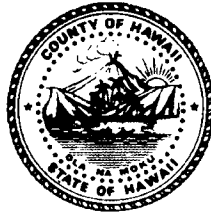


Mitchell D. Roth  
Mayor



Lee E. Lord  
Managing Director

Robert H. Command  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553  
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740  
(808) 323-4444 • Fax (808) 323-4440

### **Mayor's COVID-19 Emergency Rule No. 16**

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 adopt and promulgate the following rules which have the force and effect of law.

The following State of Hawai'i proclamations related to the COVID-19 emergency authorized by Governor David Ige are relevant to this emergency rule: The Thirteenth Proclamation established a negative test exception to the mandatory self-quarantine requirement for persons entering the State of Hawai'i effective October 15, 2020 and suspended certain specified laws; the Fourteenth Proclamation authorized each county to establish a two-test system for transpacific travelers entering the respective counties; the Fifteenth Proclamation established a statewide face covering requirement; the Sixteenth Proclamation modified the requirements for transpacific travel to Hawai'i; the Seventeenth Proclamation reduced the mandatory self-quarantine for persons entering the State of Hawai'i and for travelers to the counties of Maui, Kaua'i, Hawai'i and Kalawao from 14 days to 10 days; the Eighteenth Proclamation extended the state of emergency and clarified the state of mind required for violation of the proclamation and the requirements for self-quarantine exceptions; the Nineteenth, Twentieth and Twenty-First Proclamation which have begun to recognize progress made on managing the crisis and implementing limiting relaxation of certain restrictions.

Consistent with the forgoing, this Emergency Rule is based upon evidence that COVID-19 continues to endure within this state and county via transpacific travel related cases as well as through increased community spread as reported by the State Department of Health and the Centers for Disease Control and Prevention ("CDC"). This Emergency Rule is also based upon scientific evidence that reinforces the types of best practices and social policies that are most effective at mitigating or preventing the transmission of COVID-19. To date, the number of documented cases of COVID-19 in the State is in excess of 40,659, and there have been at least 529 deaths attributed to this disease in the State.

Nevertheless, the revisions provided in this Rule reflect progress made in Hawai'i County towards reducing the threat of spread through safe practices. As a

result, reduction or elimination of some restrictions is appropriate in limited and controlled environments.

I, Mitchell D. Roth, Mayor of the County of Hawai'i, hereby authorize the following:

A. Work in Businesses or Operations

All businesses, operations, and activities are permitted to remain open except those businesses, operations and activities delineated in Exhibit 5, or as otherwise provided by this rule, and subject to all restrictions and physical distancing requirements of this rule, the Governor's Twenty-First Emergency Proclamation and any subsequent proclamations or orders.

B. Safe Practices

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

1. Face Coverings Required. Shall be required pursuant to the Governor's Twenty-First Proclamation, as may be amended from time to time.
2. High risk populations. Those not fully vaccinated 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 are exhibiting symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of taste or smell, congestion or runny nose, nausea or vomiting, diarrhea or any other symptoms of COVID-19 identified by the CDC shall NOT report to their places of employment and shall stay at their residences, except as necessary to seek medical care.
4. Physical distancing requirements. Shall be set by the Governor's Twenty-First Proclamation, as may be amended from time to time.
5. Hand sanitizing products. Businesses and operations should provide hand sanitizer or equivalent hand sanitizing products for all employees and customers. All customers/patrons should sanitize hands before entry. Hand sanitizing stations should be available at each entrance.
6. Disinfection. Businesses and operations should regularly disinfect all high-touch surfaces. Businesses and operations should assign, train

and schedule employees/staff to sanitize carts, conveyors, counters, handles, knobs, and other high-touch surfaces.

7. Safeguards for high risk populations. Businesses and operations are urged to implement processes to safeguard those not fully vaccinated and other high risk person identified by the CDC that are at increased risk for severe illness from COVID-19. Persons at increased risk are encouraged to stay in their residence to the extent possible, except as necessary to seek medical care.
8. 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 face coverings while at the business or operation; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain the required physical distancing from all others; and not shake hands or engage in unnecessary physical contact.

C. Gatherings

Rules stated herein may be superseded by rules promulgated by the Governor.

Except as otherwise permitted in this Rule and pursuant to Exhibit 6, indoor social gatherings of groups up to 25 persons are permitted and outdoor gatherings of groups up to 75 persons are permitted. Members of a single residential or family unit who share the same address are not restricted.

