

ORDINANCE NO. 2020-04

**AN ORDINANCE OF THE CITY OF MINNEOLA, KANSAS, REQUIRING  
THE WEARING OF MASKS OR FACE COVERINGS IN THE CITY OF  
MINNEOLA, KANSAS**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MINNEOLA, KANSAS:

WHEREAS, securing the health, safety, and economic well-being of residents of the City of Minneola, Kansas is a priority of the City Commission; and

WHEREAS, the United States Department of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020; and

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020; and

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

WHEREAS, as of this date, in Kansas there have been over 128,500 reported positive cases of COVID-19 spread throughout 105 counties, resulting in 1,326 statewide deaths; and

WHEREAS, after a steady trend of decreasing metrics, recent weeks have seen a large increase in the number of COVID-19 cases, hospitalizations, and deaths in Kansas and across the nation; and

WHEREAS, in Clark County, there are increases in all metrics associated with the spread and impact of the COVID-19 virus; and

WHEREAS, increased COVID-19 spread is a danger to the health and safety of residents of the City of Minneola and also presents a serious threat to the City of Minneola's economy; and

WHEREAS, wearing a mask or face covering in public is the simplest and most effective way to protect each other, keep open our businesses and our economy running; and

WHEREAS, the City of Minneola must remain flexible to account for the evolving nature and scope of the public health emergency posed by COVID-19, while also simultaneously safely, and strategically keeping businesses open and operational in a way that facilitates economic recovery and revitalization; and

WHEREAS, members of the health care and medical professions in the City of Minneola and surrounding areas have urged the adoption of an ordinance requiring masks or face coverings; and

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 the City of Minneola, requiring masks or face coverings be worn in public spaces is necessary to promote and secure the health, safety and protection of the citizens of our community.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Minneola, Kansas:

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

- a. "Mask" or "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 face covering has two or more layers. A mask or 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. "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 customers, clients, patients or other public visitors.
- c. "City of Minneola", as used in Section 2, means all areas within the corporate boundaries of the City of Minneola, Kansas.

**SECTION 2.** Requirements of persons. All persons in the City of Minneola shall cover their mouths and noses with a mask or face covering when they are in the following situations:

- a. Inside any indoor public space where distancing 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, optometric or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee or healthcare provider;
- d. Waiting for or riding on public transportation or while in a taxi, private car service, or ridesharing vehicle; or

- e. 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 associations of all kinds.** All businesses, organizations, non-profits and associations of all kinds in the City of Minneola must require all employees and all other persons to wear a face covering when:

- a. Employees are working in any space visited by customers, visitors, members of the public or co-workers;
- 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, organization or association; or
- d. 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.

**SECTION 4. Exemptions.** The following individuals are exempt from wearing masks or face coverings in the situations described in Sections 2 and 3:

- a. Persons age five (5) years or under; children age two (2) years and under in particular should not wear a mask or 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 mask or face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to a mask or 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 mask or 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 mask or 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 six (6) foot distance

between individuals (not including individuals who reside together or who are seated together), with only infrequent or incidental moments of closer proximity;

- g. Athletes who are engaged in an organized sports activity that allows athletes to maintain a six (6) foot distance from others with only infrequent or incidental moments of closer proximity;
- 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 mask or face covering;
- i. Persons engaged in an activity or event held or managed by the Kansas Legislature;
- j. Persons engaged in a court-related proceedings held or managed by the Kansas Judiciary;
- k. Persons engaged in any lawful activity during which wearing a mask or face covering is prohibited by law.

**SECTION 5. Enforcement, violations and penalties.**

- a. Any person, business, organization, or association convicted of violating the provisions of this ordinance shall be guilty of a misdemeanor.
- b. A person, business, organization, or association convicted of a violation of this ordinance shall be punished by a fine of Twenty-five (\$25.00). No court costs shall be assessed as a result of a conviction pursuant to this ordinance.
- c. Each occurrence of a violation of this ordinance shall be considered a separate and distinct violation.

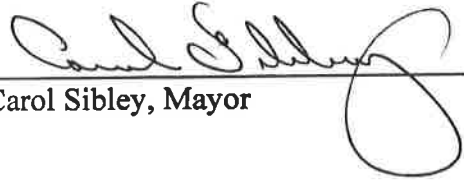
**SECTION 6.** If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 7.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**SECTION 8.** From and after November 23, 2020, this ordinance shall be effective until February 22, 2021. If the City Council intends to extend the duration and effectiveness of this ordinance, it shall do so by a majority vote of the City Council. The City Council may also rescind this ordinance, at any time, by majority vote.

APPROVED AND PASSED by the Governing Body of the City of Minneola, Kansas, this 23<sup>rd</sup> day of November, 2020.

APPROVED:



Carol Sibley, Mayor

ATTEST:



Brenda Stewart, City Clerk