

**BOROUGH OF MEDIA
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1141 OF 2020

AN ORDINANCE OF THE BOROUGH OF MEDIA, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 155 (ENTERTAINMENT, PUBLIC, MASS GATHERINGS) OF THE CODE OF THE BOROUGH OF MEDIA TO REQUIRE THE WEARING OF FACE COVERINGS DURING THE DECLARATION OF A PANDEMIC EMERGENCY BY PERSONS ATTENDING EVENTS FOR WHICH A MASS GATHERING PERMIT HAS BEEN ISSUED AND PROVIDING PENALTIES FOR VIOLATIONS

WHEREAS, the Governor of Pennsylvania issued an emergency declaration in response to the outbreak of the COVID-19 pandemic; and

WHEREAS, in furtherance of the Governor's pandemic declaration, on July 1, 2020, Pennsylvania Secretary of Health Rachel Levine issued an order requiring face covering by persons in public places who cannot maintain a distance of at least six feet from other persons; and

WHEREAS, the Borough Council deems it to be in the best interests of health, safety and welfare of Borough residents and visitors to enact requirements for the wearing of face coverings at events for which a mass gathering permit has been issued until such time as the state of emergency has been lifted, and for the Borough to have its own police force, health officer and code officials authorized to enforce said requirement.

NOW, THEREFORE, be it enacted and ordained as follows:

Section 1. Amendment of Chapter 155 (Entertainment, Public, Mass Gatherings) by adding new § 155-9 entitled "Face Covering Required During Pandemic State of Emergency." The Code of the Borough of Media is hereby amended by adding the following new § 155-9:

§ 155-9. Face Covering Required During Pandemic State of Emergency.

A. During the pendency of the July 1, 2020 order of Secretary of Health Rachel Levine (the "Order") and until such time as such Order shall be lifted or vacated, all persons attending an event for which the Borough of Media has approved a mass gathering permit shall, prior to or upon entering the area for which such permit was approved, wear and continue to wear a face covering.

B. "Face covering" shall mean 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 ordinance, 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. If the Order is amended in such a manner as to expand or refine the definition of "face covering" then any face covering complying with such amended Order shall be deemed to be acceptable under this ordinance.

C. Exceptions to Face Covering Requirement. The following are exceptions to the face covering requirement in Section A:

- 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 who would be unable to remove a mask without assistance;
- iii. Individuals who are under two years of age;
- iv. 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
- v. Individuals seated at a restaurant table.

D. The Media Borough Police Department, Health Officer and Code Officials are all authorized to enforce this § 155-9 by the issuance of citations and as otherwise permitted by law or equity. Persons violating this § 155-9 shall be subject to removal from the event and a fine of not more than one thousand dollars (\$1,000) per occurrence

Section 2. Severability: The provisions of this Ordinance are severable, and if any sections, sentences, clauses, parts or provisions thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional, sections, sentences, clauses, parts or provisions had not been included therein.

Section 3: Saving Provision: Nothing in this Ordinance, as hereby amended, shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under this Ordinance prior to the adoption of this amendment.

Section 4: Immediate Effect: This Ordinance shall take effect and be in force from and after the date of its approval.

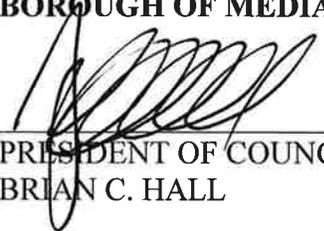
ENACTED AND ORDAINED, by the Borough of Media, Delaware County, Pennsylvania, this 20th day of August, 2020.

Attest:



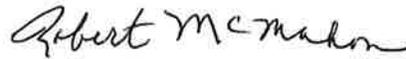
SECRETARY
JAMES SEAMAN

BOROUGH OF MEDIA



PRESIDENT OF COUNCIL
BRIAN C. HALL

Approved this 20th day of August, 2020



MAYOR
ROBERT A. McMAHON