

## **MAYOR'S ORDER**

**RE:**

### **FACE COVERINGS**

Whereas, as Mayor of the City of Iowa City I took an oath to uphold and defend the U.S. Constitution and the Constitution of the State of Iowa; and

Whereas, Section 38A of the Constitution of the State of Iowa 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, Section 372.14 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 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 State of Public Health Disaster Emergency, which Proclamation remains in effect; and

Whereas, positive cases of the virus continue at an alarming rate in Johnson County and Iowa City, its largest municipality; and

Whereas, August may bring the return to the City of thousands of students to attend the University of Iowa, further increasing the risk of spread of 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, a requirement that persons in Iowa City wear face coverings is essential to reducing the risk of transmission of COVID-19, necessary to protect the health, welfare and safety of residents and visitors, and entirely consistent with the Governor's proclamation.

Pursuant to the powers vested in me as Mayor under Section 372.14 of the Iowa Code, Section 8-1-2 of the City Code of Iowa City, and the Mayor's Proclamation of Civil Emergency signed this 19<sup>th</sup> day of August, 2021, I deem it advisable that when present within the City of Iowa all persons wear face coverings as ordered below.

I hereby ORDER effective today, August 19, 2021 at 11:59 p.m.:

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 any indoor public settings, for example, but not limited to:
  - Grocery stores
  - Pharmacies
  - Hardware stores
  - Retail stores
  - Restaurants and bars
  - Public school buildings
  - Government buildings
  - University of Iowa academic buildings and business offices
  - Houses of worship
  - Movie theaters
- 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)

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 person's face covering
- When federal or state law prohibits wearing a face covering or requires the removal of the face covering

This Order shall expire on September 30, 2021, unless otherwise extended.

Issued this 19th day of August 2021.

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

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