

**COLLEGE TOWNSHIP  
CENTRE COUNTY, PENNSYLVANIA  
ORDINANCE O-20-08**

**HEREBY REPEALS AND REPLACES ORDINANCES O-20-06 AND O-20-07;  
AND, ENACTS TEMPORARY EMERGENCY ENFORCEMENT OF WEARING  
OF FACE COVERINGS, MAXIMUM GATHERING SIZE, LINE WAITING AND  
HOSTING OF EVENTS.**

**ORDINANCE TO AUTHORIZE THE ENFORCEMENT OF WEARING OF  
FACE COVERINGS, MAXIMUM GATHERING SIZE, LINE WAITING AND  
HOSTING OF EVENTS.**

**BE IT RESOLVED AND ORDAINED**, by the College Township Council, Centre County, Pennsylvania and the authority of the same, does hereby adopt, made this 29<sup>th</sup> day of September 2020, by amending the Code of the Township of College, Pennsylvania with the creation of Chapter 94, entitled Temporary Emergency Actions, as follows:

**SECTION 1. INTENT**

The following ordinance is based upon the statewide directives, State of Emergency orders and the recommendations issued by the Pennsylvania Governor, the Pennsylvania State Department of Health and the Centre Region Council of Governments (COG).

The intent of this ordinance is to limit community risk during the COVID-19 public health emergency by empowering authorized enforcement personnel to enforce the behavioral modifications and limitations as expressed herein that serve to protect, preserve and promote health, welfare and safety for the residents, employees and visitors of College Township.

**SECTION 2. 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**” means a planned or spontaneous event or function of five (5) or more persons assembled within six (6) feet of each other for a common purpose, either 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 under the current guidance and/or orders issued by either the Pennsylvania Governor or the Pennsylvania Secretary of the Department of Health. The terms include business employees, as well as customers, visitors, guests, clients and invitees.

“**Host**” any persons, including property owner(s), business(es), organization(s) and/or any organizer(s) with shared responsibility for any formal or informal event, whether for profit or not for profit.

“**Hosted/Hosting**” any formal or informal event, whether for profit or not for profit, that is conducted by a Host.

### **SECTION 3. WEARING OF FACE COVERINGS**

All persons in College Township will be required to wear a Face Covering to help limit community risk during the COVID-19 public health emergency. The regulations described herein establish the current requirements for universal face coverings, and parameters for enforcement within College Township, until the Ordinance is either revised or rescinded.

#### **Face Coverings Required**

Except as provided in Exceptions to Face Covering Requirements below, individuals are required to wear face coverings if they are:

- A. outdoors and unable to consistently maintain a distance of six feet from individuals, who are not members of their household;
- B. in any indoor location where members of the public are generally permitted;
- C. waiting for, riding on, driving, or operating public transportation or paratransit or while in a taxi, private car service or ride-sharing vehicle;
- D. obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank; or
- E. engaged in work, whether at the workplace or performing work off-site, when interacting in-person with any member of the public, working in any space visited by members of the public, working in any space where food is prepared or packaged for sale or distribution to others, working in or walking through common areas, or in any room or enclosed area where

other people, except for members of the person's own household or residence, are present when unable to physically distance.

**Exceptions to Face Covering Requirement**

The following are exceptions to the face covering requirement:

- A. Individuals who cannot wear a mask due to a medical condition, including those with respiratory issues that impede breathing, mental health condition, or disability;
- B. Individuals for whom wearing a mask while working would create an unsafe condition in which to operate equipment or execute a task as determined by local, state, or federal regulators or workplace safety guidelines;
- C. Individuals who would be unable to remove a mask without assistance;
- D. Individuals who are under two years of age;
- E. Individuals who are communicating or seeking to communicate with someone who is hearing-impaired or has another disability, where the ability to see the mouth is essential for communication;
- F. Individuals receiving a service or treatment where temporary face covering removal is necessary;
- G. Individuals seated at an establishment that offers food or beverage service;
- H. Individuals cited for a violation of this section may have the citation withdrawn upon presentation of documentation that an exception applies.

**SECTION 4. LIMITATIONS ON GATHERING SIZE**

As established by College Township Council via resolution, gatherings of persons that are not from the same household will be limited and enforced in College Township as follows:

- A. All housing types in College Township will be restricted to indoor gatherings of not more than twenty-five (25) and outdoor gatherings of not more than fifty (50).
- B. College Township public parks and other municipal property will be restricted to indoor gatherings of not more than twenty-five (25) and outdoor gatherings of not more than fifty (50).
- C. The following private business locations in College Township will be restricted to indoor gatherings of not more than fifty percent (50%) of fire code approved occupancy for the respective establishment and outdoor gatherings of not more than two hundred and fifty (250):
  - Restaurants

