

(First published in the Cowley County Courier Traveler, Friday July 10, 2020)

**BILL NO. 2040**

**ORDINANCE NO. 4128**

**AN ORDINANCE**

**ESTABLISHING** the requiring the wearing of masks or other face coverings in the corporate limits of the City of Winfield, Cowley County, Kansas.

**WHEREAS**, securing the public health and safety of residents of the City of Winfield is priority; and

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

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 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**, to provide for and ensure the health, safety, security, and welfare of the people of the City of Winfield, requiring that masks or other face coverings be worn in public spaces is necessary to promote and secure the safety and protection of the civilian population.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:**

**Section 1.** Chapter 58 – Offenses and Miscellaneous Provisions, Article I- In General, is hereby amended to add and establish a new Section 58-6- Requiring of Wearing Masks in Public Places Within the City to read as follows:

*(a) Definitions:*

- a. "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, loops over the ears or by some other means 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. "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 or public visitors.

*(b) Persons.*

- a. All persons in the City of Winfield shall cover their mouths and noses with a mask or other face covering when they are in the following situations:
  - i. Inside any indoor public space where distancing of 6 feet at all times is not possible;
  - ii. In line and waiting to enter an indoor public space.
  - iii. Obtaining services from the healthcare sector in settings, including but not limited to, a pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee or healthcare provider.
  - iv. Waiting for or riding on public transportation or while in a taxi, private car service, or ridesharing vehicle;
  - v. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

*(c) Businesses and Organizations.*

- a. All businesses, organizations and non-profit associations in the City of Winfield must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering when:
  - i. Employees are working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
  - ii. Employees are working in any space where food is prepared or packaged for sale or distribution to others;
  - iii. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
  - iv. 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 6-foot distance except for infrequent or incidental moments of closer proximity.

*(d) Exemptions.*

- a. The following individuals are exempt from wearing masks or other face coverings in the situations described in Paragraphs (b) and (c):
  - i. Persons age five years or under; children age two years and under in particular should not wear a face covering because of the risk of suffocation;

- ii. 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 remove a face covering without assistance;
- iii. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
- iv. 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;
- v. 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;
- vi. 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 6-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
- vii. Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
- viii. Persons who are engaged in an activity that an educational institution, 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 other face covering;
- ix. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

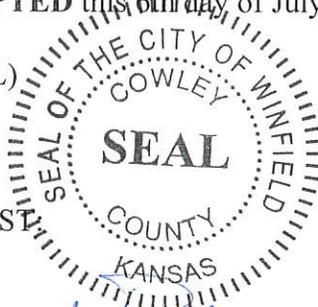
*(e) Enforcement; violations and penalties.*

- a. The provisions of this section shall be in effect until modified by the governing body by repeal or extension but shall be reviewed no later than August 13, 2020.
- b. The police chief or his or her designated agent shall be responsible for enforcing the provisions of this article within the City of Winfield. It shall be unlawful for any person, firm, business, corporation, or organization subject to regulation under this section to fail to comply with all of its provisions. Any person or entity who violates any provision of this article shall be guilty of a misdemeanor, punishable by:
  - i. A fine not exceeding \$25.00 for the first violation.
  - ii. A fine not exceeding \$50.00 for a second violation.
  - iii. A fine not exceeding \$100.00 for each additional violation.
- c. Not applicable to Strother Field. The provisions of this section shall not apply to the Strother Field Airport and Industrial Park.

**Section 2.** This ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED this 6th day of July, 2020.

(SEAL)



ATTEST

*Brenda Peters*

Brenda Peters, City Clerk

*Phillip R. Jarvis*

Phillip R. Jarvis, Mayor

Approved as to form:

*W E Muret*

William E. Muret, City Attorney

Approved for Commission action:

Taggart Wall, City Manager