

PUBLIC HEALTH REGULATION 2020-01

WEBSTER COUNTY

FACE COVERING PROTOCOL

Section 1: Authority and Applicability:

- 1.1 Iowa Code section 137.104 provides that, “a local board of health shall... make and enforce such reasonable rules and regulations not inconsistent with law and the rules of the state board as may be necessary for the protection and improvement of the public health.”
- 1.2 The novel coronavirus, SARS-CoV-2, also referred to as COVID-19, is a virus that primarily spreads from person to person and can result in serious illness, long-term negative health impacts and death.
- 1.3 The Webster County Board of Health finds that COVID-19 poses a significant, immediate and continuing threat to the public health, residents and visitors of Webster County, Iowa.

Section 2: Definitions:

- 2.1. "ADMINISTRATIVE AUTHORITY" means the local board of health or its appointed representative, pursuant to Iowa Code Chapter 137.
- 2.2. "THE BOARD" means the Webster County Board of Health.
- 2.3. "THE COUNTY" means Webster County, Iowa.
- 2.4. "FACE COVERING" means a mask or other face covering that includes a snug fit, completely covers the nose and mouth and is secure. Any cloth face covering shall allow for breathing for washing and drying without damage.
- 2.5. "HOUSEHOLD MEMBER" means a person who lives a majority of time with the person in their apartment, house, mobile home, or other structure intended for residential occupancy.
- 2.6. "PUBLIC SETTING" means an indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose.

Section 3. General Regulations:

Therefore, pursuant to Iowa Code section 137.104, be it hereby ordered and enforced by the Board as the Administrative Authority, as follows:

3.1. Face Coverings Required.

Every person in Webster County, Iowa must wear a face covering when:

A. Inside of any indoor public settings, including but not limited to:

1. Grocery stores.
2. Pharmacies.
3. Retail stores.
4. Common areas of businesses that are accessible to the public.
5. Other public settings that are not one's place of residence and when you are with persons who do not live in the household.

6. County buildings.

- B. Outside, unless a minimum distance of (6) feet is maintained from others at all times.
- C. Using public transportation or private car service (including taxis, ride share or carpooling).

3.2 Businesses.

No business that is open to the public may provide service to a customer or allow a customer to enter or remain on its premises, unless the customer is wearing a face covering as required by this regulation. Businesses that are open to the public are encouraged to post notice signs at all entrances instructing all visitors to wear a face covering while on the premises.

3.3. Personal Exemptions.

Persons who are exempt from wearing a face covering:

- A. Persons younger than 3 years of age.
- B. Anyone who has a medical condition which would be impaired by the use of a face covering or an individual with a breathing condition, on oxygen therapy, or a ventilator.
- C. Anyone who is unconscious, incapacitated, or otherwise unable to remove their face covering without assistance.
- D. Any athlete participating in an organized sporting or recreational event and any person exercising unless otherwise required by other local, state, or federal entities.
- E. Anyone who has been told by a medical, legal, or behavioral health professional not to wear face coverings.
- F. Anyone actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel when a mask would seriously interfere in the performance of their responsibilities.
- G. Anyone asked to remove their face covering to verify their identity for any lawful purpose.
- H. Any person participating in a service at a spiritual or religious gathering, including any funerals or weddings. But a church, synagogue, mosque or other host of a spiritual or religious gathering shall implement reasonable measures under the circumstances of each gathering to ensure social distancing of employees, volunteers, and other participants, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.
- I. Iowa school districts, public, private and parochial schools, community colleges, colleges and universities and their students. These entities shall continue to follow the proclamations, guidance and regulations provided by the Iowa Department of Education, the Governor of the State of Iowa and the Iowa Department of Public Health.
- J. Registered Daycare providers. These entities shall continue to follow the proclamations, guidance and regulations provided by the Iowa Department of Human Services, the Governor of the State of Iowa and the Iowa Department of Public Health.

3.4. Situational Exemptions.

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

- A. While traveling in a personal vehicle.
- B. While a person is alone or only with household members.
- C. While exercising at moderate or high intensity, e.g. swimming, jogging, biking.
- D. While seated at a food establishment in the process of eating and drinking.

- E. While obtaining a service that would require temporary removal of the person's face covering.
- F. When federal or state law prohibits wearing a face covering or requires the removal of a face covering.

3.5. Appropriate Use.

If a cloth face covering is chosen, appropriate use of a cloth face covering includes:

- A. A snug fit, but comfortable against the side of the face.
- B. Completely covers the nose and mouth.
- C. Is secured with ties or ear loops.

Section 4. Enforcement, Penalties and Implementation:

This regulation is not intended to be punitive or stigmatizing and is in the best interest of health, safety, and economic recovery.

4.1. A violation of this regulation shall constitute a simple misdemeanor. Iowa Code section 137.117(1)

4.2. The first offense shall be punishable by the minimum fine for a simple misdemeanor.

4.3. The second or subsequent offense shall be punishable by a fine up to the maximum fine for a simple misdemeanor.

4.4. A violation of this regulation shall constitute a county civil infraction. Iowa Code section 137.117(2)

4.5. A civil penalty shall be imposed in the sum of up to \$750 for a first offense.

4.6. A civil penalty shall be imposed in the sum of up to \$1,000 for a second or subsequent offense.

4.7. This regulation shall become effective upon approval of the Board of Supervisors and publication in the local paper of record as described in Iowa Code section 137.104(l)(b)(2).

4.8. This regulation shall be lifted by resolution of the Board of Supervisors at the request of the Board of Health at the earliest date as determined by the Board of Health using data and statistics available.

4.9 The foregoing subsections 4.1-4.6 are temporarily suspended to evaluate public compliance with this regulation. The Board of Health may approve reimposing the enforcement provisions set forth in sections 4.1-4.6 by a majority vote at a subsequent public meeting of the Webster County Board of Health. At which time, the approval of imposing the enforcement provision would need to be approved by a majority vote of the Webster County Board of Supervisors and be published in the same manner as the original Regulation before becoming effective. The Board of Health will continue to monitor available data, including but not limited to the 14-day rolling positivity rate for Webster County, Iowa, in determining when there is a need to reimpose the enforcement provisions of this Regulation.