

**CERRO GORDO COUNTY, IOWA**

**ORDINANCE 47A  
ISOLATION AND QUARANTINE ORDINANCE**

Effective date: Upon Publication

Adopted: September 20, 2005

Revised: February 11, 2020

TABLE OF CONTENTS

SECTION 1: DEFINITIONS.....3  
SECTION 2: GENERAL PROVISIONS.....4  
SECTION 3: CONDITIONS AND PRINCIPLES.....4  
SECTION 4: ISOLATION OR QUARANTINE PREMISES.....5  
SECTION 5: POWERS AND AUTHORITY.....5  
SECTION 6: IMPLEMENTATION.....6  
SECTION 7: APPEAL PROCEEDINGS.....7  
SECTION 8: INDIVIDUAL RIGHTS.....8  
SECTION 9: CONSOLIDATION OF CLAIMS.....8  
SECTION 10: ENFORCEMENT.....9  
SECTION 11: PENALTIES.....9  
SECTION 12: REFUSAL OF ADMITTANCE.....9  
SECTION 13: EMERGENCY RULES.....10  
SECTION 14: AMENDMENTS.....10  
SECTION 15: SEVERABILITY.....10  
SECTION 16: REGULATION EFFECTIVE UPON PUBLICATION.....10

A regulation governing good public health practice and policy to establish isolation and/or quarantine in Cerro Gordo County, Iowa. The purpose is to minimize transmission of disease by separating those with disease or at increased risk of developing disease from those at lower risk. This will help to minimize morbidity and mortality as well as limit social and economic consequences in Cerro Gordo County, Iowa and provide penalties for violation of the provisions hereof.

The Cerro Gordo County Board of Health hereby adopts the following regulation to wit;

## **SECTION 1: DEFINITIONS**

- 1.1 “AUTHORIZED REPRESENTATIVE” The Cerro Gordo County Department of Public Health Director or his/her designee.
- 1.2 “BOARD OF HEALTH” The Cerro Gordo County Board of Health pursuant to Chapter 137 of the Code of Iowa.
- 1.3 “COMMUNICABLE DISEASE” Any disease spread from person to person or animal to person.
- 1.4 “DEPARTMENT” The Cerro Gordo County Department of Public Health.
- 1.5 “IDPH” The Iowa Department of Public Health.
- 1.6 “ISOLATION” The separation of persons or animals presumably or actually infected with a communicable disease, or that are disease carriers, for the usual period of communicability of that disease. Isolation shall be in such places, marked by placards if necessary, and under such conditions to prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible individuals.
- 1.7 “ORDER” A lawful formal oral or written directive issued by the Department or Board of Health to individual or group of individuals.
- 1.8 “PLACARD” A sign or notice for display in a public place.
- 1.9 “QUARANTINABLE DISEASE” Any communicable disease which presents a risk of serious harm to public health and which may require isolation or quarantine to prevent its spread. “Quarantinable disease” includes but is not limited to cholera; diphtheria; infectious tuberculosis; plague; smallpox; yellow fever; viral hemorrhagic fevers, including Lassa, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named; and severe acute respiratory syndrome (SARS).
- 1.10 “QUARANTINE” The limitation of freedom of movement of persons or animals that have been exposed to a communicable disease or chemical, biological, or radiological agent, within specified limits marked by placards, for a period of time

equal to the longest usual incubation period of the disease or until there is no risk of spreading the chemical, biological, or radiological agent. The limitation of movement shall be in such manner as to prevent the spread of a communicable disease or chemical, biological, or radiological agent.

