



July 8, 2020

ORDER OF THE DIRECTOR OF THE ALLEGHENY COUNTY HEALTH DEPARTMENT TO HELP PREVENT THE SPREAD OF COVID-19

WHEREAS, the Allegheny County Health Department (hereinafter, "ACHD") is a county department of health organized under the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12001 – 12028 (hereinafter, "LHAL").

WHEREAS, the LHAL requires that whenever the ACHD's director finds a nuisance detrimental to the public health, the director must order that that nuisance be abated. 16 P.S. § 12012(d).

WHEREAS, pursuant to the Pennsylvania Disease Prevention and Control Law of 1955 (hereinafter "DPCL"), the ACHD has primary responsibility for the prevention and control of communicable and non-communicable diseases in Allegheny County. 35 P.S. § 521.3(a).

WHEREAS, Section 5 of the DCPL states, "Upon receipt by a local board or department of health or by the department, as the case may be, of a report of a disease which is subject to isolation, quarantine, or any other control measure the local board or department of health or the department shall carry out the appropriate control measures in such a manner and in such a place as is provided by rule or regulation." 35 P.S. § 521.5.

WHEREAS, the DPCL authorizes the State Advisory Health Board to promulgate rules and regulations concerning, "...the communicable diseases which are subject to isolation, quarantine, or other control measures..." 35 P.S. § 521.16(a)(3).

WHEREAS, the ACHD is a "local health authority" as that term is defined by State Advisory Health Board promulgated regulations. See 28 Pa. Code § 27.1.

WHEREAS, as a county department of health organized under the LHAL, the ACHD is a "local morbidity reporting office" or "LMRO", as that term is defined at 28 Pa. Code § 27.1.

WHEREAS, the State Advisory Health Board has issued a regulation regarding communicable disease control measures which states:

(a) The Department or local health authority shall direct isolation of a person or an animal with a communicable disease or infection; surveillance, segregation, quarantine or modified quarantine of contacts of a person or an animal with a communicable disease or infection; and any other disease control measure the Department or the local health authority considers to be appropriate for the surveillance of disease, when the disease control measure is necessary to protect the public from the spread of infectious agents.

(b) The Department and ***local health authority will determine the appropriate disease control measure based upon the disease or infection, the patient's circumstances, the type of facility available and any other available information relating to the patient and the disease or infection.***

(c) If a local health authority is not an LMRO, it shall consult with and receive approval from the Department prior to taking any disease control measure.

28 Pa. Code § 27.60 (***emphasis added***).

WHEREAS, COVID-19 is a highly infectious, communicable disease caused by a new coronavirus not previously seen in humans. It is a respiratory disease with symptoms including fever, cough, shortness of breath, and difficulty breathing. See ACHD Information Page, "What is COVID-19?", at <https://www.alleghenycounty.us/Health-Department/Resources/COVID-19/What-is-COVID-19-.aspx>.

WHEREAS, the ACHD finds that the spread of COVID-19 is a public health hazard and a nuisance detrimental to public health.

WHEREAS, on March 6, 2020, Pennsylvania Governor Tom Wolf, finding that threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Commonwealth, made a statewide disaster declaration concerning the COVID-19 pandemic.

WHEREAS, on March 12, 2020, Allegheny County Executive Rich Fitzgerald made an emergency declaration due to the COVID-19 pandemic.

WHEREAS, as of July 8, 2020, there are 92,148 confirmed COVID-19 cases present in the Commonwealth of Pennsylvania and 4,209 confirmed cases in Allegheny County. Confirmed cases of COVID-19 continue to increase daily.

WHEREAS, beginning on June 22, 2020, Allegheny County experienced a sharp increase in reported COVID-19 cases. Daily case count records occurred with 90 new cases on June 27th; 96 new cases on June 28th; 109 new cases on June 30th; 110 new cases on July 1st; and 233 new cases on July 2, 2020. Large daily increases have continued with 177 new cases

on July 3rd; 150 new cases on July 4th; 127 new cases on July 5th; 218 new cases on July 6th; 204 new cases on July 7th; and 230 cases on July 8th. As of today, the testing positivity rate for the month of July is 11%.

