

**CITY OF HAYS SPECIAL CITY COMMISSION MEETING**  
**CITY HALL, 1507 MAIN STREET, HAYS, KS**  
**FRIDAY, OCTOBER 2, 2020 – NOON**  
**AGENDA**

1. Call to order by Chairperson.
  
2. **CITY OF HAYS FACE MASK REQUIREMENT EXTENSION:** Approve Resolution No. 2020-017 extending the requirements of Ordinance No. 3988 of the City of Hays, Kansas, pertaining to requiring the wearing of masks or other face coverings. (PAGE 1)
  
3. **ADJOURNMENT**

**ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.**



**CITY OF HAYS**  
**AGENDA ITEM COVER SHEET**

**COMMISSION AGENDA ITEM NO. 2**

**MEETING DATE: 10-2-2020**

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**TOPIC:**

City of Hays Face Mask Requirement Extension

**ACTION REQUESTED:**

Approve Resolution No. 2020-017 extending the requirements of Ordinance No. 3988 of the City of Hays, Kansas, pertaining to requiring the wearing of masks or other face coverings.

**NARRATIVE:**

The Commission will consider extending the requirements of the ordinance requiring face masks in the City of Hays.

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

City Commission

**ADMINISTRATION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

Resolution No. 2020-017  
Ordinance No. 3988

**RESOLUTION NO. 2020-017**

**A RESOLUTION EXTENDING THE REQUIREMENTS OF  
ORDINANCE NO. 3988 OF THE CITY OF HAYS, KANSAS,  
PERTAINING TO REQUIRING THE WEARING OF MASKS  
OR OTHER FACE COVERINGS.**

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WHEREAS, The Governing Body of the City of Hays, Kansas in Ellis County, Kansas, previously adopted Ordinance No. 3988 making certain provisions regarding the use of masks and face coverings in Hays, Kansas; and

WHEREAS, such Ordinance provided that it may be extended by Resolution of the Hays City Commission; and

WHEREAS, it is in the best interests of the public that the provisions of the Ordinance be extended.

NOW, THEREFORE, be it Resolved by the Governing Body of the City of Hays, Kansas:

That Ordinance No. 3988 shall be extended until \_\_\_\_\_, 2020,  
unless terminated sooner or extended by Resolution of the Hays City Commission.

THIS RESOLUTION SHALL BE EFFECTIVE UPON ITS APPROVAL BY THE GOVERNING  
BODY OF THE CITY OF HAYS, KANSAS THIS 2<sup>ND</sup> DAY OF OCTOBER, 2020.

ATTEST:

\_\_\_\_\_  
SHAUN MUSIL  
Mayor

\_\_\_\_\_  
BRENDA KITCHEN  
City Clerk

(SEAL)

ORDINANCE NO. 3988

AN ORDINANCE CREATING SECTIONS 20-1 THROUGH 20-5 OF THE CODE OF THE CITY OF HAYS, KANSAS, PERTAINING TO REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

SECTION 1: Section 20-1 of the Code of the City of Hays is hereby created to read as follows:

**WHEREAS**, securing the health, safety, and economic well-being of residents of the City of Hays is the priority of the City Commission; and

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 4,038,967 cases of the illness and more than 145,384 deaths as a result of the illness across the United States; and

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 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 the ongoing COVID-19 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**, as of this date, in Kansas there have been 24,104 reported positive cases of COVID-19 spread among 103 counties, including 308 deaths; and

**WHEREAS**, after a steady trend of decreasing metrics, recent weeks have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike in Kansas and across the nation; and

**WHEREAS**, in Ellis County, there is a recent increase in cases reported; and

**WHEREAS**, this increased COVID-19 spread is a danger to the health and safety of every Hays resident and also presents a serious threat to reopening and reviving the Hays economy; and

**WHEREAS**, wearing a mask in public is the easiest and most effective way to protect each other and help keep our businesses open and our economy running; and

**WHEREAS**, the City of Hays must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of my responsibility to provide for and ensure the health, safety, security, and welfare of the people of the City of Hays, requiring that masks or other face coverings be worn in public spaces is necessary to promote and secure the safety and protection of the civilian population.

SECTION 2. Section 20-2 of the Code of the City of Hays, Kansas, is hereby created to read as follows:

As used in this Chapter, the following terms shall have the following

meanings: Definitions:

a. "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 scarfs, bandanas, t-shirts, sweatshirts, or towels.

b. "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.

SECTION 3. Section 20-3 of the Code of the City of Hays is hereby created to read as follows:

1. All persons in the City of Hays shall cover their mouths and noses with a mask or other face covering when they are in the following situations:

a. Inside any indoor public space where distancing of 6 feet is not possible;



b. 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.

c. Riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle;

d. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals, not including individuals who reside together.

2) Businesses and organizations. All businesses, organizations and non-profit associations in the City of Hays must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering when:

a. Employees are working in any space visited by customers or members of the public;

b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;

c. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or

d. Employees are in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.

3. Exemptions. The following individuals are exempt from wearing masks or other face coverings in the situations described in Paragraphs 1 and 2:

a. Children age 8 years or younger and further provided that children two and younger should not wear a face covering because of risk of suffocation;

b. 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;

c. 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;

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. 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;

f. 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 a 6-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;

g. Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;

h. 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;

i. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and

j. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

SECTION 4. Section 20-4 of the Code of the City of Hays is hereby created to read as follows:

1. Any person, business or organization violating the provisions of Section 20-4 of the Code of the City of Hays shall be guilty of an infraction.

2. A person, firm, or corporation convicted of a violation of this section shall be punished by a fine of twenty five (\$25.00) dollars upon a first conviction, by a fine of fifty (\$50.00) dollars upon a second conviction, and by fine of one hundred dollars (\$100.00) dollars upon a third or subsequent conviction, plus court costs.

SECTION 5. Section 20-5 of the Code of the City of Hays is hereby created to read as follows: This ordinance shall take effect 8am, Monday, July 27<sup>th</sup> and be in effect until 11:59pm, August 31, 2020. unless terminated sooner or extended by Resolution of the Hays City Commission.

PASSED by the Commission the 23<sup>rd</sup> day of July, 2020.

APPROVED AND SIGNED by the Mayor this 23<sup>rd</sup> day of July, 2020.



*Shaun Musil*

SHAUN MUSIL  
Mayor

ATTEST:

*Brenda Kitchen*

BRENDA KITCHEN  
City Clerk

