

ORDINANCE NO. 1064

**AN EXTENSION OF A TEMPORARY EMERGENCY ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REQUIRING THE WEARING OF FACE COVERINGS AND IMPLEMENTING ADDITIONAL REGULATIONS TO REDUCE THE RISK OF TRANSMISSION OF THE COVID-19 VIRUS.**

**WHEREAS**, Ferguson Township is currently in the midst of a pandemic resulting from the aggressive spread of the COVID-19 virus across the globe. The Commonwealth of Pennsylvania has issued a Disaster Declaration directing behavioral modifications and limitations as expressed herein. Until such time as an effective cure or vaccine is developed, the only effective method to combat the spread of COVID-19 is through limiting exposure to the virus; and

**WHEREAS**, in accordance with the obligation of the Ferguson Township Board of Supervisors to promulgate regulations in the interest of the general health, safety, and welfare of the Township and its residents, the restrictions enacted are intended to minimize risk to the public health, and reduce pressure on healthcare providers and pharmaceutical companies by lowering the rate and risk of infection; and

**WHEREAS**, the governments of the United States of America, Commonwealth of Pennsylvania, Centre County, and the Centre Region Council of Governments have each declared states of emergency in response to the COVID-19 pandemic, and the primary purpose of this Ordinance is to clarify the requirements of public behavior throughout the recovery process; and

**WHEREAS**, on September 21, 2020, the Board of Supervisors adopted Ordinance #1060 establishing limitations on gathering sizes and requiring the wearing of face coverings in certain settings.

**NOW, THEREFORE, BE IT ORDAINED**, in an effort to combat the spread of the COVID-19 virus, the Board of Supervisors hereby extends the temporary emergency ordinance (Ordinance #1060) as amended and attached hereto as Exhibit "A" through the expiration of the Pennsylvania Department of Health and Centre Region Council of Governments Emergency Declarations or June 30, 2021, whichever date is earlier.

**ORDAINED AND ENACTED** this 18<sup>th</sup> day of January, 2021.

**TOWNSHIP OF FERGUSON**

By: \_\_\_\_\_

Laura Dininni, Chair  
Board of Supervisors

[SEAL]

ATTEST:

\_\_\_\_\_  
David G. Pribulka, Secretary

Exhibit "A"

ORDINANCE NO. 1060

**A TEMPORARY EMERGENCY ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REQUIRING THE WEARING OF FACE COVERINGS AND IMPLEMENTING ADDITIONAL REGULATIONS TO REDUCE THE RISK OF TRANSMISSION OF THE COVID-19 VIRUS.**

**WHEREAS**, Ferguson Township is currently in the midst of a pandemic resulting from the aggressive spread of the COVID-19 virus across the globe. The Commonwealth of Pennsylvania has issued a Disaster Declaration directing behavioral modifications and limitations as expressed herein. Until such time as an effective cure or vaccine is developed, the only effective method to combat the spread of COVID-19 is through limiting exposure to the virus; and

**WHEREAS**, in accordance with the obligation of the Ferguson Township Board of Supervisors to promulgate regulations in the interest of the general health, safety, and welfare of the Township and its residents, the restrictions described herein are intended to minimize risk to the public health, and reduce pressure on healthcare providers and pharmaceutical companies by lowering the rate and risk of infection; and

**WHEREAS**, the governments of the United States of America, Commonwealth of Pennsylvania, Centre County, and the Centre Region Council of Governments have each declared states of emergency in response to the COVID-19 pandemic, and the primary purpose of this Ordinance is to clarify the requirements of public behavior throughout the recovery process; and

**WHEREAS**, this Ordinance is intended to expire with the lifting of the states of emergency declarations by the political subdivisions described above.

**NOW, THEREFORE, BE IT ORDAINED**, in an effort to combat the spread of the COVID-19 virus, the following regulations and restrictions are in effect:

**SECTION 1. Definitions**

**Business.** 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.** 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.

