

RESOLUTION NO. 15A-2020

DATE ADOPTED: 11/10/2020

DATE PUBLISHED: _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS TO ESTABLISH THAT NONCOMPLIANCE WITH AN ORDER OF THE SEDGWICK COUNTY LOCAL HEALTH OFFICER IS A VIOLATION OF THE SEDGWICK COUNTY CODE

WHEREAS, pursuant to K.S.A. 19-101, *fourth*, the Board of County Commissioners has the power to do all acts in relation to the concerns of the County, necessary to the exercise of its corporate and administrative powers; and

WHEREAS, pursuant to K.S.A. 19-101, *fifth* and K.S.A. 19-101a, the Board of County Commissioners has the power to exercise the powers of home rule to determine local affairs and government, including performing all powers of local legislation and administration it deems appropriate; and

WHEREAS, pursuant to K.S.A. 19-101, *sixth*, the Board of County Commissioners has the power to exercise such other and further powers as may be especially conferred by law; and

WHEREAS, pursuant to K.S.A. 19-101c, the Kansas Legislature has stated that county home rule powers “shall be liberally construed for the purpose of giving to counties the largest measure of self-government”; and

WHEREAS, pursuant to K.S.A. 19-101d, the Board of County Commissioners has the power to enforce all resolutions passed pursuant to county home rule powers; and

WHEREAS, pursuant to K.S.A. 19-101d, such resolutions may be enforced by enjoining violations or prescribing penalties for violations by fine; and

WHEREAS, pursuant to K.S.A. 19-101d and K.S.A. 19-4701, *et seq.*, violations of Sedgwick County codes and resolutions may be prosecuted in the Sedgwick County Court and violations incur fines pursuant to Section 8-5 of the Sedgwick County Code; and

WHEREAS, pursuant to K.S.A. 65-202, the Sedgwick County Local Health Officer “shall use all known measures to prevent the spread of any...infectious, contagious or communicable disease...”; and

WHEREAS, the Board of County Commissioners desires to make any noncompliance with an order of the Sedgwick County Local Health Officer a violation of the Sedgwick County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT:

Section 1. Order of the Sedgwick County Local Health Officer.

The Sedgwick County Local Health Officer, appointed by the Board of County Commissioners pursuant to K.S.A. 65-201, is vested with the statutory authority to issue orders to prevent the spread of infectious, contagious, and communicable diseases. When the Sedgwick County Local Health Officer issues an order to prevent the spread of an infectious, contagious, or communicable disease, individuals, businesses, and organizations must comply with such order.

Section 2. Order of the Sedgwick County Local Health Officer, as Amended by the Board of County Commissioners.

In the event that an order issued by the Sedgwick County Local Health Officer, as described within Section 1 of this Resolution, has been amended by the Board of County Commissioners pursuant to K.S.A. 65-201 or K.S.A. 65-202, individuals, businesses, and organizations must comply with such amended order.

Section 3. Violation of an Order Issued by the Sedgwick County Local Health Officer; Penalty.

Failure of an individual, business, or organization to comply with an order issued by the Sedgwick County Local Health Officer to prevent the spread of an infectious, contagious, or communicable disease shall be a violation of this Resolution. Violations of this Section shall be classified as Class I offenses within Section 8-5 of the Sedgwick County Code.

Section 4. Violation of an Order Issued by the Sedgwick County Local Health Officer, as Amended by the Board of County Commissioners; Penalty.

Failure of an individual, business, or organization to comply with an order issued by the Sedgwick County Local Health Officer to prevent the spread of an infectious, contagious or communicable disease, as amended by the Board of County Commissioners pursuant to K.S.A. 65-201 or K.S.A. 65-202, shall be a violation of this Resolution. Violations of this Section shall be classified as Class I offenses within Section 8-5 of the Sedgwick County Code.

Section 5. Individuals Authorized to Enforce Resolution.

Any individual identified as a “code enforcement officer”, as the term is defined within Section 1-2 of the Sedgwick County Code, shall be authorized to issue a uniform complaint and notice to appear for any individuals, businesses, or organizations accused of violating this Resolution.

Section 6. Jurisdiction.

This Resolution shall be effective within the unincorporated area of Sedgwick County. This Resolution shall also be effective within any cities within Sedgwick County whose governing bodies have consented to such Resolution applying within their city’s city limits and that have entered into separate agreements with Sedgwick County providing for enforcement within their city limits.

Section 7. Effective Date.

This Resolution shall be effective upon its publication in the official county newspaper.

Commissioners present and voting were:

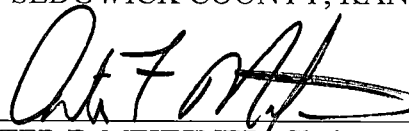
PETER F. MEITZNER	<u>Aye</u>
MICHAEL B. O'DONNELL, II	<u>No</u>
DAVID T. DENNIS	<u>Aye</u>
LACEY D. CRUSE	<u>Aye</u>
JAMES M. HOWELL	<u>No</u>


Dated this 10 day of November, 2020.


ATTEST:

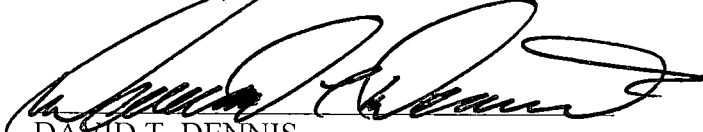

KELLY B. ARNOLD, County Clerk

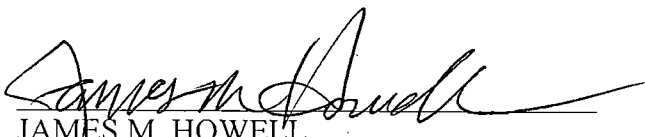

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


PETER F. MEITZNER, Chairman
Commissioner, First District

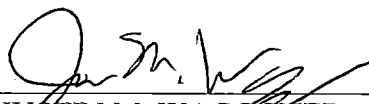

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District


MICHAEL B. O'DONNELL, II
Commissioner, Second District


DAVID T. DENNIS
Commissioner, Third District


JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:


JUSTIN M. WAGGONER
Assistant County Counselor