

RESOLUTION NO. 2020 - 11 - 125

RESOLUTION APPROVING THE  
LINN COUNTY BOARD OF HEALTH FACE COVERING REGULATION

**WHEREAS**, on January 31, 2020, the Secretary of the United States Department of Health and Human Services declared a national public health emergency in response to the Novel Coronavirus 2019 (COVID-19) outbreak; and

**WHEREAS**, on March 9, 2020, Iowa Governor Kim Reynolds issued a Proclamation of Disaster Emergency to coordinate the State of Iowa's response to the COVID-19 outbreak; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

**WHEREAS**, on March 13, 2020, President Donald Trump issued a proclamation stating that the COVID-19 outbreak in the United States constitutes a national emergency, and on the same day issued a letter in which he stated that the ongoing COVID-19 pandemic is of sufficient severity and magnitude to warrant an emergency determination under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

**WHEREAS**, on March 17, 2020, Governor Reynolds issued a Proclamation of Public Health Disaster Emergency to provide additional needed resources and measures to respond to the COVID-19 disaster after the Iowa Department of Public Health identified community spread in the state; and

**WHEREAS**, on July 17, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency in which she encouraged all Iowans to limit in-person interactions with vulnerable Iowans and to exercise particular care and caution when engaging in any necessary interactions; and

**WHEREAS**, Linn County Public Health, the Iowa Department of Public Health, the Iowa Board of Medicine, the Centers for Disease Control and Prevention (CDC), other public health experts, and Governor Reynolds strongly encourage the use of face coverings for protection in public settings, especially when social distancing measures are difficult to maintain; and,

**WHEREAS**, on November 10, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency in which she prohibited certain indoor gatherings of 25 or more people or outdoor gatherings of 100 or more people unless all participants in the gathering who are two or older wear masks at all times while participating in the gathering, except while eating or drinking, and

**WHEREAS**, Iowa Code Section 135.140 establishes that a public health disaster is a disaster that specifically involves an imminent threat of an illness that poses a high probability of widespread exposure to an infectious agent that poses a risk of substantial future harm to a large number of the affected population; and

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**WHEREAS**, COVID-19 continues to pose a substantial widespread risk of infection leading to a significant risk of harm to people in Linn County, particularly as daily rates of positive cases across Iowa continue to increase despite consistent testing and contact tracing; and

**WHEREAS**, a face covering regulation in Linn County is essential to reducing the risk of transmission of COVID-19; and is necessary to protect the health, welfare, and safety of residents and visitors, and to accelerate recovery efforts; and

**WHEREAS**, on November 16, 2020, the Linn County Board of Health approved a Face Covering Regulation and submitted it for approval to the Linn County Board of Supervisors pursuant to Iowa Code Section 137.104(1)(b)(2).

**BE IT THEREFORE RESOLVED** that in response to the ongoing public health emergency the Linn County Board of Supervisors approves the Linn County Public Health Face Covering Regulation 2020, attached hereto and made part of this resolution.

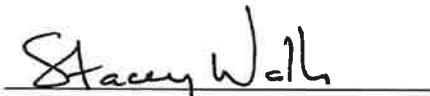
**LINN COUNTY BOARD OF SUPERVISORS**



Ben Rogers, Chair



Brent Oleson, Vice Chair



Stacey Walker, Supervisor

AYE: 3    NAY: 0    ABSTAIN: 0

**ATTEST:**



Joel Miller, Linn County Auditor

Deputy

**Linn County Public Health  
Face Covering Regulation  
2020**

**Section I  
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, 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 or death.

1.03 The Linn County Board of Health finds that COVID-19 poses a continuing and immediate threat to the public health of Linn County, Iowa residents and visitors.

**Section II  
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 Linn County Board of health

2.03 "THE COUNTY" means Linn County, Iowa

2.04 "FACE COVERING" 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 III  
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 Linn County shall wear a face covering 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
  - 6. Other public settings that are not ones' place of residence and when one is with persons who do not live in the household
- C. Outside, if keeping six (6) feet away from others is not possible
- D. Using public transportation or private car service (e.g. taxis, ride share, or carpooling)

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

- A. While traveling in a personal vehicle alone or with household members
- B. While a person is alone or is in the presence of only household members
- C. While exercising at moderate or high intensity when following social distancing recommendations (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 covering (e.g. dental appointments and face services)
- F. When federal or state law prohibits wearing a face covering or requires the removal of the face covering

3.03 Exemptions. Persons who are exempt from wearing a face covering:

- 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 covering without assistance
- D. Anyone who has been provided written notice from a medical, legal, or behavioral health professional not to wear face coverings

3.04 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
- D. Includes multiple layers of fabric
- E. Allows for breathing without restriction
- F. Can be laundered and machine dried without damage or change to shape

#### Section IV

#### 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.

4.04 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).

4.05 This regulation will expire when the Governor's proclamation of disaster emergency expires or when the Linn County Board of Supervisors' declaration of public health disaster expires, whichever date is later.

Issued this 16 day of November, 2020.

By: Mary P Tarbox  
Dr Mary Tarbox, RN, EdD  
Chairperson, Linn County Board of Health

Attest: Larry Hlavacek  
Larry Hlavacek  
Acting Director

**Other important notes:**

The regulation is limited in time: the recitals of the resolution state that it would expire when the disaster proclamation expires or the Board of Supervisors declaration expires, whichever date is later.