**Household.** 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.** The act of an individual or group of individuals coming within proximity of six (6) feet or less to another individual or group of individuals.

**Person(s).** All persons typically 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.** All publicly-owned property, but also includes business properties to which members of the public and/or customers, clients or guests are allowed or invited.

## **SECTION 2. Face Coverings Required**

All persons in the Township of Ferguson shall be required to wear a face mask when in contact another person or persons 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 Centre Area Transportation Authority (CATA) buses, rideshare vehicles (such as Uber or Lyft) and shuttle vehicles;
- D. 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;
- E. When in 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 in 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; and
- G. Parents or guardians are responsible for ensuring that minor children wear face coverings, unless such children are exempt as set forth herein.

## **SECTION 3. Location Exemptions**

The wearing of face coverings may be advisable, but shall not be required:

- A. In personal private vehicles and resident private dwellings;
- 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 between individual(s) maintained;
- C. Individuals who are under two years of age;

- D. While participating in recreational physical activities, whether outdoor or indoor as long as there is a distance of at least six (6) feet between individual(s) maintained; and
- E. When amongst family members and/or members of the same household.

#### **SECTION 4. Wearing of Face Coverings Not Required**

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; as described in Section 3 of the Order of the Secretary of Pennsylvania Department of Health Requiring Universal Face Coverings dated July 1, 2020;
- 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 regulators 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; and
- 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.

#### **SECTION 5. Limitations on Gathering Sizes**

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

- A. Outdoor gatherings of more than fifty (50) persons shall be prohibited. Any exception to this limitation requires prior approval from the Township;
- B. Residential gatherings of more than twenty-five (25) persons shall be prohibited.
- C. Gatherings at or in Ferguson Township public parks and other municipal property of more than fifty (50) persons shall be prohibited;
- D. Gatherings in other private commercial property shall be restricted by the limitations established by the Pennsylvania Department of Health;
- E. The gathering size restrictions set forth in this Ordinance shall apply for the property, regardless of indoors and/or outdoors;
- F. **Any restrictions on indoor and outdoor gathering sizes promulgated by the governments of the United States of America or the Commonwealth of Pennsylvania which are more restrictive than the provisions described in this Section shall supersede this Ordinance.**
- G. The provisions of this section limiting sizes of gatherings only applies to residential properties and municipal parks. The provisions of this section limiting sizes of gatherings shall not apply to non-residential properties or functions or events including private business locations; private offices; public and private schools; Centre Region Parks and

Recreation (CRPR) programming; outdoor religious and faith-based functions; private outdoor sports and recreation activities; and events such as weddings, funerals, or protest demonstrations. Any pavilion rental or group use that exceeds the fifty (50) person restriction that was approved prior to September 14, 2020 is exempt.

**SECTION 6. Enforcement**

Law enforcement and other public safety, health officers, ordinance enforcement officers, and emergency management personnel shall be charged with the enforcement of this ordinance.

- A. Any person found to have violated any mandatory provisions of this Ordinance shall be found guilty of a civil infraction, punishable by a fine of not more than one hundred dollars (\$100);
- B. Any business found not requiring their employees to comply with this Ordinance shall be found guilty of a civil infraction, punishable by a fine of three hundred dollars (\$300). Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense;
- C. 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 Township through all other legal means.

**SECTION 7. 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 8. Effective Date**

This Ordinance shall take effect within five (5) days of adoption and shall remain in effect until the Pennsylvania Department of Health, and the Centre Region Council of Governments rescinds their Emergency Declarations or on January 31, 2021, whichever date is earlier.

**ORDAINED AND ENACTED** this 21<sup>st</sup> day of September, 2020.

**TOWNSHIP OF FERGUSON**

By: \_\_\_\_\_  
Steve Miller, Chairman  
Board of Supervisors

[ S E A L ]

ATTEST:

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David G. Pribulka, Secretary