A social gathering is defined as a planned or spontaneous event, assembly, or meeting that brings together multiple people from separate households in a single space or area, indoors or outdoors, at the same time and in a coordinated fashion.

1. A social gathering includes, but is not limited to, such get-togethers as a banquet, barbecue, concert, fair, festival, funeral, luau, parade, party, picnic, or wedding.
2. A social gathering does not include, and this definition does not apply to:
  - Federal, state and county government operations and functions;
  - Educational, adult and childcare facilities with adequate and active supervision and monitoring, enforcement capabilities, and established emergency response protocols;
  - Businesses, operations, and activities operating under Section A of this Rule.

D. Commercial and Recreational Boating

Commercial and recreational boating will be allowed, subject to all County or State regulations, including any specific operational restrictions imposed by the State of Hawai'i Department of Land and Natural Resources, and the following conditions:

- a. Any vessel having received a certificate of inspection may allow 100% of the rated capacity individuals allowed on the boat, including the boat crew.
- b. Sanitation rules detailed in Rules B5 and B6 are followed.
- c. If food is served or there are indoor cabins in which passengers congregate, the rules regarding indoor and restaurant service apply.

E. Travel to the County of Hawai'i

Transpacific travel to the County of Hawai'i shall be governed by the Governor's proclamations and rules as may be amended from time to time.

Further pursuant to the Governor's s Twenty-First Proclamation, as may be amended from time to time, all persons traveling to Hawai'i Island are subject to the State of Hawai'i's mandatory 10 day self-quarantine unless an exemption or modification applies. The period of self-quarantine shall begin from the date of entry onto Hawai'i Island and shall last 10 days or the duration of the person's presence on the island, whichever is shorter.

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

- Exhibit 1. Restaurants, bars, 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
- Exhibit 6. Commercial/Business Gatherings

G. 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.

H. This rule shall take effect immediately and shall continue through September 24, 2021, 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 28 day of July, 2021 in Hilo, Hawai'i.



Mitchell D. Roth  
Mayor  
County of Hawai'i

CONCURRENCE:

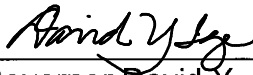
  
Governor David Y. Ige

EXHIBIT 1

**Restaurants, bars, food courts, and other food establishments**

Restaurants, bars, 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/community/organizations/business-employers/bars-restaurants.html>
    2. <https://www.oneoahu.org/business-guidance>
- B. Operations.
- i. Face coverings. Employees and customers must follow the Statewide face covering mandate contained in the Governor's Twenty-First Proclamation, as may be amended from time to time;
  - ii. All customers are encouraged to sanitize hands upon entry of the establishment.
  - iii. Group dining is limited to a maximum of ten (10) individuals per table.
  - iv. Seating shall be arranged so that six (6) feet of separation is maintained between groups seated at separate tables unless there is a solid barrier between seating groups.
  - v. Condiments, silverware, flatware, glasses, or other traditional table top items must not be left on an unoccupied table.
  - vi. Tables and chairs must be fully sanitized after each group (or individual customer) leaves the restaurant.
  - vii. 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>
  - viii. Provide disposable menus or menu board, or sanitize reusable menus after each use.
  - ix. Hourly touch-point sanitization (workstations, equipment, screens, doorknobs, restrooms, etc.) required.
  - x. Valet services are prohibited, except for vehicles with placards or plates for disabled parking.

- xi. Buffets, salad bars, and other types of self-service of food or beverages are not allowed.

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 shall provide services to customers. Symptomatic or ill employees shall 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 and bars 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, if permissible.
- 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.

G. Specific requirements for bars.

- i. Limit groups within the bar to a maximum of ten (10) individuals per group.
- ii. Ensure groups within the bar maintain at least six (6) feet of separation from other groups.
- iii. Prohibit groups within the bar from intermingling.
- iv. Designate areas to separate groups at least six (6) feet apart from each other. (e.g., through ropes or other physical separation for standing areas, or the seating of guests at separate tables, or both).
- v. Require all employees and customers to follow the Statewide face covering mandate contained in the Governor's Nineteenth, Twentieth and Twenty-First Proclamations, as may be amended from time to time.



