

BOROUGH OF INDIANA
INDIANA COUNTY, PENNSYLVANIA

Ordinance # _____

AN ORDINANCE OF THE BOROUGH OF INDIANA, INDIANA COUNTY, PENNSYLVANIA, ON MATTERS OF PUBLIC HEALTH AND SAFETY DURING THE COVID-19 PANDEMIC, PROVIDING FOR CIVIL PENALTIES AND PROVIDING FOR SEVERANCE AND REPEAL.

WHEREAS, Indiana Borough, like nearly every part of the United States is affected by the novel Coronavirus, Covid-19; and

WHEREAS, the Center for Disease Control and Prevention and the Pennsylvania Department of Health have issued guidance that all Americans should, at a minimum, wear a mask when they leave their homes, stay at least six feet apart whenever possible, and wash hands often; and

WHEREAS, on July 1, 2020, the Pennsylvania Department of Health ordered that facial coverings must be worn whenever Pennsylvanians leave their homes; and

WHEREAS, the Borough of Indiana has roughly 13,000 residents, nearly 7 percent of whom are over the age of 65, and is the host municipality for the Indiana University of Pennsylvania, part of the State System of Higher Education, where an estimated Ten Thousand (10,000) students live, frequent and attend college in the Borough; and

WHEREAS, Pennsylvania has been relatively successful in its efforts to control the virus, but an increase in the number of cases, also observed nationally, occurred in July and August warranting additional precautions, particularly in light of the return of students to the Indiana University; and

WHEREAS, the Borough Council of Indiana anticipates that with communication and education residents will choose to take all necessary and reasonable steps to stop community spread of Covid-19, including wearing facial coverings, and, in the event that residents fail to comply despite efforts to communicate and educate, it desires to use its power and authority to protect the residents of the Borough through the enforcement of ordinances supporting public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY the Council of the Borough of Indiana, Indiana County, Pennsylvania, and it is hereby ordained and enacted by and with authority of the same pursuant to the Borough Code, 8 Pa C.S. A. §§1205 (5,33) and the Pennsylvania Emergency Management Act, 35 Pa. C.S. A. §7301:

SECTION 1: **RECITALS:** The above recitals are incorporated herein.

SECTION 2 **FACIAL COVERING REQUIRED:** Borough residents, businesses and persons visiting the Borough shall wear facial

covering consistent with Exhibit A to this ordinance, incorporated herein as if fully set forth.

SECTION 3

ENFORCEMENT: Borough Council vests its code enforcement department with the power and authority to act as ambassadors for communication and education regarding community spread of Covid-19, and to issue civil citations pursuant to this ordinance whenever communication and education do not bring about compliance. Borough Council authorizes the Borough Manager to hire part time employees, if necessary, to supplement the enforcement of this Ordinance.

SECTION 4:

CIVIL PENALTIES: Civil Penalties in the form of a fine will be issued on the following schedule:

First Offense: \$50.00

Second Offense: \$75.00

Third Offense: \$300.00

The Borough will issue notices of violation or civil citations for all offenses; the failure to pay the summary offense may result in a complaint filed against you with the Magisterial District Court, seeking the payment of civil penalties plus costs. The Borough has discretion to issue a written warning prior to the First Offense as part of its effort to communicate and educate the public. Each offense is a separate offense, with escalating fines.

SECTION 3:

REPEAL: Any ordinance or parts of ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 4:

SEVERANCE: Should any sentence, section, clause, part, or provision of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 5:

EFFECTIVE DATE: This Ordinance shall become effective on September 1, 2020.

SECTION 6:

SUNSET: This ordinance shall sunset on the earlier of January 1, 2021, or the rescission of the July 1, 2020 Order of the Pennsylvania Secretary of the Department of Health.

Duly presented and adopted at a regular meeting of the Borough of Indiana Council, Indiana County, Pennsylvania, held on the day of ,2020.

ATTEST:

BOROUGH OF INDIANA

C. Michael Foote
Borough Manager/Secretary

Peter G. Broad
Council President

This Ordinance is approved this day of ,2020

Mayor, Borough of Indiana

I hereby certify that the foregoing ordinance was fully enacted and approved as set forth at the meeting of Council held on _____, and before approval, was advertised in the _____, a newspaper of general circulation in the municipality of Indiana Borough on _____.

C. Michael Foote
Borough Manager/Secretary

Section 1: Face Coverings Defined

“Face covering” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is wrapped around the lower face. A “face covering” can be made of a variety of synthetic or natural fabrics, including cotton, silk, or linen. For purposes of this order, a face covering includes a plastic face shield that covers the nose and mouth. “Face coverings” may be factory-made, sewn by hand, or be improvised from household items, including but not limited to, scarfs, bandanas, t-shirts, sweatshirts, or towels. While procedural and surgical masks intended for healthcare providers and first responders meet these requirements, such as N95 respirators, these specialized masks should be reserved for appropriate occupational and health care settings.

Section 2: Face Coverings Required

Except as provided in Section 3, 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.

Section 3: Exceptions to Face Covering Requirement

- A. The following are exceptions to the face covering requirement in Section 2:
 - i. Individuals who cannot wear a mask due to a medical condition, including those with respiratory issues that impede breathing, mental health condition, or disability;

- ii. 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;
 - iii. Individuals who would be unable to remove a mask without assistance;
 - iv. Individuals who are under two years of age;
 - v. 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;
- B. Individuals are not required to show documentation that an exception applies.

Section 4: Prior Orders

This Order is intended to be read in concert with my Order Relating to Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations, dated April 15, 2020, and with the Governor's and my Orders for the Continued Reopening of the Commonwealth, dated May 27, 2020.

Section 5: Effective Date

This Order is effective immediately and will remain in effect until further notice.



Rachel Levine, MD
Secretary of Health