



**OFFICE OF THE MAYOR
THE COUNTY OF KAUAI**

**DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR**

Mayor's Emergency Rule #6

Purpose:

On March 13, 2020, the President of the United States of America declared a national emergency in response to the COVID-19 pandemic. The Governor of Hawai'i proclaimed an emergency in response to the COVID-19 pandemic on March 4, 2020, and has since supplemented the proclamation. Mayor Derek S.K. Kawakami proclaimed an emergency in response to the COVID-19 pandemic on March 4, 2020. These proclamations and extraordinary actions have all been an effort to stem the spread of COVID-19 throughout the United States, the State of Hawai'i, and the County of Kaua'i.

The World Health Organization has indicated that COVID-19 is spread by respiratory droplets produced when an infected person coughs, sneezes, talks, laughs, or exhales. The Director for Center for Disease Control ("CDC"), Dr. Robert Redfield, stated as many as one in four people who are infected show no signs of having COVID-19, and people experiencing no symptoms can spread COVID-19 more widely than previously thought. The CDC currently recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies). This should reduce the likelihood of asymptomatic individuals unknowingly contributing to the spread of COVID-19.

These face coverings are not restricted to surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance. All persons, including essential workers, other than healthcare workers and medical first responders, are discouraged from using N95 respirators, for non-medical reasons

Rule:

Pursuant to HRS §127A-12(a)(5)(D), §127A-12(c)(12), and §127A-25, except as provided herein, all persons over the age of five (5) are required to wear some form of face covering over their nose and mouth, when outside of their home.

This Rule shall not apply to persons:

- engaging in a permissible outside exercise while practicing social distancing;
- that are riding in a personal vehicle with members of their own shelter group (household members) only;
- for sustenance consumption purposes;
- entering into banks or other financial institutions and while using an Automated Teller Machine (ATM) to withdraw funds, where the inability to verify the identity of the person may pose a security risk; or
- when a medical condition prohibits the use or causes a greater health or safety risk.



Definition:

A "face covering" means a tightly woven fabric without holes that covers the nose and mouth secured to the head with either ties or straps, or simply wrapped and tied around the face. It can be made of a variety of fabrics such as cotton, silk, or linen. A cloth face covering may be factory-made, sewn by hand, or can be improvised from household items such as handkerchiefs, scarfs, or T-shirts.

"Home" means a dwelling, including but not limited to a single-family dwelling, condominium, apartment, property, or shelter. Does not include any common areas for condominiums.

Force and Effect:

This rule shall have the force and effect of law. Violation of this rule is a misdemeanor, subject to penalty per HRS §127A-29.

Penalty per HRS §127A-29:

Any person violating any rule of the governor or mayor prescribed and promulgated pursuant to this chapter and having the force and effect of law, shall, if it shall be so stated in the rule, be guilty of a misdemeanor. Upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

Term:

Effective April 14, 2020 at 5:00 am HST, through May 3, 2020, subject to modification. Executed on this 13th day of April 2020.



Derek S.K. Kawakami
Mayor
County of Kaua'i

APPROVED FOR FORM & LEGALITY:



Matthew M. Bracken
County Attorney
County of Kaua'i