## **SECTION 2: GENERAL PROVISIONS**

- 2.1 Prior to instituting mandatory isolation or quarantine order pursuant to this ordinance, the department may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.
- 2.2 The department is authorized to impose and enforce quarantine and isolation restrictions. Quarantine and isolation shall rarely be imposed by the department. Quarantine or isolation may be imposed on individuals that are, or are suspected to be, infected with, exposed to, or contaminated with a quarantinable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken. Any quarantine or isolation imposed by the department shall be established and enforced in accordance with this ordinance.
- 2.3 The department shall notify, consult and work cooperatively with the Iowa Department of Agriculture and Land Stewardship and the state veterinarian office on issues relating to isolation and quarantine of animals.

## **SECTION 3: CONDITIONS AND PRINCIPLES**

- 3.1 The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable disease or a chemical, biological, or radiological agent to others and may include, but is not limited to, confinement to private homes, other private premises, or public premises.
- 3.2 Isolated individuals shall be confined separately from quarantined individuals.
- 3.3 The health status of isolated or quarantined individuals shall be monitored regularly to determine if the individuals require further or continued isolation or quarantine.
- 3.4 If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease, the individual shall be promptly removed to isolation.
- 3.5 Isolated or quarantined individuals shall be immediately released when the department determines that the individuals pose no substantial risk of transmitting a communicable disease or spreading a chemical, biological, or radiological agent.
- 3.6 The needs of isolated or quarantined individuals shall be addressed in a systematic and competent fashion including, but not limited to, providing adequate food;

clothing; shelter; means of communicating with those in and outside of isolation or quarantine; medication; and competent medical care.

- 3.7 The premises used for isolation or quarantine shall be maintained in a safe and hygienic manner and shall be designed to minimize the likelihood of further transmission of infection or other harm to isolated or quarantined individuals.
- 3.8 To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of individuals in isolation and quarantine premises and in establishing and maintaining the premises.

#### **SECTION 4: ISOLATION OR QUARANTINE PREMISES**

- 4.1 Sites of isolation or quarantine shall be prominently placarded with isolation or quarantine signs prescribed and furnished by the department and posted on all sides of the building wherever access is possible.
- 4.2 An individual subject to isolation or quarantine shall obey the ordinance and orders of the department and shall not go beyond the isolation or quarantine premises.
- 4.3 The department may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.
- 4.4 No individual, other than an individual authorized by the department shall enter isolation or quarantine premises. If the department has requested the assistance of law enforcement in enforcing the isolation or quarantine, the department shall provide law enforcement personnel with a list of individuals authorized to enter the isolation or quarantine premises.
- 4.5 Any individual entering an isolation or quarantine premises with or without authorization of the department may be isolated or quarantined pursuant to this ordinance.

#### **SECTION 5: POWERS AND AUTHORITY**

- 5.1 Code of Iowa, Chapter 137 – Local Board of Health, 137.6 – Additional Powers of Local Boards, Subsection 2 states, “Make and enforce such reasonable rules and regulations not inconsistent with law or with the rules of the state board as may be necessary for the protection and improvement of the public health.”
- 5.2 Code of Iowa, 331.301 – General Powers and Limitations, Subsection 1 states, “A county may, except as expressly limited by the Constitution, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve peace, safety, health,

welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent county power.”

- 5.3 The department has primary jurisdiction to isolate or quarantine individuals or groups of individuals within Cerro Gordo County. IDPH has primary jurisdiction to isolate or quarantine individuals or groups of individuals if there are multicounty, statewide, or interstate public health implications. If isolation or quarantine is imposed by IDPH, the board or authorized representative may not alter, amend, modify, or rescind the isolation or quarantine order.

