

ORDINANCE NO. _____-20

AMENDING CITY OF DUBUQUE CODE OF ORDINANCES TITLE 6 HEALTH, HOUSING, SANITATION AND ENVIRONMENT, CHAPTER 1 HEALTH AND SAFETY REGULATIONS, BY ADDING A NEW SECTION 2 NOVEL CORONAVIRUS 2019 (COVID-19) MANDATES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. City of Dubuque Code of Ordinances Section 6-1 is amended by adding thereto the following new section:

6-1-2: NOVEL CORONAVIRUS 2019 (COVID-19) MANDATES:

A. FACE COVERING REQUIREMENT.

1. Every person in the City of Dubuque three (3) years of age or older must wear a face covering that covers the person's nose and mouth as follows:
 - a. Outside whenever one cannot stay at least six (6) feet away from others;
 - b. Inside any indoor public setting, for example, but not limited to:
 - i. Grocery stores.
 - ii. Pharmacies.
 - iii. Hardware stores.
 - iv. Retail stores.
 - v. Any other indoor public setting when with persons who do not live in the person's household.
 - c. When using public transportation or a private car service, including taxis, ride share, or carpooling.
2. Places and times where a person is not required to wear a face covering:
 - a. While traveling in a personal vehicle alone or with household members.
 - b. While a person is alone or in the presence of only household members.

- c. While outside, if keeping six (6) feet away from others is possible.
 - c. While exercising at moderate or high intensity such as jogging or biking.
 - d. While seated at a food establishment in the process of eating or 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 the face covering.
3. The following persons are exempt from wearing a face covering:
- a. Persons younger than (two) 2 years of age.
 - b. Anyone who has difficulty breathing or is on oxygen therapy or a ventilator.
 - c. Anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
 - d. Anyone who has been told by a medical, legal, or behavioral health professional not to wear face coverings.
 - e. Anyone actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, although a face covering should be worn if possible.
 - f. A student participating in co-curricular activities when participating according to the Iowa High School Athletic Association rules for wearing face coverings.
4. A business that is open to the public must post signs at each entrance instructing customers of the legal obligation to wear a face covering as required by this Ordinance while inside the business.
5. No business that is open to the public may provide service to a customer or allow a customer to enter its premises unless the customer is wearing a face covering as required by this Ordinance.
6. Violations.
- a. For any violation of this chapter, an initial fine of ten dollars (\$10.00) if paid within thirty (30) calendar days of the date of the violation. If payment is not

made within such thirty (30) calendar days, said fine shall be fifteen dollars (\$15.00).

- b. Payment of the above fine by mail to the city treasurer shall be deemed paid as of the date of the postmark on the envelope thereof.
- c. For purposes of this section, a fine shall become delinquent if not paid within thirty (30) calendar days from the date of issuance of the violation notice.
- d. The City reserves the right to pursue delinquent violations through collections or the issuance of a municipal infraction pursuant to the City of Dubuque Code of Ordinances §1-4-2.

7. Appeal.

- a. Within ten (10) days of a violation a person may file with the Police Department a written notice of appeal.
- b. Upon appeal, a municipal infraction shall be issued pursuant to City of Dubuque Code of Ordinances §1-4-2.

B. TEMPORARY CAPACITY RESTRICTIONS.

- 1. The following businesses shall be restricted to fifty-percent (50%) capacity.
 - a. Restaurants
 - b. Bars
 - c. Fitness Centers
- 2. The City shall make adjustments and accommodations as possible and safe to offer these businesses flexibility in use of additional outdoor spaces, including possible use of public streets and right-of-ways to account for the reduced indoor capacity.
- 3. Violations. Any violation of this section is subject to a civil penalty per §1-4-2.

Section 2. This Ordinance shall take effect upon publication.

Passed, approved and adopted this 6th day of August, 2020.

Roy D. Buol, Mayor

Attest:

Kevin S. Firnstahl, City Clerk