

ORDINANCE 2166

AN ORDINANCE REQUIRING FACE COVERINGS FOR ALL PERSONS INSIDE BUSINESSES AND OTHER FACILITIES OPEN TO THE PUBLIC AS DELTA VARIANT CAUSES A RISE IN CASES DURING THE COVID-19 PANDEMIC

WHEREAS, the Center for Disease Control (CDC) has updated information for fully vaccinated people given new evidence on the Delta variant currently circulating in the United States; and

WHEREAS, the CDC has stated that masks are a simple barrier to help prevent your respiratory droplets from reaching others; and

WHEREAS, the Pennsylvania Department of Health urges Pennsylvanians to wear a face covering for the protection of themselves and others; and

WHEREAS, the CDC added a recommendation for fully vaccinated people to wear a face covering in public indoor settings in areas of substantial or high transmission; and

WHEREAS, Centre County now has high transmission of COVID-19, thus should adhere to the updated CDC guidance; and

WHEREAS, the State College Board of Health met on September 2, 2021 and voted unanimously to recommend the State College Borough Council enact an ordinance requiring face coverings be worn in businesses and other facilities open to the public while Centre County is considered a high transmission community by the CDC, and

NOW, THEREFORE, IT IS HEREBY ORDAINED THE COUNCIL OF THE BOROUGH OF STATE COLLEGE requires all Borough of State College businesses and other public facilities to require face coverings be worn indoors for all persons, in conformance with the CDC guidance on masking, regardless of vaccination status.

SECTION 1. Definitions.

“**Business**” includes all commercial, retail, wholesale, professional, and service establishments, whether for profit or not for profit, if members of the public, guests, clients, customers, and/or persons who are not family or household members may enter or otherwise come into contact with owners, operators, or employees.

“**Face Covering**” means a clean cloth, fabric, or other soft or permeable material, without holes, that covers both the mouth and nose, including, but not limited to surgical masks, respirators, face shields, handmade or homemade masks, bandanas, neck gaiters, scarves, or wraps made up on tightly woven fabric such as denim or cotton.

“Person or persons” includes all persons not exempted from wearing face coverings or masks in this ordinance. The terms include business employees, as well as customers, visitors, guests, clients, and invitees.

SECTION 2. Wearing of Face Coverings.

Consistent with the CDC recommendation, all persons regardless of vaccination status two (2) years of age and older shall be required to wear a Face Covering in the Borough of State College as set forth herein Section 2. Paragraphs A through F.

- A. Inside any building open to the public, such as, but not limited to, grocery stores, pharmacies, business locations, home improvement stores, retail stores, service establishments, and medical and dental treatment facilities.
- B. Inside all municipal and other governmental buildings.
- C. On all transport and transit vehicles, including, but not limited to, CATA bus, rideshare (such as Uber, Lyft, and taxis) and shuttle vehicles.
- D. While working in all jobs that entail coming into contact with any member of the public, including, but not limited to, all work involving the preparation or packaging of food and/or beverage unless separated by a physical barrier between the employee and the public.
- E. Parents or guardians are responsible for ensuring that minor children two (2) years of age and older wear face coverings, unless such children are exempt as set forth herein.
- F. While participating in indoor physical activity in a gym, fitness center, or group fitness classes.

For the protection of employees and other customers and subject to the requirements of the Americans with Disabilities Act of 1990, as amended (ADA), businesses must require their employees to wear face coverings at work in conformance with this emergency order.

SECTION 3. Wearing of Face Coverings, Exceptions.

Wearing of face coverings shall NOT be required under the following circumstances:

- A. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering, provided that said person provides documentation from a licensed medical professional of such medical, mental health, or disability preventing the wearing of a face covering. In the event that the person provides said documentation immediately, or within five days, the citation shall not be issued.

- B. Persons who are hearing impaired, or who are communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- C. 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.
- D. Persons who are obtaining a service or treatment involving the nose or face or a medical procedure for which temporary removal of the face-covering is necessary to perform the service.
- E. Persons who are seated at a restaurant or other establishment that offers food or beverage service, and all requirements as established by the Pennsylvania Department of Health are followed.

SECTION 4. Posting of Notice Required.

The owner or other responsible person of all businesses and other buildings open to the public shall post at all public entrances a notice advising that all persons entering the business or other buildings open to the public are required to wear a face covering when in the business or other building open to the public.

SECTION 5. Enforcement.

Law enforcement and other public safety, health officers, ordinance enforcement officers, and emergency management personnel are charged with the enforcement of this ordinance.

- A. Any person found to have violated the provisions of this Ordinance shall be found guilty of a civil infraction, punishable by a fine of \$300.
- B. Any business found to have violated the provisions of this Ordinance shall be found guilty of a civil infraction, punishable by a fine of \$300. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

SECTION 6. Severability.

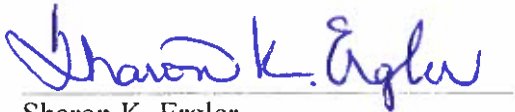
If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such holding shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 7. Effective Date.

This emergency Ordinance shall take effect immediately upon adoption and shall remain in effect until 12:01 a.m. on Monday, November 22, 2021.

ATTEST:

BOROUGH OF STATE COLLEGE


Sharon K. Ergler
Assistant Borough Secretary

By: 
Jesse L. Barlow
President of Council

EXAMINED AND APPROVED as an Ordinance this 15th day of September 2021.


Ronald L. Filippelli
Mayor