establishments 2,500 to 5,000 square feet must only allow 10 patrons at a time Establishments 5,001 to 10,000 square feet must only allow 15 patrons at a time Establishments 10,001 to 25,000 square feet must only allow 25 patrons at a time</p>

<p>essential operation of residences and essential businesses and operations;</p>	<p>Establishments 25,001 to 50,000 square feet must only allow 30 patrons at a time.</p> <p>Establishments over 50,000 square feet must allow only 50 patrons at a time.</p> <p>All establishments must implement controls to discourage hoarding of essential supplies.</p> <p>All establishments must establish wait in line procedures that require patrons waiting to enter must be six (6) feet apart at all times.</p>
<p>3. Food, beverage, cannabis production and agriculture. Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, hunting, gathering, fishing, baking, and other agriculture, including marketing, production, cultivation and distribution of animals and goods for consumption; licensed cannabis cultivation centers; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;</p>	<p>Cannabis production only for medical cannabis.</p> <p>Fishing includes subsistence and commercial fishing for fish sales, not recreational or sport fishing.</p> <p>Food production means food for consumption.</p> <p>Any indoor facilities must require social distancing consistent with the CDC guidelines.</p>
<p>4. Educational institutions. Educational institutions – including public and private pre-K-12 schools, colleges, and universities – for purposes of implementing appropriate learning measures, performing critical research, or performing essential functions, provided that the social distancing requirements identified herein are maintained to the greatest extent possible;</p>	<p>Class sizes, including the teacher, cannot be more than five (5) individuals.</p>

<p>5. Organizations that provide charitable and social services. Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;</p>	<p>Organizations must be actively providing the needs articulated. Any gathering or work space cannot be more than five (5) individuals. Recommend strongly that religious gatherings be postponed.</p>
<p>6. Media. Newspapers, television, radio, and other media services;</p>	<p>No additional local rule.</p>
<p>7. Gas stations and businesses needed for transportation. Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;</p>	<p>Essential maintenance only (no paint jobs, detailing, etc.). Establishments under 2,500 square feet must only allow 5 patrons at a time. Establishments 2,500 to 5,000 square feet must only allow 10 patrons at a time Establishments 5,001 to 10,000 square feet must only allow 15 patrons at a time Establishments 10,001 to 25,000 square feet must only allow 25 patrons at a time Establishments 25,001 to 50,000 square feet must only allow 30 patrons at a time. Establishments over 50,000 square feet must allow only 50 patrons at a time.</p>

	<p>All establishments must implement controls to discourage hoarding of essential supplies.</p> <p>All establishments must establish wait in line procedures that require patrons waiting to enter must be six (6) feet apart at all times.</p>
<p>8. 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, and institutions selling financial products;</p>	<p>Online banking must be heavily promoted as an option to remain open.</p> <p>Establishments under 2,500 square feet must only allow 5 patrons at a time.</p> <p>Establishments 2,500 to 5,000 square feet must only allow 10 patrons at a time</p> <p>Establishments 5,001 to 10,000 square feet must only allow 15 patrons at a time</p> <p>Establishments 10,001 to 25,000 square feet must only allow 25 patrons at a time</p> <p>Establishments 25,001 to 50,000 square feet must only allow 30 patrons at a time.</p> <p>Establishments over 50,000 square feet must allow only 50 patrons at a time.</p> <p>All establishments must implement controls to discourage hoarding of essential supplies.</p>

	<p>All establishments must establish wait in line procedures that require patrons waiting to enter must be six (6) feet apart at all times.</p>
<p>9. Hardware and supply stores. Hardware stores and businesses that sell electrical, plumbing, and heating material;</p>	<p>Must primarily provide the products (e.g. an establishment that sells hammers on the side is not a store under this rule).</p> <p>Establishments under 2,500 square feet must only allow 5 patrons at a time.</p> <p>Establishments 2,500 to 5,000 square feet must only allow 10 patrons at a time</p> <p>Establishments 5,001 to 10,000 square feet must only allow 15 patrons at a time</p> <p>Establishments 10,001 to 25,000 square feet must only allow 25 patrons at a time</p> <p>Establishments 25,001 to 50,000 square feet must only allow 30 patrons at a time.</p> <p>Establishments over 50,000 square feet must allow only 50 patrons at a time.</p> <p>All establishments must implement controls to discourage hoarding of essential supplies.</p>

<p>10. Critical trades. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, and essential businesses and operations;</p>	<p>All establishments must establish wait in line procedures that require patrons waiting to enter must be six (6) feet apart at all times.</p> <p>Does not include new market home, or commercial construction. Essential maintenance and repairs only, and construction related to the response and recovery effort as directed by a governmental agency.</p> <p>Utility and refuse workers are critical trade employees if actively engaging in work for that business.</p>
<p>11. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;</p>	<p>No additional local rule.</p>
<p>12. 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;</p>	<p>Establishments under 2,500 square feet must only allow 5 patrons at a time.</p> <p>Establishments 2,500 to 5,000 square feet must only allow 10 patrons at a time</p> <p>Establishments 5,001 to 10,000 square feet must only allow 15 patrons at a time</p> <p>Establishments 10,001 to 25,000 square feet must only allow 25 patrons at a time</p>

