

Frequently Asked Questions

On Thursday, July 23, 2020, the Hays City Commission voted to enact a facemask ordinance. Please read the frequently asked questions below to learn more about the ordinance and how it pertains to you.

Please do not call 911 to report an ordinance violation. Please call the Police Department's non-emergency number (785-625-1011).

An individual must wear a mask when:

- 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) with only infrequent or incidental moments of closer proximity.

What about Businesses?

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;
- 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.

What is the definition of a public space?

"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.

What is the definition of a mask or other face covering?

"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

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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.

What are the exemptions?

The following individuals are exempt from wearing masks or other face coverings:

- a) Children age 8 years or younger and further if 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;
- j) Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

When did the mask ordinance go into effect? When does it expire?

The mask ordinance became effective on Monday, July 27, 2020. At the October 2, 2020 City Commission special meeting, Commissioners approved Resolution No. 2020-017 extending Ordinance

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No. 3988 until such time that there is a seven-day average of new cases of COVID-19 per day in Ellis County of 5 or fewer for 14 consecutive days as reported by the Ellis County Local Health Officer or until the statewide State of Disaster Emergency relating to COVID-19 mitigation measures lapses or is revoked or rescinded, whichever occurs first.

Where can I read the City's mask ordinance?

You may read the ordinance in its entirety at, www.haysusa.com/masks.

What are the fines associated with violating the ordinance?

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.

- a) 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,
- b) A fine of fifty (\$50.00) dollars upon a second conviction,
- c) A fine of one hundred dollars (\$100.00) dollars upon a third or subsequent conviction
- d) Additional court costs will be added to all issued citations.

What are the best practices for masks? How often should I wash or replace?

If you have questions about how to maintain a mask, please visit the CDC page about face coverings: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>

How can I report a person or a business or an organization who is not complying with the mask mandate?

The Hays Police Department's goal in addressing this ordinance is to educate and seek voluntary compliance for the benefit of public safety. **Do not call 911** to report a violation. Please call the Police Department's non-emergency number, (785-625-1011).

Where can this ordinance be enforced?

This ordinance is enforceable within the city limits and at the Hays Regional Airport.

Can the Mask Ordinance be enforced?

Yes. On July 8, 2020, Kansas Attorney General Derek Schmidt confirmed that cities have the authority to enforce mask ordinances. "To the best of our knowledge, the Legislature has not enacted state law that prohibits cities from enacting local ordinances that regulate the wearing of facemasks," Kansas Attorney General's Office spokesman Clint Blaes said in a statement.