

**BELLEFONTE BOROUGH
CENTRE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 09082020-01

**COVID-19 EMERGENCY ORDINANCE FOR FACE COVERINGS
AND GATHERING LIMITS**

**A TEMPORARY EMERGENCY ORDINANCE OF THE BOROUGH OF
BELLEFONTE, CENTRE COUNTY, PENNSYLVANIA TO REQUIRE THE
WEARING OF FACE COVERINGS, SET MAXIMUM GATHERING SIZE,
AND OTHER REGULATIONS TO REDUCE THE RISK OF TRANSMISSION
OF THE COVID-19 VIRUS.**

Legislative History

The Borough of Bellefonte is currently experiencing a pandemic as a result of the sharp and aggressive spread of the COVID-19 virus within the borough, county, and country. The state of Pennsylvania has declared that a State of Emergency exists which necessitates behavioral modifications and limitations as expressed herein. 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, minimize risk to the public health, and reduce pressure on healthcare providers and pharmaceutical supplies by lowering the rate and risk of infection. Because the State Government, the County of Centre, and the Borough of Bellefonte have all issued State of Emergency orders and recommendations due to increased movement of people into and within the county, enforcement of Covid-19 orders and recommendations need to be consistent throughout the county. Thus, the purpose of this Ordinance is to clarify within the borough what is required going forward during the pandemic period.

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

NOW, THEREFORE, be it ordained by the Council of the Borough of Bellefonte, 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 of tightly-woven fabric such as denim or cotton.

“**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 duplex, apartment complex, or other multi-unit residences.

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

“**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.

“**Public Places**” includes right-of-ways throughout the borough as well as publicly-owned property, including but not limited to sidewalks, parks, or properties owned by the Borough of Bellefonte, where members of the public and or customers, clients, vendors, or guests are allowed or invited.

SECTION 2. Wearing of Face Coverings.

All persons in the Borough of Bellefonte 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 I.

- 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, post offices, libraries, greenhouses, and medical and dental treatment facilities.
- B. Inside all municipal and other governmental buildings.
- C. While visiting or traversing public spaces within the borough.
- D. On all transport and transit vehicles, including, but not limited to, CATA buses, rideshares (such as CATA-GO, Uber or Lyft), and shuttle vehicles.
- E. While waiting to enter any building open to the public, any municipal and other governmental building, or waiting to board any transport or transit vehicle, unless a distance of at least six feet is maintained from any person who is not that person’s family or household member, notwithstanding the prohibition of wait lines outside of municipal or other governmental offices, businesses, including hospitality establishments.
- F. When coming into contact with any person who is not that person’s family or household member, whether indoors or outdoors, including, but not limited to, contact during

gatherings, curbside pickup, drive-thru, and food truck purchases, deliveries, and construction, repair, and service calls.

- G. 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.
- H. Parents or guardians are responsible for ensuring that minor children two years of age or older wear face coverings unless such children are exempt as set forth herein.
- I. 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 when circumstances as described herein exist.

SECTION 3. Wearing of Face Coverings, Exceptions.

- A. Wearing of face coverings shall not be required under the following circumstances:
 - 1. 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. If the person provides said documentation immediately, or within five days, the citation shall not be issued or enforced.
 - 2. Persons who are hard of hearing, or who are communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
 - 3. Persons for whom wearing a face covering while performing their work duties create a risk to the person related to their work, as determined by local, state or federal regulators or workplace safety guidelines.
 - 4. 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.
 - 5. 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.
- B. The wearing of face coverings may be advisable, but is not required:
 - 1. In personal private vehicles and private homes.
 - 2. In private business locations or individual private offices, at times when members of the public, clients, customers, guests, or other invitees are not present, as long as there is a distance of at least six feet maintained.

3. While participating in recreational physical activities, whether outdoor or indoor, when involving ten (10) people or fewer.
4. While with family members and/or members of the same household.

SECTION 4. Waiting Lines.

Persons waiting in line to enter businesses

- A. Shall maintain a physical distance of not less than six feet and shall wear a Face Covering.
- B. Shall not form a line such that the line blocks the entrance to an adjacent business
- C. Businesses shall be responsible for monitoring those persons waiting to enter to assure that the people in line are following these guidelines
- D. If persons waiting do not respond to the business requests to disperse, wear face coverings, and maintain physical distance as set forth herein, the business shall notify the Bellefonte Borough Police Department at 1-800-479-0050.

SECTION 5. Limitations on Gathering Size.

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

- A. In all housing types, indoor gatherings of more than twenty-five (25) unrelated persons shall be prohibited. When the number of household members exceeds the limitations set forth herein, no additional persons shall gather at this property, either indoors or outdoors. Any exception to this limitation requires prior approval through the submission of a Gathering Registration application to the Borough of Bellefonte that could allow for a gathering of no more than 25 persons, provided a COVID-19 mitigation plan is submitted with the application.
- B. Gatherings at or in Bellefonte Borough's public parks and other municipal property of more than the number allowed under the Governor's Emergency Reopening Guidelines and the Pennsylvania Department of Health shall be prohibited.
 - a. Outdoor activities are limited to the following numbers
 - i. Red Zone – All gatherings with unrelated persons are prohibited.
 - ii. Yellow and Green Zones – The number of people allowed for a gathering is dependent upon the type of activity being conducted. Contact the borough for the most current guidelines permitted for each type of activity under the Governor's Emergency Reopening Guidelines and the Pennsylvania Department of Health.
- C. Gatherings in other private commercial property shall be restricted by the limitations established by the Pennsylvania Department of Health

- D. The provisions of this section limiting the size of gatherings under Sections A. and B. ONLY apply to residential properties, municipal property, and municipal parks. The provisions of this section limiting gathering size shall not apply to non-residential properties or functions or events, including private business locations, private offices, public and private schools, religious services, and events such as in-person voting, weddings, funerals, or protest demonstrations. Any pavilion rental or public gathering that was approved by the borough before September 9, 2020, is exempt from this limitation; however, conditions outlined in approvals given before this date shall be maintained on and after this date.

SECTION 6. Education First

Enforcement of this Ordinance shall focus on educating and working to promote the mitigation of the spread of COVID-19. A person or business shall be notified of the provisions of this Ordinance and will be provided an opportunity to explain an exception or follow guidelines before issuance of any citation or other enforcement action.

SECTION 7. Enforcement Next.

- A. The Borough of Bellefonte specifically orders that enforcement shall, therefore, be administered by education first with an opportunity for compliance issued with a warning, and followed by a citation at the next occurrence,
- B. Law enforcement officers are charged with the enforcement of this Ordinance.
1. 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 graduated fine of no less than \$50 and no more than \$300
 2. 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 no less than \$50 and no more than \$300
 3. Any business found not requiring their employees to comply with this Ordinance or who declare that mask-wearing within their establishment or their property is optional shall be found guilty of a civil infraction, punishable by a fine of no less than \$100 and no more than \$400.
 4. Each subsequent day of a violation of this Ordinance shall be considered a separate and distinct offense.
 5. In addition to these enforcement measures, repeated violations by a person or business may be addressed by the borough through other legal means.

SECTION 8. 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 9. Effective Dates.

This emergency Ordinance shall take effect seven (7) days after adoption and shall remain in effect until the Pennsylvania Department of Health and the Borough of Bellefonte rescind their Emergency Declarations.

ENACTED AND ORDAINED as an ordinance by the Borough of Bellefonte this the ___th day of September 2020.

THE BELLEFONTE BOROUGH COUNCIL

ATTEST:

Secretary

President of Council

[Seal]

