

Resolution No. 2344

**A RESOLUTION OF THE CITY OF LIBERAL, SEWARD COUNTY, KANSAS
CONCERNING THE WEARING OF MASKS IN PUBLIC**

WHEREAS, securing the health, safety, and economic well-being of the residents of the City of Liberal, Kansas is a priority of the City Commission; 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, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020; and

WHEREAS, on March 13, 2020 the President of the United States declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020; and

WHEREAS, Seward County passed Resolution 2020-26 in response to the Executive Order No. 2020-68 issued by the Governor of the State of Kansas regarding a mask mandate; Seward County Resolution 2020-26 makes the wearing of a mask in Seward County voluntary; and

WHEREAS, increased COVID-19 spread is a danger to the health and safety of residents of the City of Liberal and also presents a serious threat to the City's medical care and economy; and

WHEREAS, wearing a face covering in public is the simplest and an effective way to protect each other, reopen and keep open our schools, keep our businesses and economy running; and

WHEREAS, members of the health care and medical professions in the city of Liberal have urged for the adoption of a requirement of face coverings; and

WHEREAS, the City is supportive of private businesses and residents and will assist, to the extent possible, self imposed business regulations of private and public entities relating to face coverings; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Liberal, Kansas:

SECTION 1. DEFINITIONS. The following terms shall have the following meanings:

- a.) “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 face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. A face covering may be factory made, sewn by hand, or can be improvised from household items.
- b.) “Public Space” means any indoor space located within the property owned by the City of Liberal and all outdoor space that is not privately owned and open to the public; this does not include businesses, residential property, school property, churches, or county owned property. Outdoor space includes but is not limited to city owned sidewalks, streets, parks and other city owned property.
- c.) “City of Liberal” means all areas within the corporate boundaries of the City of Liberal, Kansas and also includes Arkalon Park.

SECTION 2. Requirements of persons. All persons in the City of Liberal shall cover their mouths and noses with a face covering when they are in the following situations:

- a.) Inside any indoor public space;
- b.) While outdoors in public space and unable to maintain a six (6) foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity;
- c.) Upon entering a private business that has signs requiring the wearing of a face covering; and
- d.) Waiting for or riding on public transportation.

SECTION 3. Exemptions. The following individuals are exempt from wearing face coverings in the situations described in Sections 2:

- a.) Persons age five (5) years or younger;
- b.) Persons with a medical condition, mental health condition, or disability that prevents wearing of 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 wear a face covering without assistance;
- c.) 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;

- d.) 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;
- e.) Athletes who are engaged in an organized sports activity that allows athletes to maintain a six (6) foot distance from others with only infrequent or incidental moments of closer proximity;
- f.) Persons who are discharging duties as a first responder (law enforcement, firefighters, and emergency medical technicians), when the wearing of a face covering would interfere with the safe and efficient performance of their duties;
- g.) Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary;
- h.) Persons engaged in any lawful activity during which wearing a face covering is prohibited by law;
- i.) Persons engaged in religious activities protected by the First Amendment to the United States Constitution, including, but not limited to, worship services.

SECTION 4. Businesses. The City of Liberal and law enforcement will cooperate with local businesses who decide to require face coverings on its premises. Individuals refusing to comply with face coverings may be issued a criminal trespass warning, which may ultimately result in criminal charges being filed. Face coverings within businesses will be at the sole discretion of the business owner.

SECTION 5. Residences. The City of Liberal is taking no action to require face coverings in private residences; nothing in this resolution shall be construed to require the wearing of face coverings within one's own residence or the surrounding residential curtilage.

SECTION 6. Social Gatherings. The City of Liberal strongly discourages the social gathering of individuals who do not live in the same residence. In the event citizens of the City find it necessary to have a social gathering, then the City strongly encourages the use of face coverings when adequate social distancing of at least six (6) feet cannot occur.

SECTION 7. Amendment of this Resolution. This Resolution may be supplemented or modified as required for the effective and efficient management and control of the COVID-19 epidemic in Liberal, Kansas by further directive of the City Commission.

SECTION 8. Effective Date and Termination. This Resolution is effective immediately and shall remain in effect unless (i) sooner amended, superseded, or rescinded or (ii) it shall automatically terminate forty-five (45) days after the passage of this resolution unless the City passes a resolution to the contrary.

SECTION 9. Publication. A copy of this resolution shall be published once in the official City newspaper.

WHEREUPON, the City Commission of the City of Liberal, Seward County, Kansas, passes and adopts this Resolution in special session this 3rd day of December 2020.

Connie L Seigrist
Connie L. Seigrist, Mayor

ATTEST:



Magaly Lopez
Magaly Lopez, Deputy City Clerk