

**RESOLUTION NO. 20-21 C**  
**RESOLUTION LIMITING MASS GATHERINGS AND REQUIRING MASKS OR OTHER**  
**FACE COVERINGS WITHIN KEARNY COUNTY, KANSAS**

**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 26<sup>th</sup> day of March, 2020, the Board of County Commissioners of Kearny County, Kansas found that a disaster had occurred, or the threat thereof was imminent within Kearny 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 Kearny County; and

**WHEREAS**, on the 18<sup>th</sup> day of May, 2020, the Board of County Commissioners of Kearny County, Kansas through Resolution 20-10 C extended the state of local disaster emergency declared in Resolution 20-06 C; and

**WHEREAS**, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119, K.S.A. 65-129b and K.S.A. 65-202 to immediately exercise and maintain a 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**, the Local Health Officer is appointed by the Board of County Commissioners and is authorized to prohibit mass gatherings when necessary for the control of any and all infectious or contagious diseases, pursuant to K.S.A. 65-119; 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 Kearny County, resulting in serious illness and at least three (3) deaths to date; and

**WHEREAS**, community spread of COVID-19 poses a significant risk to overwhelming the healthcare system within Kearny County and throughout the region; and

**WHEREAS**, such conditions endanger the health, safety and welfare of persons and property within the border of Kearny 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 Kearny County Health Officer all recommend implementation of community mitigation strategies to increase containment of the virus, including certain restrictions and social distancing in gatherings.

**WHEREAS**, mass gatherings within Kearny County, Kansas shall be limited in size and scope to assist in mitigating the spread of COVID-19 within the county; 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 mass gatherings and wearing masks within Kearny County, Kansas:

## **Section I. Mass Gatherings and Social Distancing**

### **1. General**

- a. All mass gatherings must abide by social distancing guidelines that have been set forth by the Kansas Department of Health and Environment allowing for a minimum of six feet of distance between non-household members.
- b. All indoor gatherings within Kearny County shall be limited based on the size of the facility that the gathering is being held. Any facility that has occupancy limits set by the Office of the Kansas Fire Marshal shall limit gatherings to twenty-five (25) percent of said capacity.
- c. Any facility that does not have an occupancy limit set by the Office of the Kansas Fire Marshal shall be limited to no more than twenty-five (25) persons.

### **2. Definitions**

- a. Section 2 of the Kansas Governor's Executive Order No. 20-34 is amended to state as follows: Mass gatherings of 25 individuals. "Mass gatherings" are defined as instances in which individuals are in one location and are unable to maintain 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity. Individuals in mass gatherings are required to wear masks or face coverings as indicated in Section II below.
3. Exemptions: The following are exempt from the mass gatherings limitations of this Order, and are instead highly encouraged to maintain social distancing as much as is feasible:
- a. Religious institutions;
  - b. Election polling places;
  - c. Licensed childcare facilities;
  - d. School facilities (except for school events); and
  - e. Court facilities.

## **Section II. Wearing of Masks or Other Face Coverings**

### **1. General**

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

### **2. Definitions:**

- 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.

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. Executive Order 20-52 may be found at [www.governor.ks.gov/executive-order-no-20-52/](http://www.governor.ks.gov/executive-order-no-20-52/).

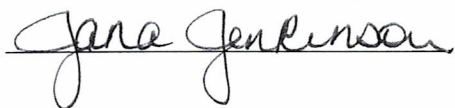
**Section III. Lawful Order.** This Order is a lawfully issued order pursuant to K.S.A. 65-202 and K.S.A. 65-119(a), and is a “public health directive” as identified within Section 9 of 2020 Special Session House Bill No. 2016.

**Section IV. 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 Kearny County Commissioners shall review this resolution bi-weekly for any amendments and/or revocations.

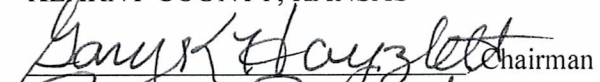
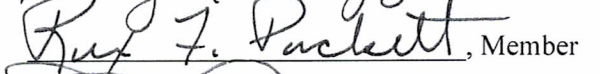

**Section V. Severability.** If any portion of this Order is found or determined to be invalid, such finding or determination shall only affect the portion of the Order that is at issue and shall not affect the validity of the remainder of the Order.

**IT IS SO ORDERED** this 14<sup>th</sup> day of October, 2020, effective immediately and shall remain in effect until such time that this order is rescinded.

ATTEST:



BOARD OF COUNTY COMMISSIONERS  
KEARNY COUNTY, KANSAS

 Chairman  
 Member  
 Member