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Mayor's COVID-19 Emergency Rule No. 8

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 amends and restates all Mayoral Covid-19 Emergency Rules.

In accordance with Governor David Y. Ige's Ninth Supplementary Proclamation ("9th Supplementary"), the County and State of Hawai'i is within the "Act with Care" phase of the "State Roadmap to Recovery and Resilience." With the decline of active COVID-19 cases in the County of Hawai'i, reopening of more medium risk operations and activities can be allowed. Unless otherwise specified in this rule, all businesses, operations, and activities are permitted to re-open June 15, 2020, but remain subject to all restrictions and physical distancing requirements of this rule, the 9th Supplementary and any subsequent proclamations or orders, the State Department of Health Reopening Hawai'i Safe Practices, the Centers for Disease Control and Prevention ("CDC") and industry guidelines.

A. Work in Businesses or Operations


All businesses, operations, and activities are permitted to open except those businesses, operations and activities delineated in Exhibit 5, and subject to all restrictions and physical distancing requirements of this rule, the 9th Supplementary and any subsequent proclamations or orders, the State Department of Health Reopening Hawai'i Safe Practices, any CDC and industry guidelines.

B. Safe Practices

All persons shall implement the following physical distancing and sanitation requirements to the fullest extent possible:

1. Face covering. Persons over the age of five (5) years old shall wear a face covering as described and recommended by the CDC while in public settings. This requirement shall not apply to persons engaging in exercise activities. This requirement shall also not apply to anyone

I HEREBY CERTIFY that above is a true and correct copy of the original now on file in my office.


County Clerk

who has trouble breathing, is unconscious, incapacitated or otherwise unable to remove the face covering without assistance, or as otherwise specifically allowed under this rule. Businesses or operations may refuse to allow entry to persons not wearing a face covering, unless an exception applies under this section.

2. High risk populations. Elderly and others at high risk for COVID-19 are urged to stay in their residences to the extent possible, except as necessary to seek medical care.
3. Persons who are sick. Persons who are sick or have a fever or cough or are exhibiting symptoms such as shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except as necessary to seek medical care.
4. Physical distancing requirements. All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Businesses or operations shall designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance. Businesses or operations shall monitor and enforce the six-foot distancing requirement set forth in this rule, whether outside waiting in line or as customers move about inside a facility. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.
5. Limited customer occupancy. Each business facility or operation shall determine and enforce the maximum number of customers that may be accommodated while maintaining the specified separation distance and limiting the number of customers in the facility or at the operation to that maximum number at any time.

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 distancing requirement and increase physical distancing.

6. Hand sanitizer and sanitizing products. Businesses or operations shall make hand sanitizer and sanitizing products readily available for employees and customers. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.

7. Disinfection. Businesses or operations shall regularly disinfect all high-touch surfaces. All customers/patrons shall sanitize hands at entry. Hand sanitizing stations shall be available at each entrance. Business and operations shall assign, train and schedule employees to sanitize carts, conveyors, counters, handles, knobs, and other high touch surfaces.
8. Safeguards for high risk populations. Businesses or operations are urged to implement processes to safeguard elderly and high risk customers. High risk persons are encouraged to stay in their residence to the extent possible, except as necessary to seek medical care.
9. Online and remote access. Businesses or operations shall post online whether a facility is open and how best to reach the facility and continue services by phone or remotely. Businesses or operations shall encourage their customers to do their business remotely by phone or online to the extent possible.
10. Pickup at store or delivery. Businesses or operations shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility or shall provide for delivery to customer locations.
11. Signage. Businesses or operations shall post a sign at the entrance of the facility informing all employees and customers that they shall, at a minimum: wear CDC recommended face coverings while in the business or operation; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; not shake hands or engage in unnecessary physical contact.

C. Gatherings

Indoor gatherings of groups of up to 10 persons are permitted with a maximum of 50 people provided that physical distancing and safe practices can be maintained unless a greater amount of people are permitted under this rule.

Outdoor gatherings of groups of up to 10 persons are permitted with a maximum of 100 people provided that physical distancing and safe practices can be maintained unless a greater amount of people are permitted under this rule.

