

(Published at www.mcpcity.com beginning on ____October 26__, 2020)

ORDINANCE NO. 3342

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS
AMENDING CHAPTER 30, ARTICLE I, SECTION 4 OF THE
CODE OF THE CITY OF MCPHERSON, IMPLEMENTING
SPECIFIC REQUIREMENTS RELATED TO THE MCPHERSON
KICK COVID CAMPAIGN.**

WHEREAS, the City of McPherson enacted a mask mandate pursuant to Ordinance 3340;

WHEREAS, the mask ordinance expired on September 9, 2020; and

WHEREAS, the City of McPherson recently launched the Kick COVID Campaign to encourage various health and safety measures with hopes of limiting the spread of the COVID-19 Pandemic in McPherson; and

WHEREAS, an expansion of cases since the expiration of the mask ordinance has caused potential consideration of reinstatement of a mask mandate ordinance to reinforce wearing masks which is one of several health and safety measures recommended in the Kick COVID Campaign.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS:

Section 1. Deletion of Code section 30-4. From and after the effective date of this Ordinance, Section 30-4 of the Code of the City of McPherson is hereby deleted in its entirety and in its place the following is added:

Sec. 30-4 – Masks or Other Face Coverings

(a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

- (1) “Mask or other 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 secured to the head by other means or devices or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from

household items such as scarves, bandanas, t-shirts, sweatshirts, or towels.

- (2) "Public space" means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.
- (b) *Persons.* All persons in the City of McPherson ("City") shall cover their mouths and noses with a mask or other face covering when they are in the following situations:
- (1) Inside any indoor public space where distancing of six (6) feet at all times is not possible;
 - (2) In line and waiting to enter any indoor public space;
 - (3) Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee or healthcare provider;
 - (4) Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle; and
 - (5) While outdoors in public spaces and unable to maintain six (6) feet of distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
- (c) *Exemptions.* The following individuals are exempt from wearing masks or other face coverings in the situations described in subsections (c) and (d):
- (1) Persons age five (5) years or under – children age two (2) years and under in particular should not wear a face covering because of the risk of suffocation;
 - (2) Persons with a medical condition, mental health condition, or disability that prevents wearing 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 remove a face covering without assistance;

- (3) Persons who are hearing-impaired, or communicating with a person who is hearing-impaired, where the ability to see the mouth is essential for communication;
 - (4) 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;
 - (5) Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
 - (6) Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain six (6) feet of distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
 - (7) Athletes who are engaged in an organized sports activity that allows athletes to maintain six (6) feet of distance from others with only infrequent or incidental moments of closer proximity;
 - (8) Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
 - (9) Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
 - (10) Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.
 - (11) Persons engaged in religious activities protected under the First Amendment to the United States Constitution including but not limit to worship services; however, religious institutions are strongly encouraged to maintain social distancing, appropriate hygiene precautions and mask wearing.
- (d) Any person violating the provisions of Section 30-4 of the Code of the City of McPherson shall be guilty of an infraction and shall be fined ten dollars (\$10.00) per occurrence. Court costs shall not be levied.
- (e) Any funds accrued from the fines shall be deposited in the City general fund to be used at the discretion of the governing body.

Section 2. Repeal. All or parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.

Section 3. Publication, Effective Date and End Date. This ordinance shall take effect and be in full force and effect after the later of its passage, signature, and publication of the ordinance on the official city website and 12:00 a.m. October 28, 2020.

ADOPTED by the governing body this 26th day of October, 2020.

CITY OF MCPHERSON, KANSAS



Thomas A. Brown, Mayor



Attest:



Tamra K. Seely, City Clerk