WHEREAS, ACHD investigations of each new COVID-19 case indicates that the sudden and sustained increase in cases beginning on June 22nd is due, in large part, to crowded conditions at bars, restaurants, and other large gatherings where alcohol is served.

WHEREAS, this Order is intended to supplement and modify, not replace, existing COVID-19 related orders issued by the Commonwealth of Pennsylvania. Therefore, the Commonwealth's COVID-19 orders and guidance including the July 1, 2020 Order concerning masking requirements remain in effect in Allegheny County.

WHEREAS, to the extent that the ACHD has determined that the increase in COVID-19 cases is attributable to crowded conditions at bars, restaurants, and large gatherings where alcohol is served, it further determines that appropriate disease control measures shall be required in order to abate and mitigate the spread of COVID-19 in Allegheny County.

NOW, THEREFORE, this 8th day of July, 2020, in furtherance of the above determinations and pursuant to the authority granted by the LHAL (16 P.S. § 12012(d)) and the DPCL (35 P.S. § 521.5; 28 Pa. Code § 27.60) the Director of the Allegheny County Health Department hereby **ORDERS** that effective on July 10, 2020, at 12:01 AM, and lasting until July 24, 2020, at 12:00 AM, the following disease prevention control measures shall be implemented to abate and mitigate the spread of COVID-19 in Allegheny County:

1. The ACHD COVID-19 Control Measure Orders dated June 28, 2020, and July 2, 2020, are hereby rescinded and replaced by this Order.
2. Indoor dining or alcohol consumption at bars, restaurants, or any other business establishments in Allegheny County is prohibited.
3. In accordance with the Commonwealth of Pennsylvania's *Guidance for Businesses in the Restaurant Industry Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public*, dated May 27, 2020, as updated June 17, 2020, relating to the Yellow Phase, bars, restaurants or any other business establishment with food service located in Allegheny County are permitted to provide take-out and delivery sales, of food and alcohol, as well as dine-in service in outdoor seating areas so long as they strictly adhere to the requirements of that Guidance, including maximum occupancy limits, and the following.

- a. Indoor areas, including bar areas, of restaurants and retail food service businesses must be closed to customers except for through-traffic. Non-bar seating in outdoor areas (i.e., tables or counter seats that do not line up to a bar or food service area) may be used for customer seating.
 - b. Customers being served must be seated at a table.
 - c. Customers are subject to a three (3) drink maximum for dine-in service at outdoor seating areas.
 - d. Dine-in service at outdoor seating is permitted until 11:00 PM. Take-out and delivery service remain permissible after 11:00 PM.
 - e. The use of tobacco products, including e-cigarettes, is prohibited at outdoor dining facilities and indoors at casinos. In accordance with the Commonwealth's Order dated July 1, 2020, face coverings must be worn at all times while in a casino.
4. Except for the restriction found above in Paragraph 3.c, alcohol consumption, and take-out sales of alcohol may continue subject to any limitations or restrictions imposed by the Pennsylvania Liquor Code, 47 P.S. §§ 1-101 – 10-1001, or other relevant Pennsylvania law.
 5. Events and gatherings of more than 25 persons indoors and more than 50 persons outdoors in Allegheny County are prohibited.
 - a. This requirement does not apply to religious gatherings held by churches, synagogues, temples, mosques, or other places of worship. Religious institutions remain subject to any requirements set forth by the Pennsylvania Department of Health.

DONE and **ENTERED** this 8th day of July, 2020, in Allegheny County, Pennsylvania by:

Debra L Bogen MD

Dr. Debra L. Bogen, MD, FAAP, FABM
Director
Allegheny County Health Department