



OFFICE OF THE  
**BOARD OF BARBER COUNTY COMMISSIONERS**

Debbie Wesley, *County Clerk*  
Gaten Wood, *County Counselor*

120 E. Washington Ave.  
Medicine Lodge, Kansas 67104

(620) 886-5646 (Phone)  
(620) 886-5020 (Fax)

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**EMERGENCY ORDER OF THE BARBER COUNTY LOCAL HEALTH OFFICER**

*Applicable within the entirety of Barber County, Kansas*

This Emergency Public Health Order is effective the 30<sup>th</sup> day of March, 2020, at 12:01 A.M. to mitigate the spread of the novel coronavirus disease 2019 (COVID-19) epidemic in Barber County, Kansas pursuant to the authority provided in K.S.A. 65-119, and other applicable laws or regulations.

WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119 to immediately exercise and maintain a supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine, and disinfection are duly enforced; and

WHEREAS, the Local Health Officer is appointed by Barber County and is authorized, pursuant to K.S.A. 65-119(a), to prohibit public gatherings when necessary for the control of any and all infectious or contagious diseases, and to use all known measures to prevent the spread of any infectious, contagious, or communicable disease pursuant to K.S.A. 65-202; and

WHEREAS, on March 16, 2020, the Board of Barber County Commissioners found that a disaster was imminent within Barber County, Kansas as a result of the COVID-19 infectious and contagious disease; and

WHEREAS, on March 23, 2020, the Board of County Commissioners voted to extend the Barber County state of local disaster emergency for sixty (60) days; and

WHEREAS, COVID-19 is a respiratory disease that spread easily from person to person and may result in serious illness or death, has been confirmed in Kansas resulting in serious illness and multiple deaths to date in Kansas; and

WHEREAS, such conditions endanger health, safety, and welfare of persons and property within Barber County, Kansas; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control (CDC), the Kansas Department of Health and Environment (KDHE), and the Barber County Local Health Officer, all recommend implementation of community mitigation strategies to increase containment of COVID-19, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas and Barber County continue to threaten the life and health of our citizens and visitors as well as the vitality of the economy and remains a public disaster affecting life, health, property, and the public peace; and

WHEREAS, this public health order to stay at home is being issued to slow the rate of community spread of COVID-19 through intensified social distancing. It is estimated that each COVID-19 positive person could infect between 2.6 to 4 other people. Furthermore, there is emerging evidence of transmission among pre-symptomatic and asymptomatic people, making routine case-finding and exposure tracing strategies insufficient. Social distancing strategies are effective when implemented early enough—ideally within 2 weeks of the first case and are key to flattening the epidemic curve to prevent overwhelming our local health care system’s ability to care for the proportion of residents who develop severe symptoms. Early implementation of this strategy is even more important in the context of limited available testing. With full community cooperation, this proactive health order can minimize the impact of COVID-19 on our Barber County community.

NOW, THEREFORE, BE IT ORDERED by the Barber County Local Health Officer, pursuant to the above authorities that:

### **Section 1. Definitions and Exemptions**

- A. For purposes of this Order, “Social Distancing Requirements” means maintaining at least six (6) feet of social distancing from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs and sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
- B. For purposes of this Order, individuals are directed to stay at home and leave their residence only to perform any of the following “Essential Activities” as described below. All businesses and operations in Barber County, except Essential Businesses as defined below, are required to cease all activities at their places of business, although such businesses may also continue operations consisting exclusively of employees or contractors performing activities from their own residences (i.e., working from home). People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence except as necessary to seek medical care.
  - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets) such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional;
  - ii. To obtain necessary services or supplies for themselves and their family or household members, to obtain supplies they need to work from home, or to deliver those services or supplies to others, such as by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh

meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;

- iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running. Individuals may use parks or other public areas. However, use of playground equipment is discouraged;
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order;
- v. To care for a family member or pet in another household, or engage in transportation or to transport the family member or pet to provide for such care;
- vi. To comply with valid court or administrative orders;
- vii. To work for or obtain services at any “Healthcare Operations” location including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts on the delivery of healthcare, broadly defined. “Healthcare Operations” does not include activities at fitness and exercise gyms and similar facilities;
- viii. To provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular, affordable housing or housing for individuals experiencing homelessness), airport operations, aerospace, national defense, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that individuals carry out those services or that work in compliance with Social Distancing Requirements as defined in this Section to the extent possible.

C. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, United States Armed Forces personnel and activities related thereto, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Governmental Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety, and welfare of the public. All Essential Governmental Functions shall be performed in

compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

D. For purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

E. For purposes of this Order, “Essential Businesses” means:

- i. Healthcare Operations, Essential Infrastructure, and Essential Governmental Functions;
- ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned foods, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish and poultry, liquor stores, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintain the safety, sanitation, and essential operation of residences; however, the touching of unpacked baked good is prohibited;
- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Human and animal food processing facility workers;
- v. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, auto-repair and servicing, emergency road services, and related facilities;
- viii. Banks and related financial institutions;
- ix. Hardware stores;
- x. Plumbers, electricians, exterminators, construction, cleaning and janitorial staff, security staff, HVAC, painting, moving and relocation services, lawn care and landscaping and other trades and services providers who provide services that are necessary to maintain the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- xi. Businesses providing mailing and shipping services, including post office boxes;

- xii. Educational institutions, which includes public and private K-12 schools, colleges, and universities, for purposes of facilitating distance learning or performing essential functions related to distance learning and support to other essential businesses (such as transportation and law enforcement), provided that social distancing of six (6) feet per person is maintained to the greatest extent possible. School buildings may be used if needed to house individuals, distribute food, provide medical care, distance learning or any other services deemed necessary to protect the life and property and other critical resources;
- xiii. Laundromats, dry cleaners, and laundry service providers;
- xiv. Restaurants and other facilities that prepare and serve food and/or beverages, but only for drive thru, delivery, or carry out and not for consumption of food and/or beverages on the premises. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit food to be eaten at the site where it is provided, or at any other gathering site;
- xv. Businesses that supply products needed for people to work from home;
- xvi. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
- xvii. Businesses that ship or deliver groceries, food, beverages, goods or services directly to residences;
- xviii. Taxis, aircraft, commercial transportation and logistics providers and services and other transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xix. Home-based care for seniors, adults, or children;
- xx. Residential facilities and shelters for seniors, adults, and children;
- xxi. Professional services, such as legal services, accounting services, real estate services, and insurance services;
- xxii. Childcare facilities providing services that enable employees exempted from this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
  - a. Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day);

- b. Children shall not change from one group to another;
  - c. If more than one group of children is cared for at the same facility, each group shall be in separate rooms and groups shall not mix with each other; and
  - d. Children providers shall remain solely with one group of children;
- xxiii. Mortuary, cremation, and burial services;
  - xxiv. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;
  - xxv. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for residences and industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, aerospace, energy, steel and steel products, petroleum, lubricants and fuel, mining construction, national defense, communications, as well as products and services used by Essential Businesses; and
  - xxvi. Leaders and employees of religious institutions.

**Section 2.** Essential Businesses must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:

- i. *Designate 6-foot distances.* Designating with signage, tape, or by other means six (6) foot spacing for employees and customers in line to maintain appropriate distance;
- ii. *Hand sanitizer and sanitizing products.* Having anti-microbial soap and water or hand sanitizer and sanitizing products readily available for employees and customers;
- iii. *Separate operating hours for vulnerable populations.* Implementing separate operating hours for elderly and vulnerable customers;
- iv. *Online and remote access.* Posting online whether a facility is open and how to best reach the facility and continue services by phone or remotely; and
- v. *Protective equipment.* As supplies are currently available and become available, providing employees who have frequent contact with the public with protective equipment, including but not limited to gloves and masks.

**Section 3.** All large public gatherings of people in Barber County are prohibited unless otherwise ordered by the Local Health Officer or the Board of County Commissioners, sitting as the Board

of Health. Large public gatherings are those with more than ten (10) people in attendance or anticipated to attend, both indoor and outdoor, except for Essential Businesses. A “gathering” does not include normal operations at spaces where persons may be in transit or coming and going individually or in groups of less than ten (10) persons. For all gatherings of people, the Local Health Officer strongly encourages everyone to follow the guidance provided by the CDC, and federal, state and local public health officials and private medical providers.

**Section 4.** Pursuant to K.S.A. 65-119 and other legal authority, any sheriff, deputy sheriff or other law enforcement officer of the state or any political subdivision within Barber County, Kansas is hereby ordered to assist in the execution or enforcement of this Order.

**Section 5.** This Order may be supplemented or modified as required for the effective and efficient management and control of the COVID-19 epidemic in Barber County by further order or direction of the Board of Barber County Commissioners, acting as the Board of Health, or by the Barber County Local Health Officer.

**Section 6.** This Order is effective at 12:01 A.M. on Monday, March 30, 2020, and shall remain in effect until 12:01AM on Thursday April 30, 2020, unless amended, superseded, or rescinded.

**Section 7.** This Order vacates the Barber County Local Health Officer Order from March 16, 2020, which prohibited public gatherings in excess of twenty-five (25) attendees.

IT IS SO ORDERED THIS 27<sup>th</sup> DAY OF MARCH, 2020.

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R.W. Meador, D.O.  
Barber County Local Health Officer