

BELLEFONTE BOROUGH
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 20201019-01

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 Commonwealth 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 suppliers 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, and due to increased movement of people into the county, that enforcement of Covid-19 orders and recommendations be consistent throughout the county, the purpose of the within Ordinance is to clarify what is required going forward during the pandemic period.

The Pennsylvania Disease and Prevention Control ACT of 1955 authorizes health departments and local law enforcement to enforce pandemic-related regulations. In order to protect, preserve and promote the health, welfare, and safety for the residents, employees, and visitors to the Borough of Bellefonte, and based on this authorization, 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, where members of the public, guests, clients, and customers 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.

“Green Phase” is the least restrictive phase of Covid-19 reopening guidelines set by the PA Department of Health. The green phase eases most restrictions with the continued suspension of the stay at home and business closure orders to allow the economy to strategically reopen while continuing to prioritize public health.

“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.

“Physical Distancing” means someone who is within six feet of a person not of one’s household for a cumulative total of 15 minutes or more over a 24-hour period. Additional factors that should be considered when assessing close contacts include but are not limited to: close proximity to an infected person, infected person exhibiting symptoms, and environmental conditions like crowds or inadequate ventilation.

“Public Places” includes the right-of-way’s 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.

“Red Phase” is the most restrictive phase of Covid-19 reopening guidelines set by the PA Department of Health. The red phase has the sole purpose of minimizing the spread of COVID-19 through strict social distancing, closure of non-life sustaining business, school closures, and building safety protocols.

“Yellow Phase” is the intermediate phase of Covid-19 reopening guidelines set by the PA Department of Health. Some restrictions on work and social interaction created in the Red Phase will ease while others, such as closures of schools, gyms, and other indoor recreation centers, hair and nail salons, as well as limitations around large gatherings, remain in place.

SECTION 2. Wearing of Face Coverings.

Following the Orders of the Secretary of the Pennsylvania Department of Health Requiring Universal 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 J.

- 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.
 - J. Whenever the July 15, 2020 Order of The Secretary of The Pennsylvania Department of Health Requiring Universal Face Coverings is updated, these new orders shall be incorporated into these requirements. Additional orders shall be posted with a link to the PA Department of Health's Covid-19 website on the Bellefonte Borough website and on the official Borough Facebook page.

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. This document only needs to state that the person has a medical condition, mental health condition, or disability that prevents wearing a face covering; it does not disclose what the specific condition may be. In the event that the person provides said documentation immediately, or within five days, the citation shall not be issued or enforced. Once the documentation has been received, verified, and the citation, if already issued, has been dismissed or the case otherwise having been resolved in court, all records shall be destroyed and no record of this information shall be retained or stored by the borough in any form.

- B. Persons who are hearing impaired that need to see the mouth of the persons they are speaking to and those who are communicating with them where the ability to see the mouth is essential for communication.
- C. Persons for whom wearing a face covering while performing their work duties which would create a risk to the person related to their work, if said person provides documentation from their employer indicating that this exemption follows the safety guidelines as determined by local, state or federal regulators or workplace safety guidelines.¹ In the event that the person provides said documentation immediately, or within five days, the citation shall not be issued or

¹ OSHA generally recommends that employers encourage workers to wear face coverings at work. Face coverings are intended to prevent wearers who have Coronavirus Disease 2019 (COVID-19) without knowing it (i.e., those who are asymptomatic or pre-symptomatic) from spreading potentially infectious respiratory droplets to others. This is known as source control.

Consistent with the Centers for Disease Control and Prevention (CDC) recommendation for all people to wear cloth face coverings when in public and around other people, wearing cloth face coverings, if appropriate for the work environment and job tasks, conserves other types of personal protective equipment (PPE), such as surgical masks, for healthcare settings where such equipment is needed most.

Employers have the discretion to determine whether to allow employees to wear cloth face coverings in the workplace based on the specific circumstances present at the work site. For some workers, employers may determine that wearing cloth face coverings presents or exacerbates a hazard. For example, cloth face coverings could become contaminated with chemicals used in the work environment, causing workers to inhale the chemicals that collect on the face covering. Over the duration of a work shift, cloth face coverings might also become damp (from workers breathing) or collect infectious material from the work environment (e.g., droplets of other peoples' infectious respiratory secretions). Workers may also need to use PPE that is incompatible with the use of a cloth face covering (e.g., an N95 filtering facepiece respirator).

Where cloth face coverings are not appropriate in the work environment or during certain job tasks (e.g., because they could become contaminated or exacerbate heat illness), employers can provide PPE, such as face shields and/or surgical masks, instead of encouraging workers to wear cloth face coverings. Like cloth face coverings, surgical masks and face shields can help contain the wearer's potentially infectious respiratory droplets and can help limit spread of COVID-19 to others.

Note that cloth face coverings are not considered PPE and cannot be used in place of respirators when respirators are otherwise required. (<https://www.osha.gov/SLTC/covid-19/covid-19-faq.html#cloth-face-coverings>).

enforced. Once the documentation has been received, verified, and the citation, if already issued, has been dismissed or the case otherwise having been resolved in court, all records shall be destroyed and no record of this information shall be retained or stored by the borough in any form.

- 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/beverage service, and all requirements as established by the Pennsylvania Department of Health are followed.

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. If persons waiting does not respond to the business requests to either wear face coverings or maintain physical distance as set forth herein, the business may 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. Gatherings at or in the 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.
- B. Outdoor activities are limited to the following numbers:
 - 1. Red Phase – All gatherings with unrelated persons are prohibited.
 - 2. Yellow and Green Phases – 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 allowed for each type of activity under the Governor's Emergency Reopening Guidelines and the Pennsylvania Department of Health.
- C. Gatherings in municipal properties and parks and other private commercial property with the exceptions of in-person voting, weddings, funerals, or protest demonstrations. shall be restricted by the limitations established by the Pennsylvania Department of Health. Social distancing and masking shall still apply.

SECTION 6. Education First

- A. 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 action (See Section 3) or follow guidelines prior to issuance of any citation or other enforcement.
- B. To help educate the public, businesses shall post a sign indicating that masking is required for the safety and health of all and offer an alternative such as curbside pickup or delivery if a person is unwilling or unable to wear a mask.
- C. Bellefonte Borough shall provide additional education on its website outlining the reasons and necessity for disease prevention associated with the Coronavirus pandemic.

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 if noncompliance continues after the first warning.
- 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 not to exceed \$300.
 2. 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 graduated fine not to exceed \$400.
 3. In addition to these enforcement measures, repeated violations by a person or business, may be addressed by the Bellefonte Borough Police Department through 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 _____, 2020.

THE BELLEFONTE BOROUGH COUNCIL

ATTEST:

Secretary

President of Council

(Seal)

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