

(Published 04/01/21)

RESOLUTION NO. R-24-21

A RESOLUTION amending LHO 6/27/20 and revoking LHO 4/30/20, LHO 6/18/20, LHO 7/14/20, LHO 11/13/20, LHO 11/20/20, LHO 2/25/21, LHO 2/26/21, and LHO 3/11/21.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas and Wyandotte County continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS the Federal Government, the State of Kansas and the Unified Government of Kansas City/Wyandotte County, Kansas have all entered declarations that a disaster had occurred, acknowledging the threat within Wyandotte County, Kansas as a result of the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States, State of Kansas and Wyandotte County; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in Kansas and that in Wyandotte County the number of confirmed cases, related deaths and positivity rates exceed that of other counties in the State as well as the metro area, and the steps necessary to prevent its spread vary based upon the locality thereby requiring a specific, measured and phased approach determined by data applicable to Wyandotte County, Kansas; and

WHEREAS, as of this date, in Kansas there have been 300,125 reported positive cases of COVID-19 spread among all 105 counties, including 4,850 deaths; and

WHEREAS, the spread of COVID-19 endangers the health, safety, and welfare of persons and property within Wyandotte County, Kansas; and

WHEREAS, to reduce the spread of COVID-19, measures that are recommended and considered effective by the Centers for Disease Control and Prevention (“CDC”) include, among other measures, avoiding close contact with other people and covering one’s mouth and nose with a cloth face cover when in public settings; and

WHEREAS, the increased spread of COVID-19 also presents a serious threat to the continued effective operation of the local economy within Wyandotte County; and

WHEREAS, wearing a mask or other whole face covering in public venues reduces transmission of the virus, helps keep our businesses open and our economy running, and gets and keeps children in school; and

WHEREAS, wearing a face covering is an effective means to protect each other and mitigate the spread the of COVID-19; and

WHEREAS, continuation of mandatory use of masks or face coverings in public settings is necessary to promote and secure the health, safety and welfare of Wyandotte County; and

WHEREAS, the intent of this amended Order is not to deprive any person or entity of any rights protected by the United States Constitution, the Kansas Constitution, or any other law, but merely to set forth restrictions which would best protect Wyandotte County residents against the community spread of COVID-19; and

WHEREAS, there are certain activities where the wearing of masks and face coverings is exempted pursuant to the terms of this amended Order where customers may be in the proximity of others for extended periods of time (such as when customers may be eating or drinking), which means such activities present a heightened risk of a person infected with COVID-19 transmitting it to another person; and

WHEREAS, new variants of COVID-19 are emerging that are more contagious and virulent than the initial strain of COVID-19; and

WHEREAS, the majority of Wyandotte County residents have yet to be vaccinated against COVID-19; and

WHEREAS, Wyandotte County residents are strongly encouraged to be vaccinated against COVID-19 when they are eligible under the Kansas Department of Health and Environment's Vaccination Prioritization Plan; and

WHEREAS, wearing face masks and maintaining physical distancing will protect the health of Wyandotte County residents while they are awaiting vaccinations; and

WHEREAS, the recent plateau in COVID-19 cases in parts of the United States advises against lowering COVID-19 restrictions such as face masks and physical distancing;

WHEREAS, the CDC continues to recommend that all unvaccinated individuals, as well as vaccinated individuals while visiting with certain unvaccinated persons, wear masks, maintain physical distance, and practice other prevention measures; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the County's responsibility to provide for and ensure the health, safety, security, and welfare of the people of Wyandotte County, requiring that masks or other face coverings be worn in public, ensuring physical distancing, and placing certain other restrictions on activities are all measures that can be taken to slow and reduce the spread of COVID-19; and

WHEREAS, on March 24, 2021 the Governor of the State of Kansas signed into law Senate Bill 40 which restricts local health orders to include only narrowly tailored mandates which use the least restrictive means possible to achieve the orders purpose; and

WHEREAS, the science and medical research suggests the measures taken in previous local health orders continue to be effective in slowing the spread of COVID-19; and

WHEREAS, pursuant to the provisions of K.S.A 65-201 of the Kansas Statutes Annotated, the Board of Commissioners shall have the power to review, amend, or revoke any order issued by the local health officer.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. That the Unified Government Board of Commissioners hereby revokes LHO 4/30/20, LHO 6/18/20, LHO 7/14/20, LHO 11/13/20, LHO 11/20/20, LHO 2/25/21, LHO 2/26/21, and LHO 3/11/21.
2. That the Unified Government Board of Commissioners hereby amends LHO 6/27/20 to read as follows:

Section I. Social Distancing Provisions.

1. Individuals within a public space shall maintain 6 feet of physical distancing from other individuals, unless such individuals reside together, or an exception of this amended Order applies. "Public space" means any indoor or outdoor space or area that is open to the public but does not include private residential property or private offices or workplaces that are not open to customers or public visitors.
2. Within a public space where a business or organization operates, such business or organization shall ensure that 6 feet of physical distancing is maintained between individuals and groups of individuals, unless such individuals reside together, or an exception of this amended Order applies.
3. Exceptions to the 6 feet of physical distancing requirements shall include:
 - a. Businesses and organizations that provide services that intrinsically require staff from the business or organization to be within less than 6 feet from one another or the customer, such as dentists, hair salons, barber shops, nail salons, chiropractors, massage services, tattoo parlors, medical services providers, and similar services, provided that staff wear protective face coverings as directed by this amended Order.
 - b. Businesses where tasks completed by employees require such employees to work within 6 feet of one another.
 - c. While seated at a restaurant, bar, night club, or other business licensed to sell alcohol for on-premises consumption, individuals at the same table may be located within 6 feet of one another. Also, all tables and individuals seated at a table shall be located at least 6 feet from any other tables and individuals seated at such tables. Individuals seated in a bar area shall be located at least 6 feet from any other individuals seated in that area. Congregating of standing individuals in bar or waiting areas is prohibited.
 - d. Persons who have one or more physical barrier(s) between them and any other persons. "Physical barriers" shall be defined as a partition or wall at least 3' in height above the head of the persons so separated, and impervious to air circulation, e.g. a Plexiglas shield
4. The following are exempt from the 6 feet of physical distancing requirements of this amended Order, and are instead encouraged to maintain physical distancing as much as is feasible and to maintain 6 feet of physical distance between individuals who do not reside together, when feasible:
 - a. Religious institutions, facilities and activities;

- b. Election polling places;
- c. Licensed childcare facilities;
- d. Schools and activities within the purview of school's governing body;
- e. Court facilities;
- f. Wedding and funeral ceremonies;
- g. Public transportation;
- h. Health care, hospitals, and medical facilities;
- i. Law enforcement, jails, and correctional facilities;
- j. Long term care and assisted living facilities; and
- k. Public protest activities.

Section II. Wearing of Masks or Other Face Coverings

1. Any person within Wyandotte County shall wear a mask or other face covering when they are in the following situations:

- a. Inside, or in line to enter, any indoor public space;
- b. Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, vaccination site, COVID-19 testing site, veterinary clinic, or blood bank (unless otherwise directed by an employee or healthcare provider);
- c. Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle; and
- d. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

2. All businesses or organizations in Wyandotte County must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering when:

- a. Employees are working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
- b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;
- c. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
- d. Employees are in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.

3. The following individuals are exempt from wearing masks or other face coverings pursuant to the provisions of this amended Order:

- a. Persons age five years or under are exempt from wearing masks. Children age two years and under in particular should not wear a face covering because of the risk of suffocation;
- b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;

- c. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
- d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- f. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between any other tables and individuals seated at such tables;
- g. Athletes actively engaged in an organized sport activity;
- h. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a face covering;
- i. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary except as directed or required by the court or Kansas Judiciary;
- j. Persons engaged in any lawful activity during which wearing a face covering is prohibited by law; and
- k. Persons engaged in religious services, ceremonies or activities; and
- l. Individuals who are in the same space if all individuals present have been fully vaccinated against COVID-19.

4. "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

Section III. Lawful Order

1. Schools and activities under the purview of a school's governing body are exempted from this amended Order.
2. This amended Order becomes effective upon approval of the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, KS in accordance with K.S.A. 65-201 and remains in effect until 11:59 pm on June 10, 2021.
3. This amended Order may be supplemented or modified as required for the effective and efficient management and control of the Coronavirus epidemic in the County by further order or direction of the Wyandotte County Board of Public Health.
4. Pursuant to K.S.A. 65-129b, any health inspector, sheriff, deputy sheriff or other law enforcement officer of any political subdivision within Wyandotte County, Kansas is hereby ordered to assist in the execution or enforcement of this amended Order, as amended or modified.
5. Violation of this amended Order is a violation of Ordinance 17-7 and is a Class C Misdemeanor punishable by a maximum fine of \$500 and a 30-day jail sentence.

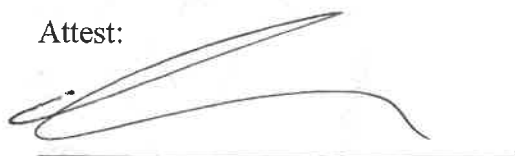
6. This amended Order shall be known and referred to as LHO 3/25/21.
7. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS 25 DAY OF March 2021.**



David Alvey, Mayor/CEO

Attest:



Unified Government Clerk