

RESOLUTION 2020-05

ORDER OF THE BOARD OF HEALTH OF BARTON COUNTY KANSAS REQUIRING MASKS OR OTHER FACE COVERINGS

WHEREAS, on the 13th day of March, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 5121-5207 the "Stafford Act"); and

WHEREAS, on the 20th day of March, 2020, the Board of County Commissioners of Barton County, Kansas found that a disaster had occurred, or the threat thereof was imminent within Barton County, Kansas as a result of the Coronavirus (COVID-19) pandemic and the confirmed outbreak and person-to-person spread of COVID-19 in the United States, Kansas, and counties adjoining Barton County; and

WHEREAS, on the 18th day of May, 2020, the declaration was extended by the Board of County Commissioners. It was extended again on the 13th day of July, 2020, to January 26, 2021; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness and/or death, has been confirmed in Barton County, resulting in serious illness and death; and

WHEREAS, such conditions endanger the health, safety and welfare of persons and property within the border or Barton County, Kansas; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Barton County Health Officer all recommend implementation of community mitigation strategies to increase containment of the virus; and

WHEREAS, wearing a mask in public is the easiest and most effective way to protect each other, help keep our businesses open and our economy running, and get and keep children in school; and

NOW, THEREFORE, the following procedures are hereby ordered regarding mask wearing within Barton County, Kansas:

Section I. Wearing of Masks or Other Face Coverings

Definitions:

"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. Ideally, a mask or other face covering has two or more layers. 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.

1. This Order shall only apply throughout Barton County, Kansas.

2. General

a. Masks or other face coverings shall be required for all indoor property open to the public within Barton County, Kansas. This does not include private residential property or private offices or workspaces that are not open to customers or public visitors. Also exempt are persons in public spaces separated by a physical barrier designed to prevent the spread of infections disease.

b. Masks or other face coverings shall be required for outdoor activities or events within Barton County, Kansas in which social distancing of a minimum of six (6) feet cannot be maintained between non-household members.

3. Exemptions:

a. Persons meeting the criteria for exemption found in Executive Order 20-52 issued by Governor Laura Kelly, effective July 3, 2020 are exempt from the requirement to wear a mask or other face covering. These exemptions are as follows:

1. Persons age five years or under. Children age two years and under in particular are warned not to wear a face covering because of the risk of suffocation;

2. 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;
3. 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;
4. 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;
5. 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;
6. 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 individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
7. Athletes who are engaged in an organized sports activity through a school district, private school system, recreation district, or other governmental entity shall follow the rules prescribed by the entity organizing such sports activity.
8. 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 mask or other face covering;
9. Persons engaged in an activity or event held or managed by the Kansas Legislature;
10. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
11. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

Section II. Lawful Order. This Order is a lawfully issued order pursuant to K.S.A. 65-202 and K.S.A. 65-119(a), and is a "public health directive" as identified within Section 9 of 2020 Special Session House Bill No. 2016.

Section III. Review, Amendment, or Revocation. Pursuant to Sections 37 and 38 of 2020 Special Session House Bill No. 2016, which amended K.S.A. 65-201 and 65-202, the Board of County Commissioners may review, amend, or revoke this Order. The Board of Barton County Commissioners shall review this resolution as they deem necessary for any amendments and/or revocations.

Section IV. Severability. If any portion of this Order is found or determined to be invalid, such finding or determination shall only affect the portion of the Order that is at issue and shall not affect the validity of the remainder of the Order.

Section V. Nothing in this order shall restrict, limit or supersede the Secretary of Health and Environment, Kansas Department of Education, and/or local School Board's authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.

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IT IS SO ORDERED this 24th day of November, 2020, effective as of 12:01 am on Wednesday November 25, 2020 and shall remain in effect until such time that this order is rescinded.

**BOARD OF COUNTY COMMISSIONERS
OF BARTON COUNTY, KANSAS**

Kenny Schremmer, Chairman

ATTEST:

James R. Daily, Commissioner

Donna Zimmerman,
County Clerk

APPROVED VIA TEAMS

Don Davis, Commissioner via Teams

APPROVED AS TO FORM:

Homer Kruckenberg, Commissioner

Patrick Hoffman,
County Counselor

Jennifer Schartz, Commissioner