

**BUCHANAN COUNTY HEALTH AND SANITATION  
CODE OF ORDINANCES  
2008**

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# TITLE V – HEALTH AND SANITATION

## CHAPTER 44

### QUARANTINE AND ISOLATION PROGRAM

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**44.01 PURPOSE.** The purpose of this ordinance is to provide for the quarantine and isolation, when necessary, of persons with quarantinable disease. Enactment of this ordinance is authorized by Iowa Code Section 137.6(2).

#### **44.02 QUARANTINE AND ISOLATION REGULATIONS.**

1. Definitions:

- a. “Board” shall mean the Buchanan County Board of Health.
- b. “Communicable disease” shall mean the impairment of a person’s normal state because of the effect of a specific infectious agent or its toxic products that can be transmitted to another person.
- c. “Department” shall mean the Buchanan County Health Center Public Health Department located at 1600 First Street East, Independence, Iowa and the Environmental Health Department located at 210 Fifth Avenue Northeast, Independence, Iowa.
- d. “Isolation” means the physical separation of persons diagnosed by a licensed physician to be infected with a quarantinable disease, or who are disease carriers for the usual period of communicability of that disease, in such locations marked by placards and under such conditions devised to prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible individuals.
- e. “Quarantinable disease” shall mean a communicable disease that, because of its characteristics and symptomology, presents a risk of serious harm to the health of the general public and that may require imposition of isolation or quarantine measures to prevent its spread. The term “quarantinable disease” shall include, but is not limited to, the following: cholera; diphtheria; infectious tuberculosis; plague; smallpox; measles; yellow fever; viral hemorrhagic fevers, including Lass, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named; and severe acute respiratory syndrome (SARS).
- f. “Quarantine” shall mean the limitation of freedom of movement of a person or persons who have been exposed to a quarantinable disease to within specific limits marked by placards, for a period of time equal to the longest usual incubation period of disease, to prevent the spread of disease.

2. General Provisions.

- a. Voluntary confinement. Prior to instituting mandatory isolation or quarantine the Board may request that a person or group of persons voluntarily confine themselves to a private home or other facility.

- b. Quarantine and Isolation. The Board is authorized to impose and enforce quarantine and isolation restrictions. If the Board confirms the presence of a quarantinable disease in Buchanan County, persons exposed to or infected with an active quarantinable disease may be quarantined or isolated as the particular situation requires.
3. Conditions and Principles. The Board shall observe all of the following conditions and principles when isolating or quarantining persons.
  - a. Isolation or quarantine measures shall be the least restrictive means necessary to prevent the spread of communicable disease or suspected communicable disease to others.
  - b. Isolated persons shall be confined separately from quarantined persons.
  - c. The health status of isolated or quarantined persons shall be monitored regularly to determine if such persons require continued isolation or quarantine.
  - d. If a quarantined person is subsequently diagnosed with a quarantinable disease, the individual shall promptly be removed to isolation.
  - e. Isolated or quarantined persons shall be immediately released when the Board determines they pose no substantial risk of transmitting a quarantinable disease.
  - f. The needs of isolated or quarantined persons shall be addressed in an organized and competent manner 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.
  - g. The premises used for isolation or quarantine shall be maintained in a safe and hygienic manner and shall be so designated to minimize the likelihood of further transmission of infection to the isolated or quarantined person.
  - h. To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of persons in isolation and quarantine premises and establishing and maintaining the premises.
4. Isolation and Quarantine Premises.
  - a. Isolation and quarantine premises shall be prominently designated by appropriate signs prescribed and furnished by the Board and posted on all sides of the building/premises wherever access is possible.
  - b. Persons in isolation or quarantine shall obey the rules and orders of the Board and shall not go beyond the perimeter of the isolation or quarantine premises. Persons not under isolation or quarantine restrictions shall not enter isolation or quarantine premises unless authorized by the Board.
  - c. The Board may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of the isolated or quarantined persons.
  - d. Only personnel authorized by the Board shall enter the isolation or quarantine premises. If law enforcement assistance is necessary to enforce an isolation or

quarantine order, the Board shall provide the law enforcement agency with a list of individuals authorized to enter the premises.