- Bars
  - Indoor recreation establishments
  - Health and wellness establishments
  - Entertainment establishments
- D. All other private business locations in College Township will be restricted to indoor gatherings of not more than seventy-five percent (75%) of fire code approved occupancy for the respective establishment and outdoor gatherings of not more than two hundred and fifty (250).
- E. The limitations on gathering size set forth herein **will not apply** to the following:
- Public Schools when conducting school related functions or programs.
  - Private Schools when conducting school related functions or programs.
  - Penn State University when conducting university related functions or programs.
  - Centre Region Parks and Recreation (CRPR) when conducting/sanctioning/approving functions or programs.
  - Religious functions.
  - Events such as weddings, funerals, or protest demonstrations.
- F. Exempt entities conducting collegiate, Pre-K to 12 school athletics, and amateur and recreational sporting activities and events, including programs and/or camps, at non-residential properties will adhere to any and all applicable guidance established by the Pennsylvania Governor; the Pennsylvania Department of Health; or the Pennsylvania Department of Education and should, where applicable, have an approved COVID-19 Health and Safety Plan.
- G. All non-residential properties and events with exemptions from the limitations set forth herein will adhere to any and all applicable guidance/orders established by the Pennsylvania Governor; the Pennsylvania Department of Health; or the Pennsylvania Department of Education.
- H. Any pavilion rental or group use, which exceeds the twenty five (25) persons indoors or fifty (50) persons outdoor limitations, and was approved by College Township or the CRPR prior to the date of adoption of this ordinance is also exempt.

**Section 4: Limitations On Gathering Size Summary Table**

	<b>Location</b>	<b>Indoor Limitation</b>	<b>Outdoor Limitation</b>
A	All housing types	Not more than 25	Not more than 50
B	College Township public parks & other municipal property	Not more than 25	Not more than 50
C	Restaurants, Bars, Indoor Recreation, Health & Wellness Centers & Entertainment	50% of occupancy	Not more than 250
D	All other Private Business Locations	75% of occupancy	Not more than 250

**SECTION 5. WAITING LINES**

To help limit community risk during the COVID-19 public health emergency, waiting lines will be limited as follows:

- A. Persons waiting in a line to enter any business locations or other private property will be prohibited in the public right-of-way.
- B. Persons waiting to enter as set forth above will maintain a physical distance of not less than six feet and will wear a face covering.
- C. Persons waiting to enter as set forth above will not interfere or block free access to another business.
- D. Businesses will be responsible to monitor those persons waiting to enter to assure that all regulations are followed as set forth herein.
- E. 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 will notify the State College Police Department.
- F. Line waiting at designated public transit stop locations are exempt from the provisions outlined within Section 5, with the exception of the wearing of a face covering and practicing physical distancing where possible.

**SECTION 6. HOSTING OF EVENTS**

Any non-exempt hosted event that is found to exceed the limitations as outlined within Section 4 and thus increasing the community's risk during the COVID-19 public health emergency, will be found in violation of this ordinance, and will be subject to the penalties as outlined in Section 7.

**SECTION 7. 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 3, 4, or 5 of this Ordinance will be found guilty of a civil infraction, punishable by a fine of not less than \$150 or more than \$300. College Township may also charge the violator for court costs and reasonable attorney fees incurred by the township in the enforcement proceedings. Each day of a continuing violation of this Ordinance will be considered a separate and distinct offense.
- 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 4 of this Ordinance will be found guilty of a civil infraction, punishable by a fine of not less than \$150 or more than \$300. College Township may also charge the violator for court costs and reasonable attorney fees incurred by the

township in the enforcement proceedings. Each day of a continuing violation of this Ordinance will be considered a separate and distinct offense.

- C. Any business found to be not requiring their employees to comply with this Ordinance will be found guilty of a civil infraction, punishable by a fine of not less than \$150 or more than \$300. College Township may also charge the violator for court costs and reasonable attorney fees incurred by the township in the enforcement proceedings. Each day of a continuing violation of this Ordinance will be considered a separate and distinct offense.
- D. Any host found to be in violation of Section 6 of this Ordinance will be found guilty of a civil infraction, punishable by a base fine of \$1,000 for each violation and an additional fine equivalent to any fee to attend or participate beyond the gathering limits as set forth herein. College Township may also charge the violator for court costs and reasonable attorney fees incurred by the township in the enforcement proceedings. Each day of a continuing violation of this Ordinance will be considered a separate and distinct offense.
- E. In addition to these enforcement measures, repeated violations by a person, business or host are hereby declared to be a public nuisance, which may be abated by College Township through all other legal means. Violators may also be prescribed imprisonment to the extent allowed by law for the punishment of summary criminal offenses.

**SECTION 8. SEVERABILITY**

If any sentence or clause, section or part of this ordinance is found to be unconstitutional, illegal or invalid, such findings will not affect or impair any of the remaining parts of this ordinance. It is hereby declared to be the intent that this ordinance would have been adopted had such part not been included.

**SECTION 9. EFFECTIVE DATE**

By resolution of the College Township Council, this ordinance will take effect five (5) days after enactment and will remain in effect until 11:59 pm on January 4, 2021, unless otherwise repealed, rescinded, modified, or extended by subsequent resolution in response to the evolving aspects of the COVID-19 public health emergency.

**ENACTED AND ORDAINED**, this 29<sup>th</sup> day of September 2020, by the College Township Council, Centre County, Pennsylvania.

**ATTEST**

**COLLEGE TOWNSHIP COUNCIL**

*Adam T. Brumbaugh*

*Anthony Fragola*

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Adam T. Brumbaugh, Secretary/Manager

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Anthony Fragola, Council Chair