<p>13. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Entities that typically provide food services to members of the public may continue to do so under this Third Supplementary Proclamation on the condition that the food is provided on a pick-up, delivery or takeaway basis only. Entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property;</p>	<p>Establishments 25,001 to 50,000 square feet must only allow 30 patrons at a time. Establishments over 50,000 square feet must allow only 50 patrons at a time. All establishments must establish wait in line procedures that require patrons waiting to enter must be six (6) feet apart at all times. No patrons can enter the establishment. All establishments must establish wait in line procedures that require patrons waiting to enter must be six (6) feet apart at all times. Food cannot be consumed on site, including outdoor spaces. Electronic commerce encouraged, cash is discouraged.</p>
<p>14. Supplies to work from home. Businesses that sell, manufacture, or supply products needed for people to work from home;</p>	<p>Limited to essential supplies. Electronic commerce encouraged, cash is discouraged.</p>
<p>15. Supplies for essential businesses and operations. Businesses that sell, manufacture, or supply other essential businesses and 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;</p>	<p>Establishments under 2,500 square feet must only allow 5 patrons at a time. Establishments 2,500 to 5,000 square feet must only allow 10 patrons at a time</p>

<p>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;</p>	<p>Establishments 5,001 to 10,000 square feet must only allow 15 patrons at a time Establishments 10,001 to 25,000 square feet must only allow 25 patrons at a time Establishments 25,001 to 50,000 square feet must only allow 30 patrons at a time. Establishments over 50,000 square feet must allow only 50 patrons at a time. All establishments must establish wait in line procedures that require patrons waiting to enter must be six (6) feet apart at all times.</p>
<p>16. Transportation. Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for essential activities and other purposes expressly authorized in this Third Supplementary Proclamation;</p>	<p>Only to conduct or access essential businesses or operations. Must apply social distancing protocols prescribed by the CDC and enhanced sanitation and hygiene.</p>
<p>17. Home-based care and services. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;</p>	<p>Must apply social distancing protocols prescribed by the CDC and enhanced sanitation and hygiene.</p>
<p>18. Residential facilities and shelters. Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;</p>	<p>Must apply social distancing protocols prescribed by the CDC and enhanced sanitation and hygiene. Visitors discouraged.</p>

<p>19. Professional services. Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services);</p>	<p>Only as essential to maintain essential businesses or operations. Tax services are not essential given the federal and state extensions for filing.</p>
<p>20. Child care services for employees exempted by this Order. Child care services, licensed or authorized under the law, for the children of employees exempted by this Third Supplementary Proclamation;</p>	<p>Class sizes, including the teacher, cannot be more than 5 individuals.</p>
<p>21. Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by essential businesses and operations;</p>	<p>Emphasize that this is only for critical products and industries.</p>
<p>22. Critical labor union functions. Labor Union essential activities including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in essential businesses and operations – provided that these checks should be done remotely where possible;</p>	<p>No additional local rule.</p>
<p>23. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;</p>	<p>Tourist usage is discouraged. Individuals staying at these properties are not allowed to utilize any common spaces like pools, game rooms, and spas, etc.</p>
<p>24. Funeral services. Funeral, mortuary, cremation, burial, cemetery, and related services;</p>	<p>A funeral may not exceed 10 individuals.</p>

<p>25. Government functions. For purposes of this Third Supplementary Proclamation, all first responders, emergency management personnel, emergency dispatchers, health workers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, national guard, and other governmental employees working for or to support essential businesses and operations are exempt. Nothing in this Third Supplementary Proclamation shall prohibit any person from performing or accessing essential governmental functions. Furthermore, this Third Supplementary Proclamation does not apply to the United States government.</p>	<p>Must have government identification while conducting business, or be conducting work in a clearly marked government vehicle.</p>
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III. "LOCAL" RULES WITH RESPECT TO THIRD SUPPLEMENTARY PROCLAMATION PART I.B:

Governors Rule PART B	Local Rule
<p>1. Travel for health and safety;</p>	<p>No additional local rule.</p>
<p>2. Travel to engage in, receive or obtain goods or services from the essential businesses or operations identified herein;</p>	<p>One (1) person per household to leave the residence at a time, unless engaging in supervisory care for an elder, minor, dependent, person with disability, or other high risk person.</p>
<p>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,</p>	<p>Online work encouraged as much as possible. Social distancing is required.</p>

<p>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;</p>	
<p>4. Travel to care for elderly, minors, dependents, persons with disabilities, or other high risk persons;</p>	<p>One (1) person per household to leave the residence at a time, unless engaging in supervisory care for an elder, minor, dependent, person with disability, or other high risk person.</p>
<p>5. Travel from a person's home or place of residence to the nearest airport or other facility for departure from the State;</p>	<p>Also includes picking up arrivals from the airport.</p>
<p>6. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement;</p>	<p>No additional local rule.</p>
<p>7. Outdoor exercise activities, including ocean activities such as surfing and swimming, so long as social distancing requirements are maintained;</p>	<p>Reaffirming that Mayor's Emergency Rule #4 in effect. Only with members of same household encouraged. Must maintain 6 feet of separation in public spaces.</p>
<p>8. Walking pets on a leash.</p>	<p>Only with members of same household encouraged. Must maintain 6 feet of separation in public spaces.</p>

IV. OTHER PROVISIONS:

A. For the purposes of this rule, "Social Distancing" includes maintaining at least six (6)foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

B. This rule shall have the force and effect of law. Violation of this rule is a misdemeanor, subject to penalty per HRS §127A-29.

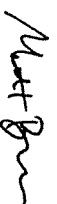
Penalty per §127A-29:

Any person violating any rule of the governor or mayor prescribed and promulgated pursuant to this chapter and having the force and effect of law, shall, if it shall be so stated in the rule, be guilty of a misdemeanor. Upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

Term: Effective March 25, 2020, through April 30, 2020, subject to modification. Executed on this 24th day of March 2020.



Derek S.K. Kawakami
Mayor
County of Kauai'i



Matthew M. Bracken
County Attorney
County of Kauai'i

APPROVED FOR FORM & LEGALITY: