



CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH: September 10, 2020  
LAW DEPARTMENT: September 11, 2020  
RECORDS DEPARTMENT:

**ELEVENTH SUPPLEMENTAL EMERGENCY REGULATION GOVERNING  
THE CONTROL AND PREVENTION OF COVID-19  
(INDOOR EXERCISE AND RECREATION FACILITIES)**

**WHEREAS**, the Pennsylvania Disease Control and Prevention Act of 1955, 1956, April 23, P.L. 1510, 35 P.S. § 52.1 *et seq.*, (the DCPA) and Chapter 6-200 of The Philadelphia Code authorize the Board of Health to establish lists of reportable diseases and conditions, and further provide that the Board and the Department of Public Health are responsible for implementing appropriate disease control and prevention measures in order to limit the spread of disease in an epidemic emergency; and

**WHEREAS**, Sections 6-205 and 6-206 of The Philadelphia Code provide that the Department of Public Health may by order forbid the congregation of persons when necessary to prevent the further spread of a communicable and quarantinable disease and may take such other measures as are necessary to prevent the spread of such disease; and

**WHEREAS**, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

**WHEREAS**, on March 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

**WHEREAS**, beginning on March 17, 2020, the Mayor and the Commissioner of Health as well as the Governor of the Commonwealth of Pennsylvania issued a series of orders ordering certain businesses to close across the City and Commonwealth, respectively, and requiring individuals to remain at home with certain exceptions; and

**WHEREAS**, on March 26, 2020, the Board of Health approved an Emergency Regulation Governing the Control and Prevention of COVID-19 (effective March 27, 2020), which adopted the Mayor and the Health Commissioner's March 22, 2020 Prohibition on Non-Essential Business and expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate control or prevention measures to limit the spread of COVID-19; and

**WHEREAS**, on April 15, 2020, the Secretary of Health of the Commonwealth of Pennsylvania issued an Order requiring comprehensive safety measures to be employed in all businesses maintaining physical operations, including standards for cleaning and disinfecting high-touch areas, establishing protocols for businesses exposed to probable or confirmