

**RESOLUTION NO. 2020-24**

**A RESOLUTION ON GATHERING LIMITS IN SEWARD COUNTY, KANSAS  
DURING A PUBLIC HEALTH EMERGENCY**

**WHEREAS**, on the 16<sup>th</sup> day of March, 2020, the Board of County Commissioners of Seward County, Kansas through Resolution 2020-03 declared there was a continuing state of local public health emergency in Seward County, Kansas resulting in a potential or occurring Pandemic known as Covid-19 in Seward County, Kansas for a period of 60 days; and

**WHEREAS**, subsequently, the state of local public health emergency and disaster in Seward County, Kansas originally declared on the 16th day of March, 2020, through Resolution 2020-03 was extended on May 11, 2020 by Resolution 2020-08 until July 16, 2020. It was then further extended until February 1, 2021 pursuant to Resolution 2020-13; and

**WHEREAS**, since the declaration of local public health emergency there have been over 2,244 positive cases of Covid-19 documented in Seward County and new cases are being diagnosed daily; and

**WHEREAS**, public health officials on national, state and local levels have recommended limiting unnecessary person to person contact as a means to slow the spread of the current COVID-19 Coronavirus pandemic; and

**WHEREAS**, such conditions endanger the public health, safety, and welfare of the citizens of Seward County; and

**WHEREAS**, in general, large public gatherings also lead to heightened risks of large-scale COVID-19 person-to-person transmission; and

**WHEREAS**, pursuant to K.S.A. 65-2101, and any revisions thereof, the Seward County Commissioners act as the Board of Health for Seward County, Kansas;

**WHEREAS**, pursuant to K.S.A. 65-119, the county or joint board of health or local health officer is hereby empowered and authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious disease; and

**WHEREAS**, the intent of this Resolution is not to deprive any person or entity of any rights protected by the United States Constitution, the Kansas Constitution, or any other law, but merely to set forth restrictions which would best protect Seward County residents against the community spread of COVID-19; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the County's responsibility to provide for and ensure the health, safety, security, and welfare of the people of Seward County limiting the size of public gatherings, is a measure that can be taken to slow and reduce the spread of COVID-19.

**NOW, THEREFORE, BE IT RESOLVED and Ordered** by the Board of County Commissioners, sitting as the local health board of Seward County Kansas and under the authority of K.S.A. 65-119 that:

**Section 1. Gatherings:**

- a. At event venues and in public settings, indoor gatherings of more than 50 individuals in Seward County, Kansas are prohibited.
- b. At event venues and in public settings, outdoor gatherings of more than 100 individuals in Seward County, Kansas are prohibited.
- c. "Event venues or public setting" shall include any setting open to the public and any event venue, club, park, or other venue or space, public or private, **that is used for gatherings through lease, license, permit, contract, reservation, or similar arrangements.**
- d. The gathering limits in this section apply to indoor and outdoor gatherings not otherwise exempted below, including, but not limited to, all social, community, civic, public and leisure events, as well as conferences, conventions, fundraisers and other similar events or assemblies. Members of the same household, when assembled together with no other non-household members present, do not constitute a gathering and shall not be subject to the gathering limits in this section. Additionally, workers and staff necessary to provide services to individuals shall not count towards the gathering limits
- g. Required Physical Distancing. In addition to the gathering limits specified above, all individuals in indoor and outdoor gatherings, including gatherings at private residence, must maintain at least 6 feet of physical distance from every other individual in the gathering, except where individuals are members of the same household, or another exception below applies.

**Section 2. Gatherings for Political Expression and Religious Activities:**

- a. The gathering limits in Section 1 shall not apply to gatherings, whether indoor or outdoor, for political expression or religious activities. Such activities shall follow other applicable cleaning and public health practices.

**Section 3. Other Exemptions.** Notwithstanding anything herein to the contrary the restrictions on gatherings shall not apply to those individuals gathered while performing:


- a. An essential function of the Kansas Essential Functions Framework (KEFF) as set forth in Executive Order No. 20-15.
- b. An essential function of the critical infrastructure defined by the Department of Homeland Security
- c. Operations or facilities of the United States Government;
- d. Funeral or memorial services or ceremonies, as long as attendees can engage in appropriate physical distancing.
- e. Airports.
- f. Public, private, or charter schools for instructional purposes, for non-instructional purposes—such as medication pickup, childcare services, providing meals— for activities within the purview of a school's governing body, and when operating as polling places.
- g. 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. All industry-specific guidelines shall be followed as well;
- h. Hotels and motels. All industry-specific guidelines shall be followed as well.
- i. Military and National Guard facilities.
- j. Law enforcement, jail or correctional facilities, including any facility operated by the Department of Corrections.
- k. Any facility being used as part of a government or community response to a natural disaster.
- l. Food pantries and shelter facilities, including day centers, for individuals and families.
- m. All retail establishments, even where large numbers of people may be present but are generally not within six feet of one another for more than a few minutes. All industry-specific guidelines shall be followed as well.
- n. Hospitals, medical facilities, and pharmacies. All industry-specific guidelines shall be followed as well.
- o. Long-term care and assisted living facilities, as long the facility follows all current Department of Health Services Recommendations for Prevention of COVID-19 in Long-Term Care Facilities and Assisted Living Facilities per the Centers for Disease Control and Prevention.
- p. Senior Centers, but only for the service of meals and only if the requirements listed below are followed:

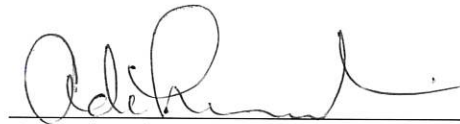
- i. Preserve physical distancing of 6 feet between tables, booths, bar stools, and ordering counters. All industry-specific guidelines shall be followed as well.
- q. Restaurants, bars, gyms/fitness centers, but only if the requirements listed below are followed:
  - i. For Restaurants and bars, preserve physical distancing of 6 feet between tables, booths, bar stools, and ordering counters. All industry-specific guidelines shall be followed as well.
- r. Government office spaces and government service centers.
- s. Manufacturing, processing, distribution, and production facilities.
- t. Public transportation.
- u. Utility facilities.
- v. Facilities operated by state or municipal courts.


**Section 4. Exempted Gatherings and Physical Distancing.** Except as otherwise provided, an exempt gathering shall maintain make every effort to maintain at least 6 feet of physical distance between every other individual in the gathering, except where individuals are members of the same household, or another exception applies. All industry-specific guidelines shall be followed as well.

**Section 5. Other Authority.** Nothing in this order shall restrict, limit, or supersede the Secretary of Health and Environment's authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.


**Section 6. Enforcement.** As currently permitted pursuant to state law, law enforcement officers enforcing this order should use their discretion, consult with their legal counsel, and consider the totality of the circumstances as they determine appropriate enforcement actions. Do not call 911 to report possible violations under this Order. If a person feels the need to report a possible violation, please call the non-emergency number at 620-309-2000.

  
Nathan A. McCaffrey, Chairman  
Seward County Board of Health

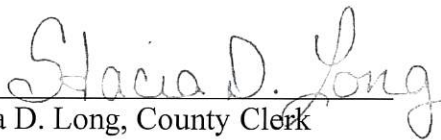
  
Ada Linenbroker, Vice-Chairman  
Seward County Board of Health

  
Jim Rice, Member  
Seward County Board of Health

  
Randy Malin, Member  
Seward County Board of Health

  
C.J. Wettstein, Member  
Seward County Board of Health

ATTEST:

  
Stacia D. Long, County Clerk