5. Isolation and Quarantine.

- a. Temporary Isolation and Quarantine Without Notice. The Board may immediately isolate or quarantine a person or persons through an oral order only if delay of imposing isolation or quarantine measures would significantly jeopardize the Board's ability to prevent or limit the transmission of a quarantinable disease or possible quarantinable disease to others. A written order shall follow as soon as reasonably possible after the oral order is issued 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 transmission of a quarantinable disease.
- b. Written Order. A written order shall be signed by the Chairman of the Board or the Chairman's designee, and shall include all of the following:
  - i. The name(s) of the person or persons subject to isolation or quarantine.
  - ii. The premises subject to isolation or quarantine measures.
  - iii. The date and time at which isolation or quarantine restrictions shall commence.
  - iv. The suspected quarantinable disease.
  - v. A description of the less restrictive alternatives that were attempted and were unsuccessful, or that were considered and rejected and the reasons such alternatives were rejected.
  - vi. A statement of compliance with **Division 3-Conditions and Principals** of these rules.
  - vii. The legal authority under which the order issued.
  - viii. The medical basis upon which isolation or quarantine measures are justified.
  - ix. A statement advising the isolated or quarantined person or persons of the right to appeal the written order pursuant to **Division 6-Appeal Procedure** of these rules and the rights of individuals subject to quarantine and isolation as listed in **Division 7-Rights of Persons Subject To Isolation and Quarantine** of these rules.

6. Appeal Procedure.

- a. The recipient of an order imposing isolation or quarantine restrictions may appeal such order by mailing a written appeal within ten (10) days of receipt of the written order, addressed to the Buchanan County Board of Health Attn: Buchanan County Health Center Public Health Department, 1600 First Street East, Independence, Iowa 50644-3155.
- b. Unless stayed by order of the Board or the District Court, the written order for quarantine or isolation shall remain in force and effect until the appeal is finally determined and disposed of on the merits.
- c. The Board shall conduct the appeal in accordance with the following procedures:

- i. The appeal hearing shall be held as soon as is practicable, but not later than five (5) days from the date of receipt by the Board of the appeal notice.
    - ii. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the quarantinable disease.
    - iii. The appellant shall have the right to introduce evidence on all issues relevant to the order.
    - iv. The Board shall deliberate the appeal immediately at the conclusion of the presentation of evidence. The Board shall decide the appeal by majority vote and may modify, withdraw, or order compliance with the order.
    - v. The Board shall electronically record the appeal proceedings and shall preserve any items of physical evidence submitted.
  - d. The appellant may petition for judicial review of the final decision of the Board by filing an action in District Court within thirty (30) days after the date on which the Board renders its final decision.
7. Rights of Persons Subject to Isolation or Quarantine Orders. All persons subject to isolation and quarantine orders have the following rights:
  - a. The right to be represented by legal counsel;
  - b. The right to be provided with prior notice of the date, time and location of any hearing;
  - c. The right to participate in any hearing;
  - d. The right to respond and present evidence and argument on the person's behalf in any hearing;
  - e. The right to cross-examine witnesses;
  - f. The right to view and copy all records in the possession of the Board that relate to the subject of the written order.
8. Implementation and Enforcement of Isolation and Quarantine Orders.
  - a. If the Iowa Department of Public Health orders the quarantine or isolation of a Buchanan County resident, the Board may assist in the implementation of the order in the same manner and to the same extent as though the Board had issued the order.
  - b. Pursuant to Iowa Code Sections 137.21 and 139A.25(1), any individual who violates a lawful Board order for isolation or quarantine, whether written or oral, shall be guilty of a simple misdemeanor. Each additional day of neglect or failure to comply with such order after notice of violation by the Board shall constitute a separate offense.
  - c. The Board may petition the District Court for a temporary restraining order to enforce a Board order for isolation or quarantine.

**44.03 SAVINGS CLAUSE.** If any provision of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

**44.04 INCONSISTENT REGULATIONS REPEALED.** Any regulations or portions of regulations of the Buchanan County Code of Ordinances in conflict with any provision of this Chapter are hereby repealed in that respect only.

**44.05 EFFECTIVE DATE.** The provisions of this Chapter shall take effect and be in full force and effect upon the approval of the Buchanan County Board of Health and Buchanan County Board of Supervisors and upon publication in a newspaper in general circulation within Buchanan County.