## **SECTION 6: IMPLEMENTATION**

- 6.1 Isolation and quarantine undertaken by the department shall be accomplished in accordance with this ordinance.
- 6.2 The department may:
  - 6.2.1 Isolate individuals who are presumably or actually infected with a quarantinable disease;
  - 6.2.2 Quarantine individuals who have been exposed to a quarantinable disease or a chemical, biological, or radiological agent;
  - 6.2.3 Establish and maintain places of isolation and quarantine; and
  - 6.2.4 Enforce orders as necessary to establish and maintain isolation or quarantine.
- 6.3 The department may temporarily isolate or quarantine an individual or groups of individuals through an oral order issued by the Board of Health or authorized representative, without notice, only if delay in imposing the isolation or quarantine would significantly jeopardize the department’s ability to prevent or limit the spread of a communicable disease or a chemical, biological, or radiological agent to others.
- 6.4 If the department imposes temporary isolation or quarantine of an individual or groups of individuals through an oral order, the Board of Health or authorized representative shall issue a written order as soon as is reasonably possible and in all cases within 24 hours of issuance of the oral order if continued isolation or quarantine is necessary to prevent or limit the spread of a communicable disease or a chemical, biological, or radiological agent.
- 6.5 The department may isolate or quarantine an individual or groups of individuals through a written order issued pursuant to this ordinance.

- 6.5.1 The written order shall include all of the following:
- a. The identity of the individual, individuals, or groups of individuals subject to isolation or quarantine.
  - b. The premises subject to isolation or quarantine.
  - c. The date and time at which isolation or quarantine commences.
  - d. The suspected communicable disease or chemical, biological, or radiological agent.
  - e. A description of the less restrictive alternatives that were attempted and were unsuccessful, or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected.
  - f. A statement of compliance with the conditions and principles for isolation and quarantine specified in Section 3.
  - g. The legal authority under which the order is requested.
  - h. The medical basis upon which isolation or quarantine is justified.
  - i. A statement advising the individual, individuals, or groups of individuals of the right to appeal the written order pursuant to Section 6 and the rights of individuals and groups of individuals subject to quarantine and isolation as listed in Section 7.
  - j. A copy of this ordinance and the relevant definitions.
- 6.5.2 A copy of the written order shall be provided to the individual to be isolated or quarantined within 24 hours of issuance of the order in accordance with any applicable process authorized by the Iowa Rules of Civil Procedure. If the order applies to a group or groups of individuals and it is impractical to provide individual copies, the order may be posted in a conspicuous place in the isolation or quarantine premises.

## **SECTION 7: APPEAL PROCEEDINGS**

- 7.1 The subject of an order imposing isolation or quarantine may appeal a written order by submitting a written appeal within ten days of receipt of the written order. The appeal shall be addressed to Cerro Gordo County Board of Health, ~~22 N. Georgia Ave Suite 300~~ **2570 4<sup>th</sup> St. SW, Suite 1**, Mason City, IA 50401. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the appeal is finally determined and disposed of upon its merits.
- 7.2 The appeal proceeding shall be conducted in accordance with this ordinance. The proceeding shall be held as soon as is practicable, and in no case later than ten days from the date of receipt of the appeal. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease. In extraordinary circumstances and for good cause shown, the board may continue the proceeding date for up to ten days, giving due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence. At the

appeal proceeding, the subject of the appeal shall have the right to introduce evidence on all issues relevant to the order. The board, by majority vote, may modify, withdraw, or order compliance with the order under appeal.

- 7.3 The aggrieved party to the final decision of the board may petition for judicial review of that action by filing an action in the appropriate district court. Petitions for judicial review shall be filed within 30 days after the decision becomes final.
- 7.4 The board acknowledges that in certain circumstances the subject or subjects of an order may desire immediate judicial review of an order in lieu of proceeding with the board's appeal process. The board may consent to immediate jurisdiction of the district court when requested by the subject or subjects of an order and justice so requires. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the judicial review is finally determined and disposed of upon its merits.

## **SECTION 8: INDIVIDUAL RIGHTS**

Any individual or group of individuals subject to isolation or quarantine shall have the following rights:

- 8.1 The right to be represented by legal counsel.
- 8.2 The right to be provided with prior notice of the date, time, and location of any hearing.
- 8.3 The right to participate in any hearing. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable disease or chemical, biological, or radiological agent.
- 8.4 The right to respond and present evidence and argument on the individual's own behalf in any hearing.
- 8.5 The right to cross-examine witnesses who testify against the individual.
- 8.6 The right to view and copy all records in the possession of the department which relate to the subject of the written order.

