

(Published 8-12-21)

RESOLUTION NO. R-47-21

A RESOLUTION amending proposed LHO 8/05/21.

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

Proposed Emergency Public Health Order LHO 8/05/21 was issued to mitigate the spread of the Coronavirus (COVID-19) epidemic in Wyandotte County, Kansas, pursuant to the authority provided in K.S.A. 65-119, K.S.A. 65-129b, K.S.A. 65-201, K.S.A. 65-202 and other applicable laws or regulations.

WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119 and K.S.A. 65-129b to immediately exercise and maintain supervision over known or suspected cases of any infectious or contagious disease during its continuance and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine and disinfection are duly enforced; and

WHEREAS, should the Local Health Officer feel the necessity to issue an order requiring the wearing of face masks the local health officer shall propose the order to the Board of County Commissioners under K.S.A. 65-201(b)(2); and

WHEREAS, the order becomes effective upon approval by the Board of County Commissioners; and

WHEREAS, the worldwide outbreak of COVID-19 and high transmissibility of the Delta variant continue to threaten the life and health of Wyandotte County citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS, the uncontrolled rise in COVID-19 infections has created a dangerously low number of available physical acute care beds in local hospital facilities; and

WHEREAS, Wyandotte County continues to have exceptionally low vaccination rates with only 35% of County residents fully vaccinated against COVID-19; and

WHEREAS, it is recognized by experts that when vaccination rates are not sufficiently high, consistent and correct indoor mask usage is the next best form of mitigation against COVID-19 spread in a community; and

WHEREAS, on July 28, 2021 the Centers for Disease Control recommended that fully vaccinated individuals in parts of the country with substantial or high transmission of COVID-19 should wear masks indoors; and

WHEREAS, the Wyandotte County Local Health Officer has determined it to be necessary to issue an order regarding the wearing of face masks; 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; and

WHEREAS, on August 4, 2021, Wyandotte County Local Health Officer, Dr. K. Allen Greiner issued proposed LHO 8/05/21

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 amends proposed LHO 8/05/21 as follows:

Section I. Wearing of Masks or Other Face Coverings

1. Any person within the city limits of Kansas City, Kansas and the unincorporated area of Loring in Wyandotte County, Kansas shall wear a mask or other face covering when they are in the following situations:

- a. Inside any public space including businesses and places of worship;
- 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

2. All businesses or organizations within the city limits of Kansas City, Kansas and the unincorporated area of Loring in Wyandotte County, Kansas 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; or
- b. Employees are working in an indoor space; or
- c. Employees are working in any space where food is prepared or packaged for sale or distribution to others; or
- d. In any indoor space where members of the general public are present or may be periodically present.

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

- a. Persons age five years or under are exempt from wearing masks, though we encourage children ages 2+ to wear masks if able. Children age two years and under in particular should not wear a face covering because of the risk of suffocation;
- b. Persons working in a private office space with a door that can be closed;
- c. 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;
- d. 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;
 - e. 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;
 - f. 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;
 - g. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are seated and eating or drinking;
 - h. Athletes actively engaged in an organized sports competition. Masks are required for practice or other indoor physical activity;
 - i. Persons who are engaged in swimming
 - j. 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; and

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.

Individuals who are elderly, immunocompromised, or otherwise more susceptible to COVID-19 should consider wearing a higher grade medical mask such as N95 or KN95.

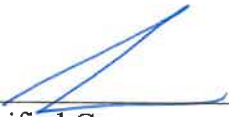
Section II. Lawful Order

1. All schools located within Wyandotte County, Kansas, and any activities held under the authority of the school boards for those schools while located on school property, are exempted from this Order.
2. This 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 September 16, 2021.
3. This 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 Board of Commissioners.
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 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 8/05/21.

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 5 DAY OF August 2021.**

Attest:



Unified Government Clerk

