



NEK Multi-County Health Departments, Inc

616 Commercial St.
Atchison, KS 66002
913-367-5152 Phone
913-367-4580 Fax

EMERGENCY ORDER OF LOCAL HEALTH OFFICER 2020-04

Emergency Public Health Order issued on this 21st 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 through the adoption of Atchison County Resolution 2020-1467 on May 15, 2020, the Board of County Commissioners further 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, on April 30, 2020, 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; further modified said plan on May 14 through the issuance of EXECUTIVE ORDER No. 20-31, implementing Phase 1.5 of said plan; 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; and

WHEREAS, on May 1, 2020, I, as Local Health Officer for Atchison County, issued EMERGENCY ORDER OF LOCAL HEALTH OFFICER 2020-02, which outlined Phase One of the plan to reopen Atchison County, and which, by its terms, was to remain in effect for a MINIMUM of fourteen days, and was subject to reconsideration and modification based upon the conditions within the County; and

WHEREAS, on May 15, 2020, I issued EMERGENCY ORDER OF LOCAL HEALTH OFFICER 2020-03, which outlined Phase 1.5 of the Atchison County reopening plan.

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 2020-03 and dated May 15, 2020 is rescinded and replaced by this order.

Section Two. Nothing contained in this order shall have the effect of superseding any provision of Kansas Governor Laura Kelly’s Executive Order No. 20-31, Implementing Phase 1.5 of “Ad Astra: A Plan to Reopen KANSAS” issued May 14, 2020, nor shall it have the effect of superseding any other executive orders responding to the COVID-19 pandemic that are still in effect. This order should be read in conjunction with such Executive Orders and other applicable laws, rules and regulations.

Section Three. Except as further set forth herein, all public gatherings of more than fifteen (15) people are prohibited.

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. In addition to the requirements of Governor Kelly's Executive Order No. 20-34 and all other applicable laws, rules, and regulations, the following businesses can open if they comply with Governor Kelly's Executive Order No. 20-34, all other applicable laws, rules, and regulations, and the following additional conditions:

- I. Restaurants and bars may be open for dine-in service at no more than 50% occupancy as determined under any applicable fire code.
 - a. Customers should be seated in cohorts and no more than ten (10) persons at a table.
 - b. Tables must be situated such that patrons seated at different tables are at least six feet apart.
 - c. Waiting areas and bar areas shall be closed.
- II. Restaurants, bars and senior centers may remain open for the service of carryout or delivery of meals and only if the requirements listed below are followed:
 - a. Allow for contactless transactions;
 - b. Curb-side 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 is encouraged;
 - c. Notification by text message or phone call as the delivery is arriving is encouraged.
- 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 fifteen (15) 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. Fitness centers and health clubs may open, but locker rooms must be closed except as necessary to use restroom facilities, and the following conditions are met:
- a. the number of visitors allowed into the establishment at any given time shall be limited to fifteen (15) visitors for each 1000 square feet,
 - b. The facility must keep written record of all visitors, including date, time, name, address, and telephone number (if any);
 - c. Equipment must be cleaned thoroughly before and after each use;
 - d. No on-premises child care for visitors is allowed;
 - e. In-person group classes are allowed, but only in groups of fifteen (15) or less and social distancing is maintained.
- V. Personal services establishments, such as salons, barber shops, and pet grooming facilities, may be open, provided the following conditions are met:
- a. Services are provided by appointment only;
 - b. Both service provider and customer must wear masks that cover the mouth and nose;
 - c. The business must keep written record of all customers, including date, time, name, address, and telephone number (if any);
 - d. Appointments must be spaced so that there is adequate time to clean thoroughly between customers;
 - e. One customer is allowed per service provider in the business at any given time. A parent or guardian may be present for services provided to a child;
 - f. Customers must be screened for fever and symptoms of COVID-19.
- VI. Recreational facilities, including recreation commissions, sports teams, and gymnasiums may open, provided they maintain social distancing and adhere to mass gathering limits.
- VII. Swimming pools may be open for physical therapy and first responder training.
- VIII. Public parks and spaces may remain open, but the use of public playground equipment and public picnic tables is not authorized under this order.

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

Section Six. All other businesses can open if they comply with Governor Kelly's Executive Order No. 20-31, and all other applicable laws, rules, and regulations.

Section Seven. Definitions

- I. "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 15 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 (15) 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, and licensed pools.
- II. "Social Distancing" means maintaining at least six-foot space between individuals who do not reside in the same household.

Section Eight. 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 Nine. 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 Ten. This Order is effective at 12:01 a.m. on Friday, May 22, 2020 and shall remain in effect until amended, superseded, or rescinded.

IT IS SO ORDERED this 21st day of May, 2020.



Lori Forge, RN
Local Health Officer
Atchison County, Kansas