

## RESOLUTION 2020-19

### RESOLUTION REGARDING THE WEARING OF MASKS OR OTHER FACE COVERINGS AND SOCIAL DISTANCING IN PUBLIC SPACES

WHEREAS, the Board of County Commissioners is authorized, pursuant to K.S.A. 19-101 *et.seq.*, and in their capacity as the Board of Health, to issue an order relating to the health, safety, and economic well-being of residents of Clark County; and

WHEREAS, the Governor of the State of Kansas on November 18, 2020 issued Executive Order No. 20-68 relating to the wearing of face masks and social distancing statewide; and

WHEREAS, pursuant to K.S.A. 48-295 as amended by Special Session House Bill 2016, Sec. 33, the Board of County Commissioners may issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the Governor; and

WHEREAS, the Board of County Commissioners has consulted with the local public health officer regarding the Governor's executive order; and

WHEREAS, on 24<sup>th</sup> of November, 2020, following such consultation, the Board of County Commissioners has determined that implementation of the full scope of the provisions in the Governor's executive order is not necessary to protect the health and safety within Clark County and hereby opts out of executive order 20-68; and

WHEREAS, there have been One-hundred and twenty-four positive (124) cases and currently Thirty (30) active cases within Clark County.

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for and ensure the health, safety, security, and welfare of the people of Clark County, the Board of County Commissioners believes requiring that face masks or other face coverings and social distancing in public spaces is necessary to promote and secure the safety and protection of the civilian population.

NOW, THEREFORE, BE IT ORDERED by the Board of County Commissioners, pursuant to the above authorities and findings, that the following rules will be effect for Clark County, effective at 12:01 a.m. on November 25, 2020:

**Section 1. Definitions.** The following terms shall have the following meanings:

- a. "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.
- b. "Social distance" means six (6) or more feet from individual persons that do not reside in

the same residence whether standing or sitting.

- c. "Public space" means any indoor or outdoor space or area that is open to the public. **This does not include private residential property or private offices or workspaces that are not open to public visitors or customers.**

**Section 2. Requirements of persons.** All persons in Clark County should cover their mouths and noses with a mask or other face covering when they are in the following situations.

- a. Inside any indoor public space where distance of six (6) feet 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, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee or healthcare provider;
- d. While outdoors in public spaces and unable to maintain a six (6) foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

**Section 3. Requirements of businesses, organizations, and non-profit associations.** All businesses, organizations and non-profit associations in Clark County should 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;
- b. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
- c. 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 six (6) foot distance except for infrequent or incidental moments of closer proximity.
- d. Except where Employees are working in any space where food is prepared or packaged for sale or distribution to others mask should be worn;

**Section 4. Exemptions.** The following individuals are exempt from wearing masks or other face coverings because of the risk of suffocation;

- a. Persons who are five years or under; children age two years and under in particular should not wear face coverings because of the risk of suffocation;
- b. Persons with medical conditions, mental health conditions, or disabilities that prevent the wearing of a face covering-this includes 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 who wearing a face covering would create a risk to the person related to their work, as determined by local, states, or federal regulators or workplace safety guideline;
  - e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering in 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 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;
  - g. Athletes who are engaged in organized sports activity that allows athletes to maintain a six (6) foot distance from other with only infrequent or incidental moments of closer proximity;
  - h. Persons who are engaged in an activity that a profession 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;
  - i. Person engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

**Section 5. Effective.**

Resolution 20-11 passed by the County Commission on July 13, 2020 is hereby rescinded. This resolution shall be effective at 12:01 a.m. on November 25, 2020 and shall be reviewed by the Commission on December 2, 2020, and every subsequent Commission meeting thereafter.

**IT IS BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, KANSAS, SO ORDERED ON THIS 24th DAY OF NOVEMBER 2020.**

**BOARD OF COUNTY COMMISSIONERS  
OF CLARK COUNTY, KANSAS**

ATTEST:

*Rebecca Mishler*  
Rebecca Mishler, County Clerk

*Jim Daily*  
Jim Daily, Chairman

*Howard L. Wideman*  
Howard L. Wideman, Vice-Chairman

*Charles R. McKinney*  
Charles R. McKinney, Commissioner

