

BLACK HAWK COUNTY IOWA

Notice is hereby given that a public hearing will be held at 9:00 a.m. on September 2, 2020 in the Schoitz Room of the Waterloo Center for the Arts, 225 Commercial Street, Waterloo, Iowa on the adoption of the proposed regulation entitled, "**FACE MASK REGULATION.**" Persons may also participate via Zoom by logging in at: <https://us02web.zoom.us/meeting/register/tZ0rfuiqrj8pHdSQwwelT9eVnchaq5WHmc66> After registering, you will receive a confirmation email containing information about joining the meeting.

The proposed regulation provides for the adoption under Title 8, Health and Safety of the Black Hawk County Code of Ordinances as follows:

Be it enacted by the Board of Health of Black Hawk County, Iowa:

SECTION I. Purpose: The purpose of this regulation relates to the use of a face mask to prevent the spread of novel coronavirus, SARS-CoV-2, causing the disease COVID-19, a virus that primarily spreads from person to person and can result in serious illness, long-term negative health impacts or death.

SECTION II. Jurisdiction: The provision of this regulation shall apply throughout Black Hawk County, including all cities and towns that has not enacted substantially similar regulation.

SECTION III. Authority and Applicability:

- 1.01 Iowa Code 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."
- 1.02 The novel coronavirus, SARS-CoV-2, causing the disease COVID-19, is a virus that primarily spreads from person to person and can result in serious illness, long-term negative health impacts or death.
- 1.03 The Black Hawk County Board of Health finds that COVID-19 poses a continuing and immediate threat to the public health of Black Hawk County, Iowa residents and visitors.

SECTION IV. Definitions

- 2.01 "ADMINISTRATIVE AUTHORITY" means the local board of health as authorized by Iowa Code Chapter 137, or its appointed representative.
- 2.02 "THE BOARD" means the Black Hawk County Board of health.
- 2.03 "THE COUNTY" means Black Hawk County, Iowa.
- 2.04 "FACE MASK" means a material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands, whether purchased or homemade, and consistent with the Center for Disease Control and Prevention guidelines.
- 2.05 "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.
- 2.06 "INDOOR PUBLIC SETTING" means an enclosed area to which the public is invited.

SECTION V. General Regulations

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

- 3.01 Every person in Black Hawk County shall wear a face mask when:
 - A. In public as opposed to being in ones place of residence, when one cannot stay six (6) feet away from others;
 - B. Inside of any indoor public settings, for example, but not limited to:
 - 1. Grocery stores;
 - 2. Pharmacies;
 - 3. Hardware stores;
 - 4. Retail stores;
 - 5. Schools; and
 - 6. Other public settings that are not ones place of residence and when you are with persons who do not live in the household.

- C. Outside, if keeping six (6) feet away from others is not possible; or
 - D. Using public transportation or private car service (including taxis, ride share, or carpooling).
- 3.02 Place and Time Exemptions. Places and times where persons are exempt from wearing a face mask:
- A. While traveling in a personal vehicle alone or with household members;
 - B. While a person is alone or in is in the presence of only household members;
 - C. While exercising at moderate or high intensity e.g. jogging or biking;
 - D. While seated at a bar or food establishment in the process of eating or drinking;
 - E. While obtaining a service that would require temporary removal of the persons face mask; and
 - F. When federal or state law prohibits wearing a face mask or requires the removal of the face mask.
- 3.03 Persons Exempted. Persons who are exempt from wearing a face mask:
- A. Persons younger than 2 years old due to the risk of suffocation;
 - B. Anyone who has trouble breathing, on oxygen therapy or ventilator;
 - C. Anyone who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance; and
 - D. Anyone who has been told by a medical, legal, or behavioral health professional not to wear face masks.
- 3.04 Appropriate Use. If a cloth face mask is chosen, appropriate use of a cloth face mask 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;
 - D. Includes multiple layers of fabric;
 - E. Allows for breathing without restriction; and
 - F. Can be laundered and machine dried without damage or change to shape.

SECTION VI. Enforcement, Penalties and Implementation

- 4.01 The following regulation is not intended to be punitive or stigmatizing and is in the best interest of health, safety, and economic recovery. A violation shall constitute a simple misdemeanor.
- 4.02 The first offense shall be punishable by the minimum fine for a simple misdemeanor.
- 4.03 The second or subsequent offense shall be punishable by a fine up to the maximum fine for a simple misdemeanor.
- 4.05 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(1)(b)(2).
- 4.06 This regulation will expire when the Governor’s proclamation of disaster emergency expires or in the event any local declaration of public health disaster expires, whichever date is later.
Copies of the proposed regulation may be viewed at the Black Hawk County Health Department, 1407 Independence Ave., 5th Floor, Waterloo, Iowa Monday through Friday between 8:00 a.m. and 4:30 p.m. or the [Black Hawk County Health Department website](#).

Published upon order of the Black Hawk County Board of Health, Rev. Dr. Mary Robinson, Chairperson this 21st day of August, 2020.