EXHIBIT 2

**COUNTY PARKS AND RECREATIONAL FACILITIES**

1. All County of Hawai'i ("County") 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," that are not otherwise closed by separate administrative action, are **OPEN** from 7:00 a.m. to 8:00 p.m. pursuant to the following requirements, unless addressed separately hereinafter:
  - a. Physical distancing requirements contained in Section B.4. of these rules and the Governor's Twenty-First Proclamation, as may be amended from time to time, shall be followed.
  - b. Events or activities with the potential to generate gatherings in excess of the permitted maximum number of persons will not be allowed unless a comprehensive plan to protect the health, safety and wellbeing of participants, officials, supporters, spectators and other individuals present is pre-approved by the Director of Parks and Recreation (hereinafter "Director"). The plan shall include, but not be limited to, the following:
    - i) Reasonable means and methods to limit and enforce restrictions on gathering; and
    - ii) Reasonable means to inform, and methods to ensure and enforce, physical distancing requirements for all persons present; and
    - iii) Reasonable strategies for disinfection/sanitization of all common and high-touch surfaces.
  - c. Concession (food, snack, beverage, merchandise, etc.) operations are not permitted without prior approval from the State Department of Health and the Director.
  - d. All permits and reservations for use associated with all park sites and recreational facilities may be cancelled at the discretion of the Director.
  - e. Businesses and operations with the appropriate permit(s) to operate in a park may continue, subject to specific approval of the Director and provided they adhere to applicable COVID-19 industry standards, CDC guidance, and State and County requirements.
2. All County cemeteries, including veterans' cemeteries administered by the County, remain open for visitation from 7 a.m. to 7 p.m.
3. The Hilo Municipal Golf Course remains open with modified rules for play in effect. The golf pro shop concession and restaurant concession remains open.
4. Swimming pools remain open with modified days/hours of operations and modified rules in effect as established by the Director.

5. Camping is permitted in accordance with the following conditions and with modified rules as established by the Director:
  - a. All campers shall be responsible to disinfect/sanitize all common contact surfaces (such as grills, picnic tables, water faucets, restroom fixtures, showers, etc.) prior to and immediately following each person's use.
  - b. All campers shall provide their own disinfecting/sanitizing supplies and accessories necessary to comply with the preceding requirement and as required to maintain their individual health and safety.
  - c. All tents/canopies belonging to campers from the same group shall be separated by a minimum of ten (10) feet. All tents/canopies belonging to separate groups of campers shall be separated by not less than twenty (20) feet.
  
6. Organized sports are permitted to operate as follows:
  - a. Sports Programs may operate full regimen practices and scrimmages and competitive play under the following conditions and requirements:
    - i) Competitive play at any outdoor venue shall be limited to one Sports Program competing against another Sports Program (e.g., one baseball team playing against another) and shall not exceed a maximum of 75 Participants and Non-Participants in total.
    - ii) Competitive play at indoor venues/spaces shall be limited to one Sports Program competing against another Sports Program (e.g., one basketball team playing against another) and shall not exceed a maximum of 25 Participants and Non-Participants in total.
    - iii) Groups are limited to two (2) Sports Programs at the same time.
      - (1) Where competitive play or Training is scheduled in proximity to other competitive play or Training, not less than twenty (20) feet of physical separation shall always be maintained.
      - (2) No mingling shall be allowed between members of separate Sports Programs.
  
7. All Program operators shall ensure that:
  - a. Physical distancing protocols and procedures are communicated to and understood by all Participants and Non-Participants and enforced by their officials/representatives.
  - b. Specific considerations are implemented and enforced pertinent to the configuration and controlling physical features of the sports venue relative to the athletic activity engaged in including, but not limited to, maintaining unhindered access to entrances/exits, controlling queues, identifying and accounting for bottlenecks, respecting maximum occupancy of venues and portions thereof, etc.

