

**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 FACE COVERING REQUIREMENT**

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: FACE COVERING REQUIREMENT:**

- A. 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:
  - 1. Outside whenever one cannot stay at least six (6) feet away from others;
  - 2. Inside any indoor public setting, for example, but not limited to:
    - a. Grocery stores.
    - b. Pharmacies.
    - c. Hardware stores.
    - d. Retail stores.
    - e. Any other indoor public setting when with persons who do not live in the person's household.
  - 3. When using public transportation or a private car service, including taxis, ride share, or carpooling.
- B. Places and times where a person is not required to wear a face covering:
  - 1. While traveling in a personal vehicle alone or with household members.
  - 2. While a person is alone or in the presence of only household members.
  - 3. While outside, if keeping six (6) feet away from others is possible

4. While exercising at moderate or high intensity such as jogging or biking.
5. While seated at a food establishment in the process of eating or drinking.
6. While obtaining a service that would require temporary removal of the person's face covering.
7. When federal or state law prohibits wearing a face covering or requires the removal of the face covering.

C. The following persons are exempt from wearing a face covering:

1. Persons younger than (three) 3 years of age.
2. Anyone who has difficulty breathing or is on oxygen therapy or a ventilator.
3. Anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
4. Anyone who has been told by a medical, legal, or behavioral health professional not to wear face coverings.
5. 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.
6. A student participating in co-curricular activities when participating according to the Iowa High School Athletic Association rules for wearing face coverings.

D. 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.

E. 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.

F. Violations

1. 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).
2. 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.

3. 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.
4. 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.

G. Appeal.

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

**Section 2.** This Ordinance shall take effect upon publication.

Passed, approved and adopted this 6<sup>th</sup> day of August, 2020.

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Roy D. Buol, Mayor

Attest:

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Kevin S. Firnstahl, City Clerk