

RESOLUTION NO: 2020-40

A RESOLUTION AND ORDER REGARDING THE USE OF FACE MASK OR FACE COVERINGS IN
REPUBLIC COUNTY IN RESPONSE TO COVID-19

WHEREAS, as a result of the Coronavirus (COVID-19) pandemic, the State of Kansas declared a State of Disaster Emergency on March 12, 2020; and

WHEREAS, as a result of the Coronavirus (COVID-19) pandemic, the Board of County Commissioners of Republic County, Kansas declared a State of Local Disaster Emergency on March 30, 2020, reissued on April 6, 2020, May 26, 2020 and reissued again on July 27, 2020, and

WHEREAS, Governor Laura Kelly of the State of Kansas issued Executive Order 20-52, effective as of 12:01 am on July 3, 2020, requiring individuals to wear masks or other face coverings in public; and

WHEREAS, the Board of County Commissioners of Republic County, Kansas supports the use of face covering requirements in an effort to control the spread of COVID-19 while at the same time facilitating economic recovery; and

WHEREAS, Kansas law authorizes the Board of County Commissioners of any county to issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the Governor, and

WHEREAS, the Board of County Commissioners of Republic County, Kansas has consulted with the Local Health Officer, and leaders of Republic County Hospital regarding a mask requirement in Republic County, and finds that an immediate threat dictates the need to issue an order requiring masks to be worn in public, and

WHEREAS, the Board of County Commissioners of Republic County, Kansas desires to implement an order containing provisions regarding face coverings to serve as a mechanism to assist in controlling the spread of COVID-19; and

NOW, THEREFORE, The Board of County Commissioners of Republic County, Kansas, meeting in regular session on this 3rd day of August, 2020, does hereby Resolve and Order as follows:

Effective at 12:01 a.m. Tuesday August 4, 2020, the Executive Order 20-52 issued by the Governor of the State of Kansas shall be replaced in its entirety with the provisions as outlined below with respect to Republic County:

1. **DEFINITIONS:**

- a. "Face Mask or Other Face Covering" means a covering of the nose and mouth secured to the head with ties, straps, loops over the ears, or wrapped around the lower face from the nose down. It can be made of synthetic and natural materials including cotton, silk, linen, fleece or paper, and contain multiple layers. It can be factory made or made from household items. The definition includes a clear plastic face shield that covers the forehead, extends below the chin, and wraps around the sides of the face
- b. "Public Space" means any indoor or outdoor space or area that is open to the public, not including private residential property or private offices or workspaces that are not open to customer's or public visitors.
- c. "Social Distancing" means keeping at least six (6) feet of distance between yourself and others outside your household, except for infrequent or incidental contact.

2. **INDOOR PUBLIC SPACES:** Subject to Paragraphs 5 and 6 below, when in an Indoor Public Space (including but not limited to a workplace, business or facility such as a community center or library), a Face Mask or Other Face Covering is required to be worn by individuals who cannot achieve Social Distancing.

- a. All businesses or organizations in Republic County must require all employees, customers, visitors, members, or members of the public to wear a Mask or Other Face Covering when:
 - i. Employees are working in any space visited by customers or members of the public if members of the public or coworkers are present at the time and Social Distancing cannot be achieved;
 - ii. Employees are working in any space where food is prepared or packaged for sale or distribution and Social Distancing cannot be achieved;
 - iii. Employees are working in or walking through common areas, such as hallways, stairways or elevators.

3. **OUTDOOR PUBLIC SPACES:** Subject to Paragraphs 5 and 6 below, When in an Outdoor Public Space (including but not limited to all outdoor public gathering places such as bus stops, sidewalks, parks, playgrounds, sporting events, farmers markets, restaurant/bar patio seating), a Face Mask or Other Face Covering is required to be worn by individuals who cannot achieve Social Distancing.

4. **TRANSPORTATION:** Subject to the exceptions of Paragraphs 5 and 6 below, when using or waiting for public transportation a face mask or other face covering is required to be worn at all times.

5. **EXCEPTIONS:** A FACE MASK OR OHER FACE COVERING IS **NOT** REQUIRED WHEN:

- a. Inside a solitary space, such as an enclosed workspace assigned to one worker

- where no contact with the public or co-workers takes place;
- b. Driving alone or with members of the same household;
- c. Swimming in a pool, lake or other body of water or otherwise engaged in activities what may cause the Mask or Face Covering to get wet;
- d. Engaged in strenuous activity, whether in a gym or outdoors, (including athletes engaged in organized sports) so long as social distancing can be achieved;
- e. Communicating with persons who are deaf or hard of hearing;
- f. Seated at a restaurant or other establishment that offers food or beverage service, while eating or drinking;
- g. Obtaining a service that requires temporary removal of the Face Mask or Other Face Covering for security surveillance, screening, or a need for specific access to the face, such as when visiting a bank or engaging in a medical procedure.
- h. Obtaining a service where a barrier has been constructed to block contact with individuals, including but not limited to plexiglass barriers, glass shielding, or other solid material to serve as a barrier to potential exposure.
- i. Speaking or presenting to an audience or congregation if more than 6-foot distance can be achieved.

6. **PERSONS EXEMPT:** The following individuals are exempt from Face Mask or Other Face Covering requirements:

- a. Children under the age of 7 years old. It is recommended but not required for children under the age of 7 years old to wear a mask when social distancing cannot be achieved;
- b. Persons with a medical condition, mental health condition, or disability that prevents wearing a Face Mask or Facial Covering;
- c. Person for whom a Face Mask or Facial Covering would create a risk to the person related to their work, as determined by local, state or federal regulators or workplace safety guidelines;
- d. Persons who are engaged in any lawful activity during which wearing a mask or face covering is prohibited by law;
- e. Any person engaging in the right to vote at any polling station. Masks should be worn while waiting in line to vote when not able to social distance.

7. **ENFORCEMENT:**

- a. Any person who intentionally violates any provision of this order may incur a civil penalty in an amount of \$2,500 per violation.
- b. Violations of this order shall be brought under Chapter 60 of the Kansas Statutes Annotated and amendments thereto.

This order shall be read in conjunction with and in addition to all remaining provisions, if any, of Local Health Officers orders in regard to COVID-19.

This Resolution shall stay in effect until August 18, 2020, and shall be revisited at the County Commission Meeting on August 17, 2020.

Board of County Commissioners
Republic County, Kansas

Melvin Jeardoe

Melvin Jeardoe
Republic County Commissioner, Chair

Edwin Splichal

Edwin Splichal
Republic County Commissioner

Marvin Bergstrom
Republic County Commissioner

Danielle Swanson

Danielle Swanson
Republic County Health Officer

ATTEST: Kathleen Mausichen
Republic County Clerk

