

FACE COVERING REGULATION

Section 1. Authority and Applicability

- 1.1. 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."
- 1.2. 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 or death.
- 1.3. The Clay County Board of Health finds that COVID-19 poses a continuing and immediate threat to the public health of Clay County, Iowa residents and visitors.
- 1.4. The Clay County Board of Health further finds that the current rise in numbers of infections within Clay County are not sustainable given the resources currently available to combat this threat and that further measures are at this time necessary.

Section 2. Definitions

- 2.1. "ADMINISTRATIVE AUTHORITY" means the local board of health as authorized by Iowa Code Chapter 137, or its appointed representative.
- 2.2. "THE BOARD" means the Clay County Board of Health.
- 2.3. "THE COUNTY" means Clay County, Iowa.
- 2.4. "FACE COVERING" means a particulate mask or double-layered cloth covering that securely covers a person's nose and mouth and is secured to the face with ties, loops, or elastic, and does not include masks or coverings with openings, holes, visible gaps in the design or material, exhalation valves or vents.
- 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 137.104, be it hereby ordered and enforced by the Board as the Administrative Authority, as follows:

- 3.1. Every person in Clay County shall wear a face covering when:
 - A. In public as opposed to being in one's 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 one's 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.
 - D. Using public transportation or private car service (including taxis, ride share or carpooling).
- 3.2. 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 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.
 - F. While participating in a service at a spiritual or religious gathering, but the citizens are strongly encouraged to wear face coverings during religious or spiritual gatherings.
 - G. When federal or state law prohibits wearing a face covering or requires the removal of the face covering.
- 3.3. Exemptions. Persons who are exempt from wearing a face covering:
 - A. Persons younger than two (2) years old due to the risk of suffocation.
 - B. Anyone who has trouble breathing due to a medical condition, on oxygen therapy or ventilator.
 - C. Anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
 - O. Anyone who has been told by a medical, legal or behavioral health professional not to wear face coverings.
- 3.4. 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.

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. There shall be no penalty for a violation of the Regulation.
- 4.2. 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).
- 4.3. The requirements of this Regulation shall be lifted when the level of positivity in Clay County has fallen under five percent (5%) over a 14-day average for two consecutive Sundays as indicated on [Coronavirus.iowa.gov](https://coronavirus.iowa.gov)., demonstrating that control of the virus in Clay County is adequate to protect our citizens.
- 4.4. The requirements of this Regulation shall be reinstated when the level of positivity in Clay County has risen over ten percent (10%) over a 14-day average for two consecutive Sundays as indicated on [Coronavirus.iowa.gov](https://coronavirus.iowa.gov)., demonstrating that control of the virus in Clay County is not safe to protect our citizens.
- 4.5. This Regulation shall be reviewed at each meeting of the Board of Health and a recommendation to continue these regulations and a recommendation shall be forwarded to the Board of Supervisors at their next scheduled or special meeting.