



NEK Multi-County Health Departments, Inc

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EMERGENCY ORDER OF LOCAL HEALTH OFFICER 2020-09

Emergency Public Health Order issued on this 21st day of July 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.

WHEREAS, on May 22, 2020, I issued EMERGENCY ORDER OF LOCAL HEALTH OFFICER 2020-04, which outlined Phase 2 of the Atchison County reopening plan.

WHEREAS, on May 26, 2020, I issued EMERGENCY ORDER OF LOCAL HEALTH OFFICER 2020-05, which outlined Phase 2.5 of the Atchison County reopening plan.

WHEREAS, on June 9, 2020, I issued EMERGENCY ORDER OF LOCAL HEALTH

OFFICER 2020-06, which outlined Phase 3.0 of the Atchison County reopening plan.

WHEREAS, on June 23, 2020, I issued EMERGENCY ORDER OF LOCAL HEALTH OFFICER 2020-07, which outlined Phase 3.5 of the Atchison County reopening plan.

WHEREAS, on July 7, 2020, I issued EMERGENCY ORDER OF LOCAL HEALTH OFFICER 2020-08, which outlined Phase 3.5 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 2020-08 and dated July 7, 2020 is rescinded and replaced by this order.

Section Two. Mass gatherings of more than forty- five (45) individuals are prohibited. Mass gatherings are defined as instances in which individuals are in one location and are unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

Section Three. Business Restrictions:

- a. All businesses not addressed in subparagraph 3.c. below can open if they comply with the following:
 - i. Maintain at least 6 feet of distance between customers or groups of customers;
 - ii. Follow fundamental cleaning and public health practices detailed on covid.ks.gov; and
 - iii. Avoid any instances in which groups of more than 45 individuals are in one location and unable to maintain a 6-foot distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a business, but requires that businesses limit mass gatherings in areas and instances in which physical distancing cannot be maintained, such as at tables or in entrances, lobbies, break rooms, check-out areas, etc.
- b. All businesses in Operation should follow industry-specific guidelines as provided on covid.ks.gov. Following any additional best practices guidance from each business sector is strongly encouraged.
- c. The following businesses may open if they comply in all areas of the business with the requirements of paragraph 3.a. of this order but only to the extent described in this subparagraph
 - i. Nail salons, barber shops, hair salons, tanning salons, tattoo parlors and other personal service businesses where close contact cannot be avoided may be open, provided the following conditions are met:

- A. Both service provider and customer should wear masks that cover the mouth and nose;
 - B. The business must keep written record of all customers, including date, time, name, address, and telephone number (if any);
 - C. Appointments must be spaced so that there is adequate time to clean thoroughly between customers;
- ii. 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 forty-five (45) 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. In-person group classes are allowed, but only if social distancing is maintained.
- 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 forty-five (45) customers for each 1000 square feet of retail shopping space;
 - B. All customers must maintain Social Distancing;
 - C. Masks are strongly encouraged.
- iv. Theaters, museums, and indoor leisure spaces, 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 forty-five (45) customers for each 1000 square feet;
 - B. All customers must maintain Social Distancing;
 - C. Masks are strongly encouraged.
- v. Golf courses, recreational facilities, including recreation commissions, sports teams, and gymnasiums may open, provided they maintain social distancing and adhere to mass gathering limits.

Section Four. “Social Distancing” means maintaining at least six-foot space between

individuals who do not reside in the same household.

Section Five. If any business, facility, or venue involves or operates more than one activity or function, each activity or function must follow any provisions of this order specifically addressing that activity or function.

Section Six. 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 Seven. 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 Eight. This Order is effective at 12:01 a.m. on Wednesday, July 22, 2020 and shall remain in effect until 11:59 p.m. on August 5, 2020, unless earlier amended, superseded, or rescinded.

IT IS SO ORDERED this 21st day of July, 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