

ORDINANCE 2156

A TEMPORARY EMERGENCY ORDINANCE OF THE BOROUGH OF STATE COLLEGE, PENNSYLVANIA AMENDING AND REPLACING ORDINANCE 2155 TO REQUIRE THE WEARING OF FACE COVERINGS IN CONFORMANCE WITH THE PA DEPARTMENT OF HEALTH REGULATIONS AND SET MAXIMUM GATHERING SIZE TO REDUCE THE RISK OF TRANSMISSION OF THE COVID-19 VIRUS.

Legislative History

The Borough of State College is currently experiencing a pandemic as a result of the sharp and aggressive spread of the COVID-19 virus within the Borough. The state of Pennsylvania has declared that a State of Emergency exists which necessitates behavioral modifications and limitations as expressed herein. Given that, at present, the only method available to slow the rate of infection is to limit exposure. Since COVID-19 poses a risk of incapacitation and death to those who contract the disease, the measures described herein are an attempt to reduce infection rates, intended to minimize risk to the public health, reduce pressure on healthcare providers and pharmaceutical supplies by lowering the rate and risk of infection. Because the Federal Government, the State Government, the Centre County Government, and Centre Region Council of Governments (COG) have all issued State of Emergency orders and recommendations, the purpose of the within Ordinance is to clarify what is required going forward during the pandemic period.

In order to protect, preserve and promote the health, welfare, and safety for the residents, employees, and visitors to the Borough of State College, Council deems it is necessary and proper to adopt this temporary Ordinance.

WHEREAS, on March 16, 2021, the Acting Secretary of the DOH issued an amendment to Section 3. G. of the November 17, 2020 Order of the DOH Requiring Universal Face Coverings to align with Centre for Disease Control's Interim Public Health Recommendations for Fully Vaccinated People or its successor; and

NOW, THEREFORE, be it ordained by the Council of the Borough of State College, Centre County, Pennsylvania as follows:

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.

“Gathering(s)” means a planned or spontaneous event or function of a group of persons assembled, indoors or outdoors.

“Household” means all persons living in the same dwelling unit. It does not include the residents of separate dwelling units at the same location, such as may be the case at a residence hall, apartment complex, or other multi-unit residence.

“In Contact” means coming within six (6) feet or closer.

“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.

“Working alone” means when a person is isolated from interaction with other people with little or no expectation of in-person interruption. Examples include:

- A lone worker inside the enclosed cab of a crane or construction equipment.
- A person by themselves inside an office with four walls and a door.
- A lone worker inside a cubicle with 3 walls and a door or entryway, with walls high enough to block the breathing zone of all people walking by, and the worker’s activity will not require anyone to come inside of the worker’s workspace.
- An employee who is alone outside or other open area with no anticipated contact with others.

SECTION 2. Wearing of Face Coverings.

All persons in the Borough of State College shall be required to wear a Face Covering to help limit community risk during the COVID-19 public health emergency in accordance with the requirements set forth in the November 17, 2020 Order of the Department of Health (DOH) Requiring Universal Face Coverings, as amended March 16, 2021, or its successor.

Regardless of the requirements set forth in the November 17, 2020 Order of the DOH Requiring Universal Face Coverings, as amended March 16, 2021, 2021, or its successor, all **unvaccinated** persons two (2) years of age and older in the Borough of State College shall be required to wear a Face Covering when within six feet of another person as set forth herein in 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 or Lyft) 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, where another person or persons who are not members of the individual's household are present in the same space irrespective of physical distance.

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 any existing PA Department of Health order.

SECTION 3. Wearing of Face Coverings, Exceptions.

Unvaccinated individuals entering a business are required to wear a face covering as outlined in Section 2 above, unless the individual qualifies for an exception listed below and is entering a business providing medication, medical supplies, or food.

1. 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.
 - F. When **“Working alone”** and isolated from interaction with others with little or no expectation of in person interaction.

SECTION 4. Limitations on Gathering Size.

Gatherings of persons that are not from the same household shall be limited as follows:

- A. In all housing types, gatherings outdoors of more than one hundred (100) persons shall be prohibited and gatherings indoors of more than fifty (50) persons shall be prohibited.
- B. Gatherings at or in Borough of State College public parks and other municipal property of more than one hundred (100) persons shall be prohibited.
- C. Gatherings in other private commercial property shall be restricted by the limitations established by the Pennsylvania Department of Health.
- D. When the number of household members exceeds the limitations set forth in A herein, no additional persons shall gather at this property, either indoors and/or outdoors.
- E. For fraternity and sorority housing types, if the organization provides food service (meal plan) to active fraternity or sorority membership that exceeds the number of household members, the fraternity or sorority may request an exception to the Borough that could authorize all current active members to be gathered at the same time; however, only during the Borough-approved specified meal-time periods.
- F. The provisions of this section limiting size of gatherings ONLY applies to residential properties, municipal property, and municipal park. The provisions of this section limiting size of gatherings shall not apply to non-residential properties or functions or events including private business locations, private offices, public and private schools, Centre Region Parks and Recreation (CRPR) programming and Welch Pool, religious functions, and events such as weddings, funerals, or protest demonstrations. Any pavilion rental or group use that exceeds the 25 persons that was approved by CRPR prior to August 11, 2020 is exempt.

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 any mandatory provisions of Sections 2, 3, 4, or 5 of this Ordinance shall be found guilty of a civil infraction, punishable by a fine of \$300.
- B. The property owner(s) in the case of an owner-occupied property, or the tenants of a rental property where a violation of Section 5 of this Ordinance shall be found guilty of a civil infraction, punishable by a fine of \$300.
- C. Any business found not requiring their employees to comply with 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.

- D. In addition to these enforcement measures, repeated violations by a person or business are hereby declared to be a public nuisance, which may be abated by the Borough through all other legal means.

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. Repealer.

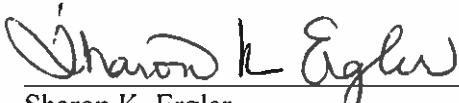
Ordinance 2155 enacted the 11th day of May, 2021 is hereby repealed in full and replaced by the within Ordinance.

SECTION 8. Effective Date.

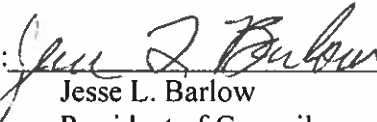
This emergency Ordinance shall take effect immediately upon adoption and shall remain in effect until the Pennsylvania Department of Health, or the Centre Region Council of Governments rescinds their Emergency Declarations or on July 31, 2021, whichever date is earlier.

ATTEST:

BOROUGH OF STATE COLLEGE

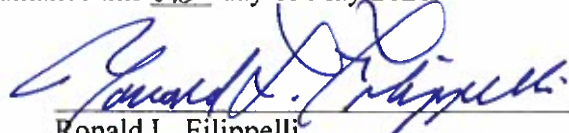


Sharon K. Ergler
Assistant Borough Secretary

By: 

Jesse L. Barlow
President of Council

EXAMINED AND APPROVED as an Ordinance this 25th day of May 2021.



Ronald L. Filippelli
Mayor