- i) All Participants are screened for illness and symptoms of COVID-19 prior to entering the facility each time Practices, Training and competitive play will occur.
  - ii) Participants and Non-Participants shall comply with the statewide face covering mandate contained in the Governor's Twenty-First Proclamation, as may be amended from time to time.
  - iii) There is no socializing in groups before or after designated times for Practices, Training, and competitive play.
  - iv) Individuals from outside the Sports Program are limited in their interactions with Participants during drop off/ pick up.
  - v) Any Participant who has tested positive for COVID-19 may not attend Practices, Training or competitive play until they are cleared for release from isolation according to CDC and DOH guidelines and cleared to return by a healthcare provider.
  - vi) Any Participant exposed to a person with a confirmed or probable case of COVID-19 may not attend Practices, Training, competitive play, or any other activity of the Sports Program until they have completed quarantine following CDC and DOH guidelines.
  - vii) All program activities are evaluated to identify and mitigate "high-risk" activities (shared equipment, incidental close contact, etc.) to reduce or prevent COVID-19 transmission.
- c. Individuals shall comply with any lawful requirements imposed by the Contact and Non-Contact Sports Program operator.
  - d. Nothing in this section requires a public or private Contact or Non-Contact Sports Program to open or resume operations.
8. Skateparks: Only persons actively skateboarding can enter and remain in any skatepark. The maximum number of persons allowed to simultaneously use any skatepark is ten (10). Only skateparks that are outdoors may be utilized when opened by the department.
9. All County beach parks and shoreline parks are opened. All persons must abide by the face covering, physical distancing, and gathering requirements contained in Sections B and C of these rules, or rules promulgated by the Governor, as amended or superseded.
10. All other State or County restrictions related to COVID-19 must be followed, including, but not limited to, applicable quarantine restrictions.

The foregoing is subject to specific park closures as designated by the County Department of Parks and Recreation and supersedes any conflicting County emergency rule provision.

EXHIBIT 3

**Barber Shops and Beauty Operators**

1. Barber shops and beauty operators (hereinafter collectively "Salons") shall follow all safe practices described in this rule and Exhibit F of the Governor's Nineteenth and Twentieth Proclamations, as may be amended from time to time.
2. Salons shall prohibit any person from entering their place of business when exhibiting symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of taste or smell, congestion or runny nose, nausea or vomiting, diarrhea or any other symptoms of COVID-19 identified by the CDC.
3. Sanitizing: Provide hand sanitizing stations for employees and customers. Hand sanitizing stations should be available at each entrance.
4. All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Each business and operation shall determine the maximum number of customers that its respective facility may reasonably accommodate while maintaining the specified physical distancing requirements.
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 others, 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. The gathering limits contained in Section C. of this rule are not applicable to places of worship, however 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. Adherence to the Statewide face covering mandate contained in the Governor's Nineteenth and Twentieth Proclamations, as may be amended from time to time.
  - ii. Safeguards for higher risk populations consistent with CDC guidance, available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.
  - 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, and 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 main, 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.

EXHIBIT 5

**Businesses, Operations and Activities to Remain Closed**

Businesses, operations and activities identified below shall remain closed, unless permission has been granted pursuant to Exhibit 6:

1. Nightclubs
2. Large indoor venues
3. Large outdoor venues
4. 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.

Exhibit 6

Commercial/Business Gatherings. Under the supervision of professional planners or venues, or a responsible business or person, business, events or gatherings otherwise prohibited by Section C or Exhibit 5 (collectively "events"), events may seek approval for events otherwise prohibited by Rule C and Exhibit 5 upon approval of the Mayor or his designate. The intention of this request procedure is to allow limited supervised types of events which can be held safely. A request shall be submitted to <https://coronavirus-response-county-of-hawaii-hawaiicountygis.hub.arcgis.com/> at least thirty (30) days before the proposed event and must at a minimum include the following:

- a. The applicant's name and tax identification number under which the event shall be held.
- b. Evidence of event insurance.
- c. Identification of the responsible person(s) for adherence to these Rules and this request.
- d. Description of the event and floor plan for the event which illustrates adherence to safe distancing and practices as required by any federal or state law, Gubernatorial Proclamation or Mayoral Proclamation as may be amended from time to time.
- e. A COVID-19 Event Plan which;
  - i) restricts table seating to no more than 10 persons per table, subject to safe distancing guidelines, and to the extent possible, groups people by members of the same household or business;
  - ii) describes how compliance with these Rules shall be supervised and enforced; and
  - iii) Adheres to Exhibit 1 of these Rules relating to restaurants, bars, food courts, and other food establishments.

The Mayor retains discretion to grant, deny, or require additional information and/or safety measures as a condition of granting a request.

Failure to comply with the terms of permission granted shall nullify the permission. In addition to sanctions provided by mayoral proclamation, the event will be immediately cancelled, the applicant shall not be granted further request(s), and/or the applicant's business may be closed or fined.