

ORDINANCE NO. 1894

AN ORDINANCE CREATING NEW SECTIONS 11-212, 11-213 AND 11-214 REQUIRING INDIVIDUALS TO WEAR MASKS OR OTHER FACE COVERINGS IN CERTAIN CIRCUMSTANCES; REQUIRING BUSINESSES AND ORGANIZATIONS TO REQUIRE ALL EMPLOYEES, CUSTOMERS, VISITORS, MEMBERS, OR MEMBERS OF THE PUBLIC TO WEAR A MASK OR OTHER FACE COVERING IN CERTAIN CIRCUMSTANCES; AND ESTABLISHING PENALTIES THEREFORE.

WHEREAS, the governing body of the City of Marysville prioritizes the protection of the health, safety, welfare and economic well-being of residents and visitors of the City of Marysville; and,

WHEREAS, the City of Marysville is facing a crisis with the pandemic and public health emergency of COVID-19, resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship; 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, 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, this worrying trend of increased COVID-19 spread is a danger to the health and safety of residents and visitors to the City of Marysville, and also presents a serious threat to reopening and reviving the City's economy; and,

WHEREAS, wearing a mask in public is the easiest and most effective way to protect each other to prevent COVID-19 spread and to help support local businesses, schools and at risk population; and,

WHEREAS, wearing a mask in public is not only safe and easy, it is necessary to avoid more restrictive local measures that could involve closing higher education institutions, K-12 schools, businesses, organized youth sports, and other important activities; and,

WHEREAS, for the aforementioned and other reasons, the governing body of the City of Marysville is acting pursuant to its constitutional home rule authority to provide for the health, safety, welfare and economic well-being of residents and visitors of the City of Marysville, by requiring that masks or other face coverings be worn as described in this ordinance.

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

Section 1. That Section 11-212 of the Code of Ordinances of the City of Marysville, Kansas,

is hereby created to read as follows:

Sec. 11-212. Mask or other face coverings

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection.

(1) "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.

(2) "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) All persons in the city shall cover their mouths and noses with masks or other face coverings when they are in the following situations:

- (1) Inside, or in line to enter, any indoor public space;
- (2) Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee thereof or a health care provider;
- (3) Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle; or,
- (4) 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) The persons responsible for all businesses or organizations in the city must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering as follows:

- (1) Employees, when working in any space visited by customers or members of the public, where distancing of six feet at all times is not possible;
- (2) Employees, when working in any space where food is prepared or packaged for sale or distribution to others;
- (3) Employees, when working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;

- (4) Customers, members, visitors, or members of the public, when in a facility managed by the business or organization; or
 - (5) Employees, when 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) The following individuals are exempt from wearing masks or other face coverings in the situations described in subsections (a) and (b):
- (1) 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;(2) 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;
 - (3) 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;
 - (4) 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;
 - (5) 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;
 - (6) 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;
 - (7) 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;
 - (8) 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 other face covering;
 - (9) Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and,
 - (10) Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

(e) USD 364 shall be exempt from this ordinance as they are governed by Kansas State High School Activities Association.

11-213. Penalty for Violating 11-212

A violation of any provision of Section 11-212 shall be punished as follows:

- (1) A person found in violation of 11-212 shall be punished with a fine of \$20.
- (2) A business found in violation of 11-212 shall be punished with a fine of \$50.

No court costs shall be assessed as a result of conviction.

The person responsible for any business or organization that does not comply with Section 22-71(b) includes a sole proprietor, or any officer, partner, member, manager, director, or other supervisor for the business or organization, who may be held jointly and severally responsible for such violation with respect to any enforcement of the violation.

11-214 Mask or other face coverings; effective term.

The provisions of Section 11-212 through Section 11-213 of the city code shall be in effect until 11:59 p.m. on January 17, 2021.

Section 2 Effective Date. This ordinance shall take effect upon publication in the official city newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF MARYSVILLE, KANSAS,
THIS 13th DAY OF NOVEMBER 2020.

Jason Barnes, Mayor

ATTEST:

Lucinda Holle, City Clerk