## **SECTION 9: CONSOLIDATION OF CLAIMS**

- 9.1 In any proceeding brought pursuant to this ordinance, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence, the board or a court may order the consolidation of individual claims into group claims, if all of the following conditions exist:



- 9.2 The number of individuals involved or to be affected is large enough that consolidation would be the best use of resources.
- 9.3 There are questions of law or fact common to the individual claims or rights to be determined.
- 9.4 The group claims or rights to be determined are typical of the affected individuals' claims or rights.
- 9.5 The entire group will be adequately represented in the consolidation.

## **SECTION 10: ENFORCEMENT**

- 10.1 If isolation or quarantine is imposed by IDPH in Cerro Gordo County, the department shall assist in the implementation of the isolation or quarantine order.
- 10.2 Pursuant to Iowa Code section 135.35, all peace officers of the state shall enforce and execute a lawful order for isolation or quarantine within their respective jurisdictions. The department shall take all reasonable measures to minimize the risk of exposure to peace officers and others assisting with enforcement of an isolation or quarantine order.
- 10.3 The board or authorized representative, through the office of the county attorney, may file a civil action in the appropriate district court to enforce an order for isolation or quarantine. Such action shall be filed in accordance with Iowa Rules of Civil Procedure.

## **SECTION 11: PENALTIES**

- 11.1 Any individual that violates any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than one hundred dollars (\$100) or by imprisonment of not more than thirty (30) days and shall be guilty of a county infraction punishable by a civil penalty of not more than five hundred dollars (\$500) or if the infraction is a repeat offense by a civil penalty not to exceed seven hundred fifty dollars (\$750). Each day that a violation occurs or is permitted by the defendant to exist, constitutes a separate offense.

## **SECTION 12: REFUSAL OF ADMITTANCE**

- 12.1 In the event that the Department, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, a complaint may be made under oath at the District Court to the County and said Court thereupon may issue a warrant directed to some peace officer of the County, commanding him/her between the hours of sunrise and sunset, accompanied by the Department, to enter upon the premises and make such

inspection, and to obtain such samples as may be required to carry out the provision of this Ordinance.

### **SECTION 13: EMERGENCY RULES**

- 13.1 An emergency rule for the enforcement of this ordinance may be adopted by the Department upon notifying the Board of Health or by the Board of Health if the Department or Board of Health finds that there exists a potential or immediate danger to the public health, safety, or welfare. The scope of such rule shall be limited to the circumstances creating an emergency and at the time of adoption, the Department or Board of Health shall file the rule with the Board of Supervisors.
- 13.2 An emergency rule shall state the period during which it is in effect. An emergency rule is not renewable, although the Department or Board of health may at any time adopt an identical rule under the normal emergency rules procedures.
- 13.3 The emergency rule shall take effect immediately upon filing with the Board of Supervisors and shall be posted on the Department's official posting site.

### **SECTION 14: AMENDMENTS**

- 14.1 Amendments and additions to the Ordinance shall be made as required by Iowa Chapter 137.6. The Board of Health shall propose amendments and additions to this regulation to the Board of Supervisors whenever the Board of Health determines such changes are necessary to fulfill the purpose of this regulation.

### **SECTION 15: SEVERABILITY**

- 15.1 In the event that any particular section, paragraph, clause or provision of this Ordinance should be declared invalid or unconstitutional by the court of competent jurisdiction, the remaining provision of this Ordinance shall be in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

### **SECTION 16: REGULATION EFFECTIVE UPON PUBLICATION**

- 16.1 This regulation being deemed essential and imperative for the preservation of public health, shall be in force and effect from and after its passage and publication as provided by law.

---

Chairman, Board of Supervisors

---

County Auditor