

**BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 573

A TEMPORARY, EMERGENCY ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING THE WEARING OF FACE COVERINGS; SETTING MAXIMUM GATHERING SIZES; PROVIDING OTHER REGULATIONS TO REDUCE THE RISK OF THE TRANSMISSION OF THE COVID-19 VIRUS; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough of California is currently experiencing a pandemic as a result of the sharp and aggressive spread of the COVID-19 virus within the Borough; and

WHEREAS, the Commonwealth of Pennsylvania has declared that a State of Emergency exists which necessitates behavioral modifications and limitations as expressed herein; and

WHEREAS, given that, at present, the only method available to slow the rate of infection is to limit exposure; and

WHEREAS, 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; and

WHEREAS, because the Federal Government, the Commonwealth Government, and the Washington County Government 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; and

WHEREAS, in order to protect, preserve and promote the health, welfare, and safety for the residents, employees, and visitors to the Borough of California, Borough Council deemed it necessary and proper to adopt a temporary Ordinance, Ordinance No. 572, to require the wearing of face coverings and to set maximum gathering sizes; and

WHEREAS, temporary Ordinance, Ordinance No. 572, was adopted on September 10, 2020, and expired on January 31, 2021; and

WHEREAS, in order to continue to protect, preserve and promote the health, welfare, and safety for the residents, employees, and visitors to the Borough of California, Borough Council deems it is necessary and proper to adopt a second, temporary Ordinance, Ordinance No. 573, to continue to require the wearing of face coverings and to continue to set maximum gathering sizes until the Pennsylvania Department of Health rescinds its Emergency Declaration

NOW, THEREFORE, be it ORDAINED and ENACTED and it is hereby ORDAINED AND ENACTED by the Borough Council of the Borough of California, Washington County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS.

1. “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.

2. “Face Covering” means a clean cloth, fabric, or other soft or permeable material, without holes, that covers both the mouth and the 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.

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

4. “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.

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

6. “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.

All persons two (2) years of age and older in the Borough of California shall be required to wear a face covering when within six (6) feet of another person as set forth herein in Section 2, Paragraphs A through G.

- 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, buses, rideshare (such as Uber or Lyft) and shuttle vehicles.
- D. While waiting to enter any building open to the public, any municipal and other government building, or waiting to board any transport or transit vehicle, unless a

distance of at least six (6) 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.

- E. 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 service calls.
- F. 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.
- G. 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.

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 Pennsylvania Governor or Secretary of Health Order.

SECTION 3. WEARING OF FACE COVERINGS, EXCEPTIONS.

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 (5) days, any 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 regulations 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.
2. The wearing of face coverings may be advisable, but is not required:
- A. In personal, private vehicles and private homes.
 - B. In private business locations, or in 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 (6) feet maintained.
 - C. While participating in recreational physical activities, whether outdoor or indoor, when involving ten (10) people or fewer.
 - D. While with family members and/or members of the same household.

SECTION 4. WAITING IN LINES.

Persons waiting in line to enter businesses are prohibited in a public right-of way.

- A. Lines shall be prohibited in the public right-of-way waiting to enter any business locations or other private property, except as follows:
 - (1) No more than ten (10) persons shall be allowed to wait outside of an establishment.
 - (2) Persons waiting to enter as set forth above shall maintain a physical distance of not less than six (6) feet and shall wear a face covering.
 - (3) Persons waiting to enter as set forth above shall not wait in front of any other business or property other than the business or property that they are waiting to enter.
 - (4) Business shall be responsible to monitor those persons waiting to enter to assure that no more than ten (10) persons are waiting and all other regulations are followed as set forth herein.
 - (5) If persons waiting do not respond to the requests by the business to disperse; wear face coverings, and maintain physical distance as set forth herein, the business shall notify the Borough Police Department.

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, gatherings of more than ten (10) persons shall be prohibited. Any exception to this limitation requires prior approval through the submission of a Gathering Registration application to the Borough that could allow for a gathering of no more than twenty-five (25) persons; provided a COVID-19 mitigation plan is submitted with the application.
- B. Gatherings at or in the Borough of California's public parks and other municipal properties of more than twenty-five (25) 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. The gathering size restrictions set forth in the Ordinance shall apply for the property, regardless of indoors and/or outdoors.
- E. When the number of household members exceeds the limitations set forth in Subsection A herein, no additional persons shall gather at this property, either indoors and/or outdoors.
- F. 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 specific meal-time periods.
- G. The provisions of this Section limiting size of gatherings only applies to residential properties, municipal properties and municipal parks. 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, religious functions, and events such as weddings, funerals, or protest demonstrations.

SECTION 6. 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, business, or entity that violates any of the provisions of this Ordinance may be charged with such violation, and, upon conviction thereof, shall be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) for each violation. In default of payment of any imposed fine(s), the offender and/or its authorized representative may be imprisoned for a term not to exceed ninety (90) days in the Washington County Correctional Facility.

B. 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 7. SAVINGS CLAUSE.

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon adoption by Borough Council and shall remain in effect until the Pennsylvania Department of Health rescinds their Emergency Declaration.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 11 day of February, 2021.

ATTEST:

BOROUGH OF CALIFORNIA

Shirley Green
Borough Secretary

By: *Anthony J. Alfano*
President of Council

EXAMINED AND APPROVED by me this 12th day of February, 2021.

BOROUGH OF CALIFORNIA

By: _____
Mayor