

RESOLUTION NO 692.

**A RESOLUTION MANDATING INDOOR MASKING WITHIN ROELAND PARK,
KANSAS**

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and which results in serious illness or death among some who are infected; and

WHEREAS, COVID-19 has already resulted in the deaths of over 610,000 United States citizens; and

WHEREAS, 64,998 Johnson County, Kansas citizens have tested positive for COVID-19, and 793 Johnson County, Kansas citizens have died from COVID-19, and

WHEREAS, 342,196 citizens of the State of Kansas have tested positive for COVID-19, and 5,322 Kansas citizens have died from COVID-19, and

WHEREAS, Kansas is experiencing another wave of new COVID-19 cases, fueled by low rates of full vaccination (under 43%), and the spread of a new strain of COVID-19 (the Delta variant); and

WHEREAS, the COVID-19, and its Delta variant, are spread primarily through respiratory droplets exhaled when infected people breath, talk, cough, or sneeze; and

WHEREAS, wearing face coverings substantially reduces transmission of COVID-19 and the Delta Variant by blocking exhalation of virus-containing droplets into the air; and

WHEREAS, recent research has demonstrated the utility of requiring people to wear face coverings instead of relying on voluntary masking, up to a 23.4% increase in mask adherence, and that mask adherence is itself associated with a significant decrease in COVID-19 cases and deaths; and

WHEREAS, the Johnson County Board of Health issued Order No. 001-21 on August 5, 2021, wherein it required all public and private school students and staff through and including 6th grade to wear masks or other face coverings while attending school indoor and on bus rides; and

WHEREAS, on July 27, 2021 the U.S. Centers for Disease Control and Prevention issued guidance recommending face coverings be worn by all individuals while indoors in areas with “substantial” or “high” transmission of COVID-19; and

WHEREAS, Johnson County, Kansas is experiencing a “high” level of COVID-19 transmission as of Thursday, August 12, 2021, and

WHEREAS, pursuant to the authority provided in K.S.A. 65-301, the governing body of Roeland Park, Kansas is empowered to “take such action as in their judgment may be necessary to control, suppress and prevent the spreading” of COVID-19.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF ROELAND PARK, KANSAS:

SECTION 1: The following policy is to be observed by all citizens and visitors of Roeland Park, Kansas:

1. Face Coverings are required to be properly worn by all individuals ages 5 and older while in indoor public buildings and spaces and public transportation vessels. For purposes of clarity, “indoor public buildings and spaces” include all indoor buildings and spaces open to the public other than private dwellings or private transportation vessels. “Face Coverings” for the purposes of this Resolution 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 Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. A Face Covering can be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts or towels.

2. Face Coverings are recommended in indoor private settings and crowded outdoor settings where there is close contact with other people who may not be fully vaccinated.

3. Face Coverings are not required to be worn by:

i. Children under the age of 5;

ii. Persons with health conditions that prohibit wearing a Face Covering. Nothing in this Resolution shall require the use of a Face Covering by any person for whom doing so would be contrary to their health or safety because of a medical condition;

iii. Persons who have trouble breathing, or are unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance;

iv. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking;

v. Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others, or persons engaged in activities and athletics inside school buildings, who should follow KSHSAA and/or school guidelines;

vi. Persons who are deaf or hard of hearing, where the ability to see the mouth is essential for communication;

vii. Persons who are alone in a separate room, office, or interior space;

viii. Persons who are consuming food or drink, including for religious purposes;

ix. Persons who are obtaining a service, including a religious service, involving the nose or face for which temporary removal of the Face Covering is necessary to perform the service;

x. Any interaction or gathering where parties have actual or constructive knowledge all persons present are fully vaccinated by federally-approved vaccine(s); and

xi. Persons engaged in any lawful activity during which wearing a Face Covering is prohibited by law.

4. Violation of this Resolution by any person, other than those listed in Subsection 3, shall constitute a trespass against property pursuant to Section 6.7 of the Uniform Public Offense Code, as adopted by the City of Roeland Park. Any owner, proprietor, lawful possessor, and chief administrator of any indoor public building or space observing an individual not wearing a Face Covering should first request the individual wear a Face Covering or leave the premises immediately. If the individual refuses to wear a Face Covering and further refuses to leave the premises, the owner, proprietor, lawful possessor and chief administrator may contact the City of Roeland Park Police Department to report a person not wearing a Face Covering in their building. The Roeland Park Police Department is hereby authorized to remove any individual, other than those listed in Subsection 3, that refuses to wear a Face Covering while in an indoor public building or space.

5. If any provision of this Resolution or its application is held to be invalid, then the remainder of this Resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this Resolution are severable.

6. The provisions of this Resolution shall not apply to the extent such provisions directly conflict with any current or subsequent orders issued by the United States Federal government (or agency thereof), the State of Kansas (or agency thereof), the Governor of the State of Kansas, Johnson County, Kansas, the Local Health Officer of Johnson County, Kansas, or other applicable authorities, including but not limited to Johnson County Board of Health Order No. 001-21 dated August 5, 2021. Any order(s) by the aforementioned authorities shall be deemed controlling, and any such order(s) would supplant any provision(s) of this Resolution directly in conflict with the controlling order(s).

7. This Resolution shall take effect at 12:01 A.M. on Tuesday, August 24, 2021 and shall expire on October 19, 2021 at 12:01 A.M. unless rescinded, extended, modified or amended pursuant to applicable law.

ADOPTED THIS 23RD DAY OF AUGUST, 2021.

APPROVED by the Mayor.

Mike Kelly, Mayor

ATTEST:

Kelley Nielsen, City Clerk

APPROVED AS TO FORM:

Steven E. Mauer, City Attorney