

MAYOR'S ORDER

RE:

FACE COVERINGS

(EXTENDED TO JANUARY 15, 2021)

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CITY CLERK
IOWA CITY, IOWA

Whereas, as Mayor of the City of Iowa City I took an oath to uphold and defend the Constitution of the United States and the Constitution of the State of Iowa; and,

Whereas, Article III, Section 38A of the Iowa Constitution grants to municipalities the power to determine their local affairs and government not inconsistent with the laws of the general assembly; and,

Whereas, Chapter 364 of the Iowa Code reaffirms the constitutional grant of home rule authority to municipalities "to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the city or its residents, and improve the peace, safety, health, welfare and convenience of its residents"; and,

Whereas, a "city may exercise its general powers subject only to limitations expressly imposed by a state or city law," and the exercise of a city power "is not inconsistent with a state law unless it is irreconcilable with the state law." Iowa Code section 364.2(2) and (3); and,

Whereas, a city may set standards "more stringent than those imposed by state law, unless a state law provides otherwise." Iowa Code Section 364.3(a); City of Des Moines v. Gruen, 457 N.W.2d 340, 343 (Iowa 1990); Bryan v. City of Des Moines, 261 N.W.2d 685, 687 (Iowa 1978)

Whereas, Section 372.14(2) of the Iowa Code authorizes the Mayor "to govern the city by proclamation, upon making a determination that time of emergency or public danger exists"; and,

Whereas, pursuant to the powers vested in me as Mayor under Section 372.14(2) of the Iowa Code and Section 8-1-2 of the City Code of Iowa City, I issued a Proclamation of Civil Emergency on March 18, 2020 due to the dangers presented by the Novel Coronavirus 2019 (COVID-19) and declared my intention to take such extraordinary measures as are in my judgment necessary to maintain health, welfare and safety within the community; and,

Whereas, on March 17, 2020, the Governor of Iowa issued a Proclamation of Public Health Disaster Emergency after multiple cases of COVID-19 had been confirmed in Iowa and the Iowa Department of Public Health determined that community spread was occurring within the state; and,

Whereas, positive cases of the virus continue at an alarming rate throughout Johnson County and Iowa City, its largest municipality, as well as unprecedented levels throughout the state of Iowa; and,

Whereas, winter is at our doorstep, which will mean influenza season and people spending more time indoors which will further increase the risk of spreading the virus within our community; and,

Whereas, the Centers for Disease Control (CDC) has determined that face coverings are a critical tool in the fight against COVID-19 that could reduce the spread of the virus, particularly when used universally within communities; and,

Whereas, on July 17, 2020, the Director of the Johnson County Department of Public Health, in asking all area municipalities to adopt a face covering resolution, stated: “We ask that everyone recognize and understand that wearing a face covering in public is more than a simple gesture, it protects others,”; and further stated: “Much is unknown but one thing is evident, the virus is here to stay and we must take action. While our path is uncertain and much is unknown, we do have the tools to reduce risk to ourselves and each other. We just have to use them. This action requires the collective actions of everyone.”; and,

Whereas, the Governor’s current proclamation requires that businesses and gatherings ensure social distancing of employees, customers and attendees, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with the guidance of the Iowa Department of Public Health (IDPH); and,

Whereas, the IDPH’s reopening guidance advises that members of the public consider the use of cloth face coverings when distancing is not possible because wearing face coverings in public places where social distancing measures are difficult (like grocery stores and pharmacies) can help slow the spread of COVID-19, and refers the public to the “local public health agency, the appropriate regulating agency or professional association” with questions about how to implement its guidance; and,

Whereas, a requirement that persons in Iowa City wear face coverings is essential to reducing the risk of transmission of COVID-19, and necessary to protect the health, welfare and safety of residents and visitors and accelerate local recovery efforts; and,

Whereas, a requirement that persons wear face coverings is consistent with the Governor’s proclamation and the guidance of the IDPH and the Johnson County Department of Public Health.

Pursuant to Article III, Section 38A of the Iowa Constitution, the powers vested in me as Mayor under Section 372.14(2) of the Iowa Code, Section 8-1-2 of the City Code of Iowa City, and the Mayor’s Proclamation of Civil Emergency signed March 18, 2020, I deem it advisable that my Order issued on July 21, 2020 requiring that when present within the City of Iowa City all persons wear face coverings as ordered below be further extended until January 15, 2021.

I hereby ORDER effective immediately:

Every person in the City of Iowa City must wear a face covering that covers their nose and mouth when in a public place as follows:

- In public, as opposed to being in one’s place of residence, when one cannot stay six (6) feet away from others
- Inside of any indoor public settings, for example, but not limited to:
 - Grocery stores
 - Pharmacies
 - Hardware stores
 - Retail stores
 - Other public settings that are not one’s place of residence and when with persons who do not live in the household
- Outside, if keeping six (6) feet away from others is not possible
- Using public transportation or private car service (including taxis, ride share, or carpooling)

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No business that is open to the public may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as required by this order, and businesses that are open to the public must post signs at entrance(s) instructing customers of their legal obligation to wear a face covering while inside.

Those who are exempt from wearing a face covering:

- Persons younger than 2 years old due to the risk of suffocation
- Anyone who has trouble breathing, on oxygen therapy or ventilator
- Anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance
- Anyone who has been told by a medical, legal, or behavioral health professional not to wear face coverings
- Anyone actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel.

Places and times where persons are exempt from wearing a face covering:

- While traveling in a personal vehicle alone or with household members
- While a person is alone or in the presence of only household members
- While exercising at moderate or high intensity e.g. jogging or biking
- While seated at a food establishment in the process of eating or drinking
- While obtaining a service that would require temporary removal of the persons face covering
- When federal or state law prohibits wearing a face covering or requires the removal of the face covering

Pursuant to City Code Section 8-1-2 a violation of this Order or any directive given pursuant hereto by any police officer shall be unlawful and punishable as a simple misdemeanor with the fine for the first offense being the minimum fine for a simple misdemeanor (\$105) and the fine for a second or subsequent offense being the maximum fine for a simple misdemeanor (\$855). Citation shall be a last resort to obtain compliance.

This Order shall expire on January 15, 2021 unless otherwise rescinded or extended.

Issued this 13th day of November 2020.

By: Bruce Teague
Bruce Teague
Mayor, City of Iowa City of Iowa City

Attest: Kellie K. Fruehling
Kellie K. Fruehling
City Clerk

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