



# MEMO

**To:** Mayor and Ames City Council

**From:** Steven L. Schainker, City Manager

**Date:** August 28, 2020

**Subject:** Special Meeting on September 1, 2020, for First Reading of Mandatory Face-Covering Ordinance

The Mayor has asked that we schedule a special City Council meeting on Tuesday, September 1, 2020, at 6:00 p.m. to consider approval on first reading of the proposed mandatory face covering ordinance.

While the Mayor previously announced that the City Council would not be voting on such an ordinance until your September 8, 2020, meeting, he believes the following information that has come to light recently warrants accelerating action on this ordinance to protect the health and safety of our residents. First, according to the Iowa Department of Public Health's website, this past Wednesday's and Thursday's positive case numbers in Story County are two and a half times higher than the highest reported test numbers since the onset of testing in March. In addition, the 14-day average of positive test cases is currently 14.4%, which is a significant increase over what it has been the past month and half. Second, the Governor's recent action to temporarily close the bars in Story County will no doubt cause an immediate increase in large off-campus gatherings in areas that are not adequate to accommodate proper social distancing.

As is the case for all first readings, the public will be allowed to provide input into the ordinance at the September 1<sup>st</sup> meeting. Because of the urgency of this issue, the City Council could vote to suspend the rules and pass the proposed ordinance on second and third readings on this night as well. This action would require five affirmative votes.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 17.37 THEREOF, FOR THE PURPOSE OF FACE COVERING REQUIREMENT REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 17.37 as follows:

**“Sec. 17. 37 FACE COVERING REQUIREMENT:**

**PREAMBLE:** This ordinance is being adopted in response to a worldwide pandemic of the novel coronavirus which causes COVID-19. The virus has been spreading locally in Story County, the City of Ames, and on the Iowa State University campus. The U.S. Centers for Disease Control, Iowa Department of Public Health, Story County Board of Health, and Mary Greeley Medical Center have all encouraged people to wear face coverings as a method to slow or prevent transmission of the virus. This ordinance is being adopted pursuant to the Municipal Home Rule Authority as stated in Article III, Section 38A of the Iowa Constitution and Iowa Code section 364.1. It is the intent and belief of the Ames City Council that this ordinance does not conflict with provisions of the Governor of Iowa’s Public Health Disaster Emergency Proclamation regarding COVID-19 which is currently in effect.

(1) Every person in the City of Ames three (3) years of age or older must wear a face covering that completely covers the person’s nose and mouth under the following circumstances:

a. Outside whenever the person cannot stay at least six (6) feet away from others;

b. Inside any indoor setting or establishment where the public is invited in, including, but not limited to:

i. Grocery, retail, and hardware stores, gas stations and convenience stores, fitness centers, pharmacies, any other indoor public setting when with persons who do not live in the person’s household, and other public settings that are not the person’s place of residence. A childcare facility is not considered a public setting or a facility where the public is invited in.

(2) A person is not required to wear a face covering at the following places or times:

a. While traveling in a personal vehicle alone or with household members.

b. While a person is in the person’s household or the household’s yard, or in another person’s household.

c. While outside, where at least six (6) feet of physical separation from others can be maintained.

d. While at a person's place of employment where at least six (6) feet of physical separation from others can be maintained.

e. While exercising at moderate or high intensity, such as jogging or biking or while engaging in or practicing for sporting activities.

f. While seated inside or outside at a food establishment in the process of eating or drinking.

g. While seated inside or outside at a bar in the process of eating or drinking.

h. While obtaining a service that would require temporary removal of the person's face covering.

i. 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 three (3) years of age.

b. Anyone who has a medical condition causing difficulty of 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 advised by a medical 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.

(4) Compliance with this ordinance shall be obtained through education and encouragement only. There is no penalty for a violation of this ordinance.

**SUNSET CLAUSE:** This ordinance expires and becomes null and void after May 31, 2021, unless the date in this clause is amended or the ordinance is sooner repealed."

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Diane R. Voss, City Clerk

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John A. Haila, Mayor