

(First published in the Times Sentinel, December \_\_\_\_, 2020)

**THE CITY OF GARDEN PLAIN, KANSAS**

**ORDINANCE NO. 737**

**AN ORDINANCE REQUIRING THE WEARING OF FACE COVERINGS IN THE CITY OF GARDEN PLAIN, KANSAS.**

WHEREAS, securing the health, safety, and economic well-being of residents of the City of Garden Plain, Kansas is a priority of the City Council; 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, the Chairman of the Board of County Commissioners of Sedgwick County, Kansas declared a State of Local Disaster Emergency within the county on March 16, 2020; and

WHEREAS, recent weeks have seen a large increase in the number of COVID-19 cases; and

WHEREAS, wearing a face covering is a simple and an effective way to protect each other, to help keep open our schools, keep open our businesses and keep our economy running; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for the health, safety, security, and welfare of the people of the City of Garden Plain, requiring 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 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN PLAIN, KANSAS:

- Section 1. Definitions.** The following terms shall have the following meanings:
- a. "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 face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a face covering has two or more layers. A 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 work spaces that are not open to customers, clients, patients or other public visitors.
  - c. "City of Garden Plain", as used in section 2, means all areas within the corporate boundaries of the City of Garden Plain, Kansas.

- Section 2. Requirements of persons.** All persons in the City of Garden Plain shall cover their mouths and noses with a 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 ride-sharing 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 and associations of all kinds in the City of Garden Plan 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 coworkers;
  - b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;
  - c. Customers, 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. Exceptions.** The following individuals are exempt from wearing face coverings in the situations described in Sections 2 and 3:
- a. Persons age five (5) years or under; 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 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 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 face covering;
  - i. Persons who are discharging duties as a first responder (law enforcement, firefighters, and emergency medical technicians), when the wearing of a face covering would interfere with the safe and efficient performance of their duties;
  - j. Persons engaged in a court-related proceedings held or managed by the Kansas Judiciary; and
  - k. Persons engaged in any lawful activity during which wearing a face covering is prohibited by law;
  - l. Persons engaged in religious activities protected by the First Amendment to the United States Constitution, including, but not limited to, worship services.

- Section 5. Mass gatherings.** All mass gatherings shall be limited to no more than 25 persons or 50 percent of the fire code capacity, whichever is less. All individuals must be able to maintain the six-foot social distance requirement. Mass gatherings apply to restaurants, bars and night clubs, and fitness and health centers.

**Section 6. Bars, night clubs, and other businesses licensed to sell alcohol.** All bars, night clubs, and other businesses licensed to sell alcohol for on-premises consumption can stay open until 10:00 P.M. Sunday through Thursday. Those same businesses can remain open until 11:00 P.M. on Fridays and Saturdays. These establishments shall be limited to no more than 100 patrons or 50 percent of the fire code capacity, whichever is less. They may continue carry-out and curbside services past these times. Restaurants may seat parties of no more than six people per table.

**Section 7. Retail stores.** Retail stores are not considered mass gatherings. However, these entities are limited to 50 percent of fire code capacity based on concerns about social distancing and holiday shopping.

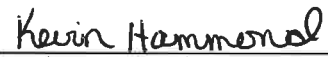
**Section 8. Enforcement, violations and penalties.**

- a. Any person, business, organization, or association violating the provisions of this ordinance shall be prosecuted in the City of Garden Plain Municipal Court.
- b. A person, business, organization, or association convicted of a violation of this ordinance shall be punished by a fine of not more than \$500.

**Section 9. EFFECTIVE DATE.** This ordinance shall take effect and be in full force after its passage and publication once in the official city paper.

Passed and approved by the Governing Body of the City of Garden Plain, Kansas, this 2<sup>nd</sup> day of December, 2020.

Approved by the Mayor this 2<sup>nd</sup> day of December, 2020.

  
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Kevin Hammond, Mayor

ATTEST:

  
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Kimberly McCormick, City Clerk