

RESOLUTION NO. 2020-68

A RESOLUTION ADOPTING EMERGENCY ORDER OF LOCAL HEALTH OFFICER

WHEREAS, as a result of the Coronavirus (COVID-19) pandemic, the State of Kansas declared a State of Disaster Emergency on March 12, 2020; and

WHEREAS, as a result of the Coronavirus (COVID-19) pandemic, the Board of County Commissioners of Shawnee County, Kansas declared a State of Local Disaster Emergency on March, 18, 2020, and extended the same on May 18, 2020 and July 13, 2020 which is set to expire if not extended on December 31, 2020; and

WHEREAS, on August 21, 2020 the Shawnee County Local Health Officer issued an Emergency Order effective August 24, 2020 at 12:01 a.m. (Exhibit A) containing restrictions and requirements for various businesses in Shawnee County; and

WHEREAS, the Board of County Commissioners of Shawnee County, Kansas supports the intent of the Local Health Officer's restrictions and requirements for businesses in an effort to control the spread of COVID-19 while at the same time wishes to facilitate economic recovery and revitalization; and

WHEREAS, Kansas law (K.S.A. 65-201) provides that any order issued by the Local Health Officer may be reviewed, amended or revoked by the Board at a meeting of the Board and if amended, must include an expiration date set by the Board; and

WHEREAS, the Board of County Commissioners of Shawnee County, Kansas desires to adopt and approve the Emergency Order issued by the Local Health Officer on November 12, 2020; and

NOW, THEREFORE, The Board of County Commissioners of Shawnee County, Kansas, meeting in regular session on this 19th day of November, 2020, does hereby Resolve and Order as follows:

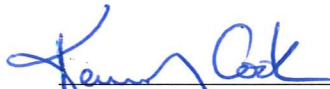
1. Effective immediately the Emergency Order of the Local Health Officer issued on November 12, 2020 attached hereto as Exhibit A shall be amended as follows with regard to the following:
 - a. Bars and Restaurants can only operate between the hours of 6:00 a.m. to 9:00 p.m. seven days a week, except that Restaurants can provide drive-through, home delivery or curb pick-up services only outside of the hours of 06:00 AM to 9:00 PM.
 - b. All organized adult and youth sports and athletic activities that require in person gatherings, whether for practice or scheduled competition, are not allowed.

2. All other provisions contained in the Emergency Order of the Local Health Officer issued on November 12, 2020 are hereby reaffirmed by adoption of this Resolution.
3. Enforcement of this Order shall be in accordance with K.S.A. 48-939, as follows:
 - a. Any person who intentionally violates any provisions of this order may incur a civil penalty in an amount up to \$2,500 per violation. Each penalty may be assessed in addition to any other penalty provided by law.
 - b. Violations of this Order shall be brought under chapter 60 of the Kansas Statutes Annotated, and amendments thereto, by county or district attorney of Shawnee County. Civil Penalties sued for and recovered shall be paid into the general fund of Shawnee County.
 - c. The attorney general or any county or district attorney may bring an action to enjoin, or to obtain a restraining order, against any person who has violated, is violating or is otherwise likely to violate this order.
4. This Resolution is not intended to regulate public and private schools. Schools are encouraged to work with the State of Kansas and the Shawnee County Health Department to determine whether and how to safely open and to safely conduct school related activities.
5. The provisions of this Resolution are severable and shall survive to the extent allowed by law.
6. This Resolution shall be published in the official county newspaper. This Resolution shall expire on December 15, 2020 unless sooner amended or revoked at an earlier date by a majority vote of the Board.

**BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS**

No

William D. Riphahn, Chair




Kevin J. Cook, Vice-Chair



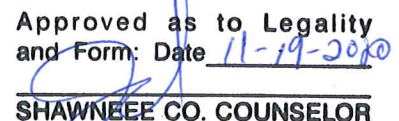
Aaron Mays, Member



ATTEST:



Cynthia A. Beck, Shawnee County Clerk

Approved as to Legality
and Form: Date 11-19-2020


SHAWNEE CO. COUNSELOR



Public Health
Prevent. Promote. Protect.

Shawnee County Health Department

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EMERGENCY ORDER OF LOCAL HEALTH OFFICER

Emergency Public Health Order issued on this 12th day of November 2020, effective at 12:01 a.m. November 13, 2020, to mitigate the spread of the Coronavirus (COVID-19) in Shawnee County, Kansas, pursuant to the authority provided in K.S.A. 65-119 and K.S.A. 65-202 and other applicable laws or regulations.

WHEREAS, pursuant to K.S.A. 65-202, the Local Health Officer shall use all known measures to prevent the spread of any infectious, contagious or communicable disease, and;

WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119 to immediately exercise and maintain a supervision over cases of any infectious or contagious disease during its continuance, and see that all such cases are properly cared for and that the provisions of the Kansas public health laws as to isolation, restriction of communication, 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 public gatherings when necessary for the control of any and all infectious or contagious diseases, pursuant to K.S.A. 65-119; and

WHEREAS, on the 18th day of March 2020, the Board of County Commissioners of Shawnee County, Kansas found that a disaster had occurred, or the threat thereof was imminent within Shawnee County, Kansas as a result of the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States, Kansas, multiple counties surrounding Shawnee County; and

WHEREAS, on the 22nd day of May 2020, the Ad Astra 2.0 order issued by Kansas Governor Laura Kelly went into effect. The plan states "...the State will set the regulatory baseline for Kansas local governments in each phase of this framework, allowing local governments to retain the ability to impose additional restrictions that are in the best interest of the health of their residents;" and

WHEREAS, on the 26th day of May, 2020, Kansas Governor Laura Kelly announced that the Ad Astra order will no longer have the force and effect of law and that Counties would thenceforth be responsible for issuing any further public health orders to manage the outbreak in their local jurisdictions; and

WHEREAS, on the 6th day of July, 2020, the Board of County Commissioners of Shawnee County passed Resolution 2020-44 regarding the use of face masks and face coverings in Shawnee County effective July 9, 2020, and this Order shall be read in conjunction with and in addition to the requirements in Shawnee County Resolution 2020-44; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in Kansas, resulting in serious illness and at least one death to date in Kansas; and

WHEREAS, such conditions endanger health, safety and welfare of persons and property within the border of Shawnee County, Kansas; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Shawnee County Local Health Officer, all recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, the worldwide pandemic of COVID-19 and the resulting outbreak in Kansas, and counties surrounding Shawnee County continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS, it is estimated that each COVID-19 positive patient could infect between 2.6 to 4 other people; and

NOW THEREFORE, the following local requirements have been adopted and where indicated are mandatory and legally required in order for certain businesses to safely open and serve the public. Any business or entity that does not operate in accord with these requirements is subject to closure by an Order of the Shawnee County Health Officer:

Table 1- In addition to the requirements for wearing Face Masks/Coverings found in Shawnee County Resolution 2020-44, http://www.snco.us/hd/Document/resolution_2020_44.pdf ,the following are Restrictions and Requirements for Shawnee County:

Definition: Social Distancing	<ul style="list-style-type: none"> Social distancing as used in this order means keeping at least 6 feet of space between individuals.
Definition: Mass Gatherings	<ul style="list-style-type: none"> Mass gathering as used in this order means any planned or spontaneous, public or private event or convening that will bring together or is likely to bring together more than 10 people at the same time, where social distancing cannot be maintained.
Definition: Bar	<ul style="list-style-type: none"> For the purpose of this order, a bar is an establishment that is licensed for consumption of alcoholic beverages inside the establishment, may or may not serve food, and derives 30 percent or more of its revenues from the sale of alcohol (excluding revenues from the sale of alcohol for consumption off premises). Night clubs are also considered bars.
Definitions: Restaurant	<ul style="list-style-type: none"> For the purpose of this order, a restaurant is an establishment that is licensed for food consumption inside the establishment, may or may not serve alcoholic beverages, and derives less than 30 percent of its revenues from the sale of alcohol.
Restaurants, Bars and Night Clubs	<ul style="list-style-type: none"> Bars can operate between the hours of 06:00 AM 12:00 AM. Restaurants can operate at any time, except that outside of the hours of 06:00 AM to 12:00 AM they can only provide drive-through, home delivery or curb pick-up services.

- Shall conduct routine cleaning and sanitation throughout the day, and deep cleaning once a day.
- All establishments are subject to limits of mass gatherings and social distancing. Parties sitting at the same table cannot exceed the mass gathering size limit.
- A distance of at least 6 feet shall be provided between tables, or when that is not feasible a transparent plastic shield shall divide booths or tables closer than 6 feet.
- Bars or restaurants with a maximum capacity set forth by the Fire Marshall of greater than 100 people can only operate at 50% of that capacity.
- They shall monitor waiting lines outside their doors and assure that social distancing requirements are followed. This requirement does not apply if the business operates only through a phone or online reservation system.
- They shall monitor their customers and invite them to either follow the requirements in this and other public health orders or leave the establishment.
- Service or consumption of food or drinks at a counter/bar or in standing-only areas is prohibited. Consumption of food and beverages shall only take place at a table via seated service.
- People with symptoms shall not enter or be allowed to remain in the premises.
- Hand Sanitizing stations shall be put in conspicuous areas for the ready accessibility for both staff and customers.
- Dance floors (including but not limited to temporary spaces obtained by removing tables or other objects for the purpose to allow people to dance) shall be closed due to the difficulty of maintaining social distance and enforcing mass gathering limits.
- Managers and owners shall make all reasonable efforts to reduce the amount of noise in the establishments. Jukebox and television sets are allowed if their volume is kept at a level that does not interfere with a conversation among multiple individuals taking place at a normal voice volume.
- Karaoke shall not be allowed.
- Live music, disk jockey and other performers may be allowed, provided that the performers are separated by at least 10 feet from any customers or areas in which customers may be present or transit.
- Party buses (including but not limited to party ride, limo bus, limousine bus, party van, or luxury bus), organized charity rides and other events or venues aimed at bringing several individuals together for the purpose of entertainment or visiting multiple establishments (including but not limited to bars night clubs) can only operate if the size of the group is 10 people or less.
- Performances for which social distancing cannot be maintained (for example when the performer and the customer must come in close proximity or have physical contact with each other) are not allowed.

	<ul style="list-style-type: none"> • Unless otherwise specified, these requirements apply also to outdoors areas where service is provided, such as patios. • https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-restaurants-bars.html • https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/restaurants-and-bars-decision-tool.html
<p>Personal Services (salons, barber shops, pet grooming, tattoo parlors etc.)</p>	<ul style="list-style-type: none"> • Mass gathering rules apply (no more than 10 including employees and clients with six-foot separation) • If the service inhibits the donning of a mask for either party that service cannot be provided • Hair braiding must follow the guidance set by KDHE and this document <p>https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html</p>
<p>Entertainment venues (movie theatres, concert venues, bowling alleys, etc.)</p>	<ul style="list-style-type: none"> • Can operate only if they can pre-assign seats (when applicable) or adopt other measures to respect requirements for social distance and mass gathering size for customers • Bar, concessions and restaurant areas in these venues shall meet the same requirements as those not located within the venues (Bar and restaurant, counter service rules)
<p>Mass events (including fairs, festivals, carnivals, parades, concerts, weddings, private parties, etc.)</p>	<ul style="list-style-type: none"> • Outdoor and indoor events shall be limited to no more than 100 participants, or 50 percent of the total capacity (or expected attendance) of the venue (whichever is smaller) after social distancing and mass gathering rules are applied (i.e., groups of more than 10 people must be separated by 6 feet or more, for a total number of attendees no greater than 100). • Organizers shall enact necessary measures to respect social distancing and mass gathering rules (i.e., attendees shall not be congregate in groups greater than 10 people unless they are separated by 6 feet or more) • For events like trade shows or displays where attendees move in and out during the event, organizers must assure that at no time during the event the crowd size exceeds the maximum allowable size. <p>https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/</p>
<p>Parks and Recreation Activities</p>	<ul style="list-style-type: none"> • Parks and Recreation Facilities must follow all mass gathering rules including monitoring the gathering sizes at rental spaces.
<p>Gyms and Fitness Centers</p>	<ul style="list-style-type: none"> • Staff shall be on the premises through the duration of operating hours. No unattended operations are allowed. • Shall adhere to social distancing guidelines, allowing people to remain 6 feet apart at all times. • Equipment shall be spaced to make sure customers are never closer to each other than 6 feet

	<ul style="list-style-type: none"> • Equipment shall be cleaned thoroughly between uses using an appropriate disinfectant (see https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2) • Sharing of equipment shall be minimized. • Showers and locker rooms are allowed to be used and must be cleaned frequently
<p>Sports and Athletic Activities</p>	<ul style="list-style-type: none"> • Sports and athletic activities are allowed, subject to the limitations of social distancing and mass gatherings • Bar, concessions and restaurant areas shall meet the same requirements as those not located within the venues <p>https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/youth-sports.html</p>
<p>Swimming Pools Open to the Public</p>	<ul style="list-style-type: none"> • Can only operate at 50% capacity • If the establishment reaches its 50% capacity, customers should be admitted on a “1-out-1-in” basis. https://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/aquatic-venues.html • Must adhere to social distancing and mass gatherings requirements, allowing individuals or groups of no more than 45 people to remain 6 feet apart at all times. • The operator is responsible for managing the crowd outside and inside the swimming pool, assuring social distancing is maintained • People with symptoms should not enter • Bar, concessions and restaurant areas shall meet the same requirements as those not located within the swimming pool Perform thorough disinfection at least daily, using products and procedures recommended by the CDC (see https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html)
<p>Real Estate</p>	<ul style="list-style-type: none"> • Individual showings and open houses are allowed, provided that the limit to social gatherings size is respected and social distancing can be maintained at all times.
<p>Childcare and summer camps</p>	<ul style="list-style-type: none"> • Outdoor activities are encouraged • Perform enhanced cleanings daily, using products and procedures recommended by the CDC (see https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html) • Assure that social distancing and limit to mass gatherings is observed. • If possible, children shall be cared for by the same caregiver(s) each day placed into cohorts so that the same children are in the same space with the same caregiver(s) each day • Limit the mixing of children, such as by staggering playground times and keeping groups separate for special activities such as art, music, and exercising • Parents and caregivers shall not enter the facility, except for the time strictly necessary to drop off and pick up children

Remote working and other employer measures	<ul style="list-style-type: none">• All employers shall evaluate whether their employees can feasibly work remotely and to the extent reasonable shall take steps to enable such employees to work from home.
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THEREFORE, this proactive public health order shall be read in conjunction with and in addition to the requirements for wearing face masks/coverings in Shawnee County found in Shawnee County Resolution 2020-44 http://www.snco.us/hd/Document/resolution_2020_44.pdf, and is hereby issued to minimize the impact of COVID-19 on the Shawnee County community. IT IS SO ORDERED THIS 12th day of November, 2020, EFFECTIVE 12:01 a.m. November 13, 2020, and shall remain in effect until 11:59 p.m. December 14, 2020 unless renewed, rescinded or superseded by a subsequent order.

Dr. Gianfranco Pezzino
Health Officer
Shawnee County, Kansas