

**RESOLUTION NO. 2020-11**

**A RESOLUTION OF DONIPHAN COUNTY, KANSAS, REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS, ENFORCEMENT OF QUARANTINE & ISOLATION ORDERS WITHIN DONIPHAN COUNTY, KANSAS.**

**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 Doniphan County, and has resulted in serious illness and death; and

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020, and

**WHEREAS**, the Governor of the State of Kansas declared a statewide public health emergency on March 12, 2020 pursuant to K.S.A. 48-924; and

**WHEREAS**, the President of the United States declared on March 13, 2020 the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the Stafford Act); and

**WHEREAS**, the President of the United States declared on March 13, 2020 a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020, 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. § 1320b-5); and

**WHEREAS**, the Board of County Commissioners of Doniphan County declared a public health emergency on March 18, 2020; and

**WHEREAS**, local government has a responsibility to secure the health, safety and economic well-being of its residents, and to serve its residents in a manner that benefits the whole community; and

**WHEREAS**, Doniphan County and the State of Kansas are experiencing a significant increase in the numbers of COVID-19 cases, hospitalizations, and deaths in recent weeks; and

**WHEREAS**, such conditions endanger the health, safety and welfare of residents of Doniphan County and pose a serious threat to the Doniphan County economy; and

**WHEREAS**, the Center for Disease Control, the Kansas Department of Health and Environment, and local medical professionals recommend community mitigation measures to slow the spread of disease for the protection of our residents' health and our local economy, including staying home when you are sick, washing hands properly and frequently, properly wearing personal protective equipment such as masks and/or face shields when a distance of at least six (6) feet cannot be maintained between you and people who are not members of your household (social distancing), abiding by isolation and quarantine orders, and making informed choices and calculated risks when considering travel and gatherings.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF DONIPHAN COUNTY, KANSAS:**

**SECTION 1. Definitions**

1. **“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. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made or can be improvised from household items. A clear plastic full face shield is an acceptable alternative to a mask or other face covering.

2. **“Public Space”** means any indoor or outdoor space or area that is open to the public, and does not include private residential property or private offices or workspaces that are not open to the customers or public visitors.
3. **“Social Distancing”** means maintaining at least six (6) feet of distance between yourself and others outside your household, except for infrequent or incidental moments of closer proximity.
4. **“Isolation Orders”** means official notification from Doniphan County Health Department or KDHE ordering a person who has tested positive for COVID-19 to separate themselves from others for the purpose of limiting the spread of infectious disease.
5. **“Quarantine Orders”** means official notification from Doniphan County Health Department or KDHE ordering a person who is believed to have been exposed to a confirmed case of COVID-19 to separate from others and restrict their movement for the purpose of limiting the spread of infectious disease.

## **SECTION 2. Requirements of Persons**

1. All persons in Doniphan County shall cover their mouth and nose with a mask or other face covering when they are in the following situations:
  - a. Inside any indoor public space and social distancing at all times is not possible;
  - b. In line and waiting to enter an indoor public space;
  - c. Obtaining services from the healthcare sector in settings, including but not limited to, pharmacy, medical clinic, physician or dental office, unless directed otherwise by an employee or healthcare provider;
  - d. Riding on public transportation or in ridesharing vehicles;
  - e. While outdoors in public spaces and social distancing at all times is not possible.
2. All persons in Doniphan County shall abide by isolation orders and quarantine orders issued by a medical professional, Doniphan County Health Department or KDHE. (See Section 4 for Exemptions).

## **SECTION 3. Requirements of Businesses, Organizations, Non-Profit Associations**

1. All businesses, organizations and non-profit associations in Doniphan 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, members of the public or co-workers, who are present at the time, and social distancing at all times is not possible;
  - 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 individuals who reside together) are present and social distancing cannot be maintained at all times.

## **SECTION 4. Exemptions**

The following individuals are exempt from wearing masks or other face coverings in the situations described in Sections 2 and 3:

- a. Persons aged five years old or under (children age two years and under 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 regulations or workplace safety guidelines;
  - e. Person driving alone or solely with other members of their household;
  - f. Speakers and presenters to an audience or congregation that can maintain a distance of at least ten (10) feet between the speaker or presenter and others outside their household;
  - g. 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;
  - h. 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 six (6) foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
  - i. Athletes 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;
  - j. Persons engaged in strenuous physical activity, whether in a gym or outdoors (including athletes who are engaged in organized sports activities) provided social distancing can be consistently maintained;
  - k. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.
2. Healthcare workers, first responders and others may be subject to modified quarantine orders for the purpose of continuity of essential services. Modified quarantine orders will be determined on an individual basis by the Doniphan County Health Officer

## **SECTION 5. Signage**

1. Public places shall post at all public entrances, signage indicating masks are required for entry.
2. Signage shall be large enough to be easily seen by the entering public.

## **SECTION 6. Enforcement**

1. As currently permitted pursuant to state law, the county attorney enforcing this order should use their discretion and consider the totality of the circumstances as they determine appropriate enforcement actions.

**SECTION 7. Effective**

This order shall be in full force and effect at 11:59 p.m. on November 24, 2020 and shall be reviewed on Monday, December 7, 2020 during the regular meeting of the Doniphan County Board of Commissioners. This order shall remain in full force and effect until rescinded by the Doniphan County Board of Commissioners.

**SECTION 8. 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.

**PASSED** and **ADOPTED** by the Governing Body and signed by the Doniphan County Board of Commissioners this 23<sup>rd</sup> day of November, 2020.

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Chairman

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Member

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Member

ATTEST:

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Peggy Franken  
County Clerk