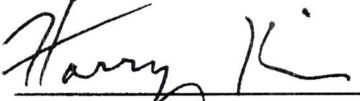
D. Specific Rules Relating to Businesses, Operations, and Activities

- Exhibit 1. Restaurants, food courts, and other food establishments
- Exhibit 2. County Parks and Recreational Facilities
- Exhibit 3. Barber Shops and Beauty Operators
- Exhibit 4. Places of Worship
- Exhibit 5. Businesses, Operations and Activities to Remain Closed

E. 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.

F. This rule shall take effect June 15, 2020 and shall continue through July 31, 2020 unless extended, rescinded, superseded, or amended by my subsequent order, or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County of Hawai'i to be affixed. Done this 10th day of June 2020 in Hilo, Hawai'i.



Harry Kim
Mayor
County of Hawai'i

CONCURRENCE:



Governor David Y. Ige

EXHIBIT 1

Restaurants, food courts, and other food establishments

Restaurants, food courts, and other food establishments in the County shall comply with the following requirements:

- A. General.
- i. Compliance with Physical Distancing Requirements.
 - ii. Compliance with all regulatory guidelines.
 - iii. Development, posting, and implementation of written protocols ("COVID-19 Mitigation Plan") consistent with County, State, industry-specific associations or organizations, and CDC guidance to mitigate the spread of COVID-19 including, but not limited to the following:
 1. <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community/restaurants-and-bars-decision-tree.pdf>
 2. <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html>
 3. <https://www.oneoahu.org/business-guidance>
- B. Operations.
- i. Face coverings.
 1. Employees - Cooks and kitchen staff that do not interact with the public are encouraged to wear face coverings during their shifts. All other restaurant employees must wear face coverings during their shift.
 2. Customers - Customers must wear face coverings when entering and leaving the restaurant facility, but may remove the face coverings while seated.
 - ii. All customers shall sanitize hands upon entry of the establishment.
 - iii. Group dining is limited to a maximum of ten (10) individuals per group.
 - iv. Seating shall be arranged so that six (6) feet of separation is maintained between tables unless there is a solid barrier between seating groups.
 - v. Condiments shall be by request in single-use disposable packets, or reusable condiment containers that are sanitized between parties.
 - vi. Condiments, silverware, flatware, glasses, or other traditional table top items must not be left on an unoccupied table.
 - vii. Tables and chairs must be fully sanitized after each group (or individual customer) leaves the restaurant.

- viii. Disposable food ware and utensils should be used when available. When non-disposable food ware or utensils are used, they must be sanitized after each use consistent with Hawai'i Department of Health guidance and regulations, and "best practices" of the U.S. Food & Drug Administration ("FDA"), available at: <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-re-opening-retail-food-establishments-during-covid-19-pandemic>
- ix. Provide disposable menus or menu board, or sanitize reusable menus after each use.
- x. Hourly touch-point sanitization (workstations, equipment, screens, door knobs, restrooms, etc.) required.
- xi. Valet services are prohibited, except for vehicles with placards or plates for disabled parking.
- xii. Buffets, salad bars, and other types of self-service of food or beverages are not allowed.
- xiii. For restaurants that accept reservations, entry into the restaurant is on a reservation only basis, and parties must wait in their vehicle until called into the restaurant.

C. Hygiene.

- i. Employer must provide hand washing capability or sanitizer for employees and customers.
- ii. An adequate supply of soap, disinfectant, hand sanitizer, and paper towels must be available at all times.
- iii. Frequent hand washing by employees, especially between interactions with customers.
- iv. To the maximum extent possible 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.

D. Staffing.

- i. Provide training for employees regarding these requirements.
- ii. Conduct pre-shift screening, and maintain a staff screening log.
- iii. No employee displaying symptoms of COVID-19 should provide services to customers. Symptomatic or ill employees should not report to work.
- iv. No person should work within 72 hours of exhibiting a fever or other COVID-19 symptoms, and follow the CDC's "What To Do If You Are Sick" guidance, available at: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>
- v. Employer must establish a plan for employees getting ill and a return-to-work plan following CDC guidance, which can be found online at:

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

E. Cleaning and Disinfecting.

- i. Cleaning and disinfecting must be conducted in compliance with CDC guidance.
- ii. When an active employee is identified as being COVID-19 positive by testing, cleaning, and disinfecting must be performed as soon after the confirmation of a positive test as practical consistent with CDC guidance.
- iii. CDC guidance can be found online at:
<https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

F. Encouraged Practices.

Restaurants are encouraged to do the following:

- i. Have customers enter and exit through different doorways using one-way traffic, where possible.
- ii. Start or continue entryway, curbside, and home delivery.
- iii. Encourage making reservations, preordering for dine-in service, and ordering for contactless pick-up and delivery by either telephone or other remote means.
- iv. Implement cashless and receiptless transactions.

EXHIBIT 2

COUNTY PARKS AND RECREATIONAL FACILITIES

1. 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 **OPENED** from 7:00 a.m. to 6:00 p.m. pursuant to the following requirements, unless addressed separately hereinafter:
 - a. Physical distancing requirements contained in Governor David Y. Ige's 9th Supplementary Emergency Proclamation, as amended or superseded, shall be followed.
 - b. No events or activities with the potential to generate gatherings in excess of the permitted maximum number of persons shall be allowed unless adequate preventative measures are employed by the user to the satisfaction, and with prior approval, of the Director.
 - c. No contact sports events (i.e.: scrimmages, exhibitions, games, tournaments, etc.) are permitted. Controlled practices are allowed provided physical distancing can be adhered to at all times.
 - d. No concession (food, snack, beverage, merchandise, etc.) operations are permitted.
 - e. No camping or use of any grills is permitted.
 - f. All permits and reservations for use associated with all park sites and recreational facilities are cancelled through July 31, 2020.
 - g. Commercial operations of licensed businesses may resume, subject to approval of the Director of Parks and Recreation and provided they adhere to applicable industry standards, CDC guidance, and State and County requirements.

2. The following County of Hawai'i parks and recreational facilities remain closed to the general public:
 - a. All community centers and senior centers
 - b. All gymnasiums and covered play court facilities and Waiākea Recreation Center
 - c. All swimming pools
 - d. Hakalau Beach Park (previously closed)
 - e. Ho'olulu Complex; excluding the outdoor tennis courts
 - f. Kūhiō Kalaniana'ole Park (construction)
 - g. Laurence J. Capellas Ballfield (site shared with DOE)
 - h. Pana'ewa Rainforest Zoo & Gardens (construction)
 - i. Shipman Gym (site shared with DOE)
 - j. Waiākea Waena Park (site shared with DOE)

The Director of Parks and Recreation may authorize specific uses of the above-listed facilities for County-operated programs and services.

3. The following County of Hawai'i parks and recreational facilities shall be closed to the general public, Mondays through Fridays, excluding state holidays, for the safe operation of the County's Summer Fun program and childcare programs approved by the Director:

- a. Greenwell Park & Sgt. Rodney J. T. Yano Memorial Hall
- b. Waiākea Uka Park & Stanley Costales Waiākea Uka Gym
- c. Waimea Community Center
- d. Pana'ewa Park
- e. Hualani Park & Kawanakoā Center
- f. Carvalho Park & Pi'ihonua Gym
- g. Frank Santos Park & Papaikou Gym
- h. Honoka'a Park & Honoka'a Gym
- i. Waimea District Park
- j. Ikuo Hisaoka Gym
- k. Kekuaokalani Gym
- l. Nā'ālehu Park
- m. Rep. Robert N. Herkes Gymnasium & Shelter (Ka'ū District Gym)
- n. Pahoa District Park
- o. Shipman Park
- p. Richardson Ocean Center

4. The following County of Hawai'i parks and recreational facilities may open for specific, limited term uses pursuant to requests for use approved by the Director of Parks & Recreation:

- a. All rodeo arenas
- b. Hilo Drag Strip
- c. Hilo Skeet Range

Requests for use of the above-listed facilities requires a comprehensive plan to protect the health, safety and wellbeing of participants and support individuals that includes, but is not limited to: (1) restrictions on gathering; (2) enforcement of physical distancing requirements; (3) strategies for disinfecting/sanitization of all common touch surfaces; and (4) preclusion of spectators, and other considerations as may be applicable to the use/venue.

5. All County cemeteries, including veterans' cemeteries administered by the County, remains open for visitation during their standard hours of operation.

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6. The Hilo Municipal Golf Course remains open with modified rules for play in effect. The golf pro shop concession and restaurant concession may resume modified operations and hours subject to approval of the Director of Parks and Recreation.
7. All other State or County restrictions related to COVID-19 must be followed, including, but not limited to, applicable quarantine restrictions.
8. The foregoing is subject to specific park closures as designated by the County of Hawai'i Department of Parks and Recreation and supersedes any conflicting County of Hawai'i emergency rule provision.

EXHIBIT 3

Barber Shops and Beauty Operators

1. All safe practices described in this rule and the Governor's 9th Supplementary Proclamation related to Covid-19 must be followed, including Exhibit I. These include, but are not limited to: physical distancing; wearing CDC recommended face coverings; hand sanitizing, and regular disinfection of all high touch surfaces. All operators must wear CDC recommended face coverings at all times, unless on a break and in the designated break area.
2. Employees and operators are not to come to work if feeling unwell. In addition, clients should not be allowed to enter if exhibiting obvious symptoms of illness, sneezing, coughing, etc.
3. Sanitizing: All salons are to have hand sanitizing stations for employees and customers. Hand sanitizing stations shall be available at each entrance.
4. Salon occupancy shall be kept to a maximum of 10 persons, inclusive of staff, depending on facility size, with six-foot distance between seats. Appointments with clientele should be encouraged to diminish gathering in a waiting area. Clients can be asked to wait outside or in their vehicles to reduce occupancy.
5. Signage: The business shall post signage at the entrance informing all customers of the requirement to wear CDC recommended face coverings while in the salon, not to enter the facility if they have a cough, fever, or do not feel well; to maintain a six-foot distance from other customers, and not to shake hands or engage in unnecessary physical contact.
6. All operators shall wash hands thoroughly with soap and hot water and dry hands thoroughly with sanitary towels or hand dryers prior to client contact and in-between each client.
7. All implements and coverings that come into contact with a client must be changed and laundered or sterilized prior to being used on any other client.
8. Chairs shall be cleaned and disinfected after occupancy by each client. A clean towel or paper cover must be placed on the head rest of any chair, and changed for each client.
9. All clean towels must be kept in a closed cabinet at all times when not being used.

10. A clean strip of cotton, a towel or paper band shall be placed around the neck of each client, so that at no time will hair, cloth, or cape come in contact with the neck or skin of the customer.
11. All fixtures, furnishings, equipment, work stations and restrooms are to be cleaned regularly and disinfected with EPA registered products.
12. Employees must wash hands after using phones, computers, handling cash, or credit cards, and wipe all services between each use.
13. No food or beverages, except water, shall be sold, kept for sale, or stored in any salon.

EXHIBIT 4

Places of Worship

Places of Worship, including in-person spiritual services may be conducted subject to the following:

- A. All persons present at the service must maintain six-feet of physical distance between others, except members of the same household or living unit. Organizers should limit the number of persons attending in-person spiritual services to ensure physical distancing requirements are met.
- B. Organizers and employees are strongly encouraged to develop and implement appropriate COVID-19 mitigation plans and procedures for their respective in-person services, which must include, but are not limited to, addressing the following issues:
 - i. Usage of face coverings.
 - ii. Safeguards for higher risk populations consistent with CDC guidance, available at <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>.
 - iii. Persons who are sick.
 - iv. Personal hygiene.
 - v. Usage of hand sanitizer and sanitizing products.
 - vi. Cleaning and disinfection.
 - vii. Online and remote access and/or drive-in services.
 - viii. Signage.
 - ix. Limiting community sharing of worship materials and other frequently touched items.
 - x. Projection of hymns and verses, when possible.
- C. Organizers and employees of in-person spiritual services must follow to the greatest extent possible current COVID-19 related County guidelines, State of Hawai'i guidelines, CDC guidelines, available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/index.html>
- D. Encouraged Practices. Places of Worship are encouraged to do the following:
 - i. Modify the methods used to receive financial contributions. Consider a stationary collection box, the mail, or electronic methods of collection regular financial contributions instead of shared collection trays or baskets.
 - ii. If food is offered at any event, consider pre-packaged options, and avoid buffet or family-style meals, if possible.

- iii. No childcare during services and/or events, however if childcare must be provided during services and/or events, refer to CDC's information on preventing the spread of COVID-19 in a childcare setting and adapt your settings.

EXHIBIT 5

Businesses, Operations and Activities to Remain Closed

Businesses, operations and activities identified below shall remain closed:

1. Bars
2. Nightclubs
3. Public Swimming Pools
4. Large indoor venues (concerts, sports, conventions, expos)
5. Large outdoor venues (concerts, sports, conventions, expos)
6. Road races (marathons, triathlons, etc.)

Note, however, travel to engage in minimum basic operations of the businesses and operations identified above is allowed, 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. Minimum basic operations do not include in-person public/customer contact.