

(Published 5-6-21)

RESOLUTION NO. R-34-21

A RESOLUTION amending LHO 3/25/21.

**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 308,510 reported positive cases of COVID-19 spread among all 105 counties, including 4,978 deaths; and

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

WHEREAS, on March 25, 2021, the Unified Government Board of County Commissioners rescinded LHO 4/30/20, LHO 6/18/20, LHO 7/14/20, LHO 11/13/20, LHO 11/20/20, LHO 2/25/21, LHO 2/26/21, and LHO 3/11/21; and

WHEREAS, on March 25, 2021, the Unified Government Board of County Commissioners amended LHO 6/27/20 to require social distancing and the wearing of masks subject to certain exceptions; 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, on April 27, 2021, the CDC issued new guidelines which relaxed recommendations regarding mask usage outdoors; and

WHEREAS, the new CDC guidance provides that fully vaccinated individuals no longer need to wear masks when outdoors alone or in small groups; and

WHEREAS, Wyandotte County residents are strongly encouraged to be vaccinated against COVID-19; and

WHEREAS, on March 29, 2021 all Wyandotte County residents ages 16 and older can receive their vaccine at one of three mass vaccination sites operated by the Unified Government Health department; 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. All persons are encouraged to limit exposure, to the extent possible, by obtaining a federally-approved vaccine or properly wearing face coverings or masks when applicable and maintaining social distancing when not wearing face coverings or masks indoors.
2. That the Unified Government Board of Commissioners hereby amends LHO 3/25/21 as follows:

**Section I regarding Social Distancing Provisions is repealed.**

**Section II regarding Wearing of Masks or Other Face Coverings is amended to read:**

1. All employees or visitors to any **indoor** public accommodation must properly wear a face covering or mask in an area or while performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible. These spaces include, but are not limited to, grocery and other retail stores, indoor events, and public transit. Exceptions:

- 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. Any interaction or gathering, per CDC guidance, in which the parties have knowledge that all persons present indoors are fully vaccinated by federally-approved vaccine(s) to prevent the spread of COVID-19.

2. "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.

### **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 at 12:01 am on April 30, 2021 and 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 May 28, 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 4/29/21.
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 29 DAY OF April 2021.

  
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David Alvey, Mayor/CEO

Attest:

  
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Unified Government Clerk