

RESOLUTION NO. 20-20

**RESOLUTION REGULATING TAILGATING AND RELATED  
ACTIVITIES ON HAWKEYE FOOTBALL GAME DAYS**

**WHEREAS**, the COVID-19 pandemic has gripped and impacted our City, State, Nation, and World; and

**WHEREAS**, the number of COVID-19 cases continue to increase, placing University Heights residents and others at risk for serious illness or death; and

**WHEREAS**, the Big Ten Conference and Iowa Hawkeye Football Program have announced that the 2020 football season will take place in a modified format; and

**WHEREAS**, University Heights residents and guests have a long, proud, and well-known tradition of celebrating and supporting the Hawks, gathering in their homes and yards with family and friends, parking cars, and tailgating; and

**WHEREAS**, local, state, and federal agencies and authorities, together with medical professionals, have issued various recommendations and guidance to protect public health and safety and reduce transmission and spread of the coronavirus; and

**WHEREAS**, many of these various measures call for and/or require reducing the size of crowds, maintaining social distancing, wearing facemasks or shields, and generally staying home and away from others as much as possible; and

**WHEREAS**, no fans will be permitted to attend Hawkeye home football games for the 2020 football season; and

**WHEREAS**, the University of Iowa will not permit parking, gathering, tailgating, or merchandise vending on its property, particularly including the parking lots and other areas near and around Kinnick Stadium for the 2020 football season; and

**WHEREAS**, the City of Iowa City similarly will not permit gathering, tailgating, or merchandise vending from properties near and around Kinnick Stadium for the 2020 football season; and

**WHEREAS**, Mayor Louise From issued a proclamation, ratified by the City Council, entitled "Proclamation – City of University Heights – COVID-19 Prevention Initiative;" and

**WHEREAS**, the City Council of the City of University Heights supports the goals and purposes of the Proclamation and desires to implement and encourage recommended practices and procedures aimed at protecting public health and safety and reducing the transmission and spread of coronavirus; and

**WHEREAS**, the City Council desires to take appropriate action to encourage all University Heights residents and guests to cheer on the Hawks in as safe and distanced a manner as possible,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of University Heights, Iowa, that the following rules and regulations shall be in place and in force during and on all weekends (Friday-Sunday) on which the Iowa Hawkeyes play football games in Kinnick Stadium during 2020:

1. Parking on yards is prohibited at all locations and in all Zones identified in the City Zoning Ordinance (comprising all places in the City);
2. The provisions of City Ordinances regulating and restricting parking on City Streets on Hawkeye game days will be enforced as usual;
3. Outdoor vending of merchandise of any sort (including items produced by Home Occupations permitted by the City Zoning Ordinance) are prohibited at all locations and in all Zones identified in the City Zoning Ordinance (comprising all places in the City);
4. Groups greater than ten (10) individuals are prohibited from gathering on yards at all locations and in all Zones identified in the City Zoning Ordinance (comprising all places in the City);
5. Groups of any size are prohibited from gathering on all public property, including the area adjacent to City streets (commonly known as the “parking” – the area between the curb and the farther edge of the sidewalk);
6. Tailgating is prohibited on all public property, including the area adjacent to City streets (commonly known as the “parking” – the area between the curb and the farther edge of the sidewalk);
7. Individuals gathered on private property shall maintain physical distance of at least six feet (6’) between them unless those all of those individuals live together;
8. Portable toilets are prohibited on private property, unless they are located pursuant to a valid Building Permit issued by the City;
9. All individuals shall follow and observe the provisions of the Johnson County Public Health Face Covering Ordinance, which is attached as Exhibit “A;”

10. All individuals shall follow and observe the rules, regulations, restrictions and requirements of applicable local, state, and federal regulations, guidance, and laws related to the COVID-19 pandemic;
11. All property owners and residents are responsible to see that their guests abide by and comply with the terms of this Resolution;
12. The University Heights Police Department is directed to enforce the terms of this Resolution by way of education and voluntary compliance but may order groups to disperse and/or issue municipal infraction citations if efforts at voluntary compliance are unsuccessful;
13. Violations of this Resolution may be cited as municipal infractions with a penalty of \$50.00, plus costs;
14. The City Council may revisit and revise the provisions of this Resolution as the Hawkeye Football season progresses.

Upon motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the vote was as follows:

	AYE	NAY	ABSENT	ABSTAIN
Cook	_____	_____	_____	_____
Moore	_____	_____	_____	_____
O'Sullivan	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Swailles	_____	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 13<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
 Louise A. From, Mayor

ATTEST:

\_\_\_\_\_  
 Christine M. Anderson, City Clerk  
 Mike Haverkamp, Temporary City Clerk

## Exhibit "A"

### Johnson County Public Health

#### Face Covering Regulation

2020

#### Section I

##### Authority and Applicability

1.01 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."

1.02 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.

1.03 The Johnson County Board of Health finds that COVID-19 poses a continuing and immediate threat to the public health of Johnson County, Iowa residents and visitors.

#### Section II

##### Definitions

2.01 "ADMINISTRATIVE AUTHORITY" means the local board of health as authorized by Iowa Code Chapter 137, or its appointed representative.

2.02 "THE BOARD" means the Johnson County Board of health

2.03 "THE COUNTY" means Johnson County, Iowa

2.04 "FACE COVERING" means a material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands, whether purchased or homemade, and consistent with the Center for Disease Control and Prevention guidelines

2.05 "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

2.06 "INDOOR PUBLIC SETTING" means an enclosed area to which the public is invited

#### Section III

##### General Regulations

Therefore, pursuant to Iowa Code 137.104, be it hereby ordered and enforced by the Board as the Administrative Authority, as follows:

3.01 Every person in Johnson 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 ones 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)

3.02 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 in 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. When federal or state law prohibits wearing a face covering or requires the removal of the face covering

3.03 Exemptions. Persons who are exempt from wearing a face covering:

- A. Persons younger than 2 years old due to the risk of suffocation
- B. Anyone who has trouble breathing, on oxygen therapy or 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

3.04 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
- C. Is secured with ties or ear loops
- D. Includes multiple layers of fabric
- E. Allows for breathing without restriction
- F. Can be laundered and machine dried without damage or change to shape

## Section IV

### Enforcement, Penalties and Implementation

4.01 The following ordinance is not intended to be punitive or stigmatizing and is in the best interest of health, safety, and economic recovery. A violation shall constitute a simple misdemeanor.

4.02 The first offense shall be punishable by the minimum fine for a simple misdemeanor.

4.03 The second or subsequent offense shall be punishable by a fine up to the maximum fine for a simple misdemeanor.

4.05 This ordinance 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).

4.06 This ordinance will expire when the Governor's proclamation of disaster emergency expires or when the Johnson County Board of Supervisors' declaration of public health disaster expires, whichever date is later.

Issued this \_\_\_\_ day of \_\_\_\_\_ 2020.

By: \_\_\_\_\_

Peter Wallace, MD

Chairperson, Johnson County Board of Health

Attest: \_\_\_\_\_