

MAYORAL PROCLAMATION NO. 01-05-21

**A PROCLAMATION MODIFYING MAYORAL PROCLAMATION 10-09-20
TO ALLOW FULLY VACCINATED PERSONS TO ENGAGE IN ADDITIONAL
CERTAIN OUTDOOR ACTIVITIES WITHOUT WEARING A FACE COVERING**

WHEREAS, on March 20, 2020, I, Brad Hart, Mayor of the City of Cedar Rapids, Iowa issued an Emergency Declaration Proclamation due to the emergence and spread of the COVID-19 disease; and

WHEREAS, on September 20, 2020, I issued Mayoral Proclamation No 10-09-20 which, among other things, required face-coverings in certain places and settings, with certain exceptions; and

WHEREAS, although COVID-19 continues to pose a serious and potentially deadly threat to the public and the public health as the Federal Center for Disease Control ("CDC") continues to stress, conditions have improved as a result of the public's actions, especially with regard to vaccinations, such that the CDC has changed its guidance with respect to fully vaccinated people and certain outdoor activities; and

WHEREAS, Article III, Section 38A of the Iowa Constitution grants municipalities the power to determine their local affairs and government not inconsistent with the laws of the general assembly; and

WHEREAS, Chapter 364 of the Iowa Code reaffirms the constitutional grant of home rule authority to a municipality "to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the city or its residents, and improve the peace, safety, health, welfare and convenience of its residents"; and

WHEREAS, a "city may exercise its general powers subject only to limitations expressly imposed by a state or city law," and the exercise of a city power "is not inconsistent with a state law unless it is irreconcilable with the state law." Iowa Code section 364.2(2) and (3); and

WHEREAS, a city may set standards "more stringent than those imposed by state law, unless a state law provides otherwise." Iowa Code Section 364.3(a); City of Des Moines v. Gruen, 457 N.W.2d 340, 343 (Iowa 1990); Bryan v. City of Des Moines, 261 N.W.2d 685, 687 (Iowa 1978); and

WHEREAS, chief among the powers of local government is the power to promote and protect the health and safety of its residents, especially during a time when public health is in danger; and

WHEREAS, Iowa Code Section 372.14(2) and the Cedar Rapids Municipal Code grants the Mayor power in emergency circumstances when public danger exists to take extraordinary steps to protect the public health and safety.

WHEREAS, pursuant to the powers vested in the Mayor under Iowa Code Section 372.14(2) and the Cedar Rapids Municipal Code, I have issued proclamations due to the dangers presented by COVID-19 and I have determined that additional extraordinary measures are necessary to protect and not worsen the health, safety and welfare within the community; and

WHEREAS, a requirement that persons within the City of Cedar Rapids wear face coverings in certain settings and places remains essential to reducing the risk of transmission of COVID-19, and necessary to protect the health, welfare and safety of residents and visitors and accelerate local recovery efforts.

NOW, THEREFORE, IN CONSIDERATION OF THE FORGOING AND OTHER VALID EMERGENT CONCERNS, I, BRADLEY G. HART, MAYOR OF THE CITY OF CEDAR RAPIDS, IOWA HEREBY PROCLAIM THE FOLLOWING:

1. Continued State of Emergency. I determine that the state of emergency or public danger determined to exist in my Proclamation of March 20, 2020, and subsequent proclamations continues to exist, the recitals contained hereinabove are true and correct, and that the guidance referenced herein is appropriate and instructional and that the Governor's prohibitions and requirements are legal and binding.
2. Face Coverings. Consistent with the authority granted me by the Iowa Code and the Cedar Rapids Municipal Code referenced above, and consistent with the new CDC Guidance updated April 27, 2021, I therefore amend Mayoral Proclamation 10-09-20 by adding a new exception as new Section 2(c)(13) as follows:
 - 13) Any person who is fully vaccinated, defined as being people who received their second dose in a 2-dose series at least two weeks prior, such as the Pfizer or Moderna vaccines, or who received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine at least two weeks prior, when gathering indoors with other fully vaccinated persons without wearing a mask or staying 6 feet apart, when gathering indoors with unvaccinated persons of any age from one other household (for example, visiting with relatives who all live together) without masks or staying 6 feet apart, unless any of those people or anyone they live with has an increased risk for severe illness from COVID-19; or when gathering or conducting activities outdoors. However, in large, crowded outdoor settings and venues (50 or more people) where due to the number of attendees, seating configurations, or type of event, gathering or activity, it is not possible for groups or individual attendees to take reasonable public health measures to reduce the transmission of COVID-19 consistent with the federal Centers for Disease Control, persons are encouraged to wear a mask.
3. General. This Proclamation and the previous proclamations of emergency are part of an ongoing response of the City of Cedar Rapids to protect public health and safety and may be modified or superseded with more restrictive proclamations at any time as circumstances warrant and in all other respects and purposes, except as expressly modified herein, all prior Proclamations continue in full force and effect.

Proclaimed this 5th day of May, 2021.

Brad Hart
Brad Hart, Mayor of the City of Cedar Rapids