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EMERGENCY ORDER OF LOCAL HEALTH OFFICER 2020-02

Emergency Public Health Order issued on this 1st day of May 2020 to mitigate the spread of Coronavirus (COVID-19) in Atchison County, Kansas, pursuant to the authority provided in K.S.A. 65-119, K.S.A. 65-129b and K.S.A. 65-202 and other applicable laws or regulations.

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 even death; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas 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, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Atchison 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, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a 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, in order to mitigate the spread of COVID-19, Kansas Governor Laura Kelly, issued a series of Executive Orders commencing on March 16, 2020, and

WHEREAS on March 17, 2020, Jack Bower, the Chairman of the Board of County Commissioners of Atchison County, declared a state of local disaster emergency, and disaster had occurred, or the threat thereof was imminent within Atchison 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 and Kansas; and

WHEREAS, through the adoption of Atchison County Resolution 2020-1464 on March 17, 2020, the Board of County Commissioners extended the declaration of state of local disaster emergency for a period of sixty days; and

WHEREAS, on March 28, 2020, Kansas Governor Laura Kelly issued EXECUTIVE ORDER No. 20-16 (“Establishing a statewide ‘stay home’ order in conjunction with the Kansas Essential Function Framework for COVID-19 response efforts”); and

WHEREAS, Kansas Governor Laura Kelly, issued EXECUTIVE ORDER No. 20-29, implementing Phase One of “Ad Astra: A Plan to Reopen KANSAS,” which order outlined a plan to re-open businesses and activities in phases and authorizing local governments to implement more restrictive orders regarding businesses, mass gatherings, or stay-home requirements based upon local conditions; and

WHEREAS, citizens of Atchison County should not view the reopening plan as an indication that the threat from COVID-19 is past, and all citizens should follow all social distancing, sanitation, and personal hygiene practices guidance provided by the Centers for Disease Control and Prevention (CDC), and federal, state and local public health officials and private medical providers; and

WHEREAS, reopening in Atchison County should occur safely and incrementally, always ensuring that the strategies for reopening are implemented in such a manner as to prevent overwhelming the local health care system’s ability to care for residents in need of medical treatment, including those infected with the COVID-19 virus; and

WHEREAS, under Kansas Law the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119, K.S.A. 65-129b and K.S.A. 65-202 to immediately exercise and maintain a supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine and disinfection are duly enforced, to prohibit public gatherings, and to use all known measures for the control of any and all infectious or contagious diseases;

NOW THEREFORE, as Local Health Officer for Atchison County, Kansas, I hereby direct and order the following:

Section One. The EMERGENCY ORDER OF LOCAL HEALTH OFFICER dated March 24, 2020 is no longer in effect.

Section Two. This order shall remain in effect for a MINIMUM of fourteen days, and shall expire upon the issuance of a superseding order, which should not occur until at least May 18, 2020.

Section Three. Except as further set forth herein, all public gatherings, as defined below, are temporarily prohibited in Atchison County.

Section Four. The following activities or facilities, which relate to critical public health, safety, and other infrastructure functions, are exempt from the requirements of this order:

- a. Operations or facilities of the United States Government; the government of the State of Kansas; or the government of any incorporated City;
- b. Operations of any federal, state, or municipal court;
- c. Gathering as a family privately;
- d. Military and National Guard facilities;
- e. Law enforcement, jail, or correctional facilities, including any facility operated by the Department of Corrections;
- f. Any facility being used as part of a government or community response to a natural disaster;
- g. Hospitals, medical clinics, medical offices, medical facilities, dental offices, orthodontic office, oral surgery offices, optical offices, detoxification centers, and pharmacies;
- h. Government service centers;
- i. Public transportation;
- j. Utility facilities; and
- k. Job centers.

Section Five. Conditions for operation of businesses and other activities.

- I. Essential Businesses may continue to operate, provided the following conditions are met:
 - a. To the extent possible social distancing shall be maintained.
 - b. All on-premises workers shall be screened for fevers and any symptoms of COVID-19 upon entry.
 - c. To the extent feasible, work spaces shall be positioned such that workers maintain separation of at least 6 from one another and from the public.
 - d. Working from home should be maximized.
- II. Restaurants, bars, and senior centers may be open, but only for the service of carryout or delivery of meals and only if the requirements listed below are followed:
 - a. Adherence to all applicable food and safety codes;
 - b. Dine-In Service or on-premises consumption of food is not allowed.
 - c. Maintain social distancing;
 - d. No self-service of unpackaged food or beverages, such as in salad bars, buffets, or beverage stations;
 - e. Allow for contactless transactions;
 - f. Offer curbside pick-up with an establish designated pick-up zone or zones

for customers, and offering contactless delivery, such as by placing orders in vehicle trunks.

- g. For deliveries, offer customers the option of receiving notification by text message or phone call as the delivery is arriving

III. Retail Sales Establishments, including Retail Food Establishments, may operate, but only under the following conditions:

- a. The number of customers allowed into the establishment at any given time shall be limited to 5 customers for each 1000 square feet of retail shopping space,
- b. All customers must maintain Social Distancing;
- c. Shopping cart sanitation supplies must be available if carts or are used
- d. Enhanced cleaning should be done throughout the day
- e. Hand sanitizer should be readily available throughout the premises.

IV. Long-term care facilities, assisted living facilities, and childcare facilities may be open, and must adhere to KDHE or other applicable regulatory guidelines.

V. Public parks and spaces may remain open, but the use of public playground equipment and public picnic tables is not authorized under this order.

VI. Individual showings of real estate are allowed, provided social distancing is maintained. No open houses are allowed.

Section Six. Businesses and other activities that are not authorized under this order.

- I. Personal services establishments, such as salons, barber shops, pet grooming facilities, are not authorized under this order.
- II. Recreational facilities, including recreation commissions, sports teams, gymnasiums, fitness centers, and public swimming pools, are not authorized under this order.

Section Seven. Definitions

- I. “Essential Businesses” means activities or facilities which relate to critical public health, safety, and other infrastructure functions, as follows:
 - a. All “essential Businesses” as set forth in Governor Kelly’s EXECUTIVE ORDER NO. 20-14, including all businesses determined to be essential under Governor Kelly’s EXECUTIVE ORDER NO. 20-15, which established the Kansas Essential Function Framework for COVID-19 response efforts (KEFF).

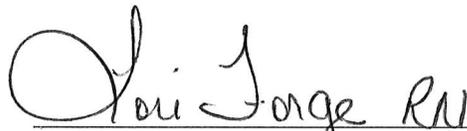
- b. Airports;
 - c. Public, private, or charter schools for instructional purposes, for non-instructional purposes, such as medication pickup, childcare services, providing meals and when operating as polling places;
 - d. Childcare locations (including those that operate within a facility that is otherwise subject to the prohibitions of this order), residential care centers, and group homes;
 - e. Food pantries and shelter facilities, including day centers, for individuals and families;
 - f. Office spaces, but only for the purpose of performing essential activities or essential functions as described and limited by EXECUTIVE ORDER No. 20-16;
 - g. Manufacturing, processing, distribution, and production facilities;
- II. “Public gathering” 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 in a confined or enclosed space at the same time
- a. “Public gathering” does not include normal operations at places where persons may be in transit or coming and going individually or in groups of less than ten (10) persons.
 - b. “Public gathering” does not include governmental and judicial functions, healthcare facilities, and private business operations.
 - c. “Public gathering” includes, but is not limited to, gatherings at auditoriums, theaters, movie theaters, museums, stadiums, arenas, conference rooms, meeting halls, exhibition centers, taverns, health and fitness centers, recreation centers, licensed pools, and churches or other religious facilities.
- III. “Social Distancing” means maintaining at least six-foot space between individuals who do not reside in the same household.

Section Four. Pursuant to K.S.A. 65-129b(a)(2), any sheriff, deputy sheriff or other law enforcement officer of the state or any political subdivision within Atchison County, Kansas is hereby ordered to assist in the execution or enforcement of this order.

Section Five. This Order may be supplemented or modified as required for the effective and efficient management and control of the Coronavirus epidemic in Atchison County by further order or direction of the Atchison County Local Health Officer.

Section Six. This Order is effective at 12:01 a.m. on Monday, May 4, 2020 and shall remain in effect until amended, superseded, or rescinded.

IT IS SO ORDERED THIS 1ST DAY OF MAY, 2020

A handwritten signature in cursive script that reads "Lori Forge RN". The signature is written in black ink and is positioned above a horizontal line.

Lori Forge, RN
Local Health Officer
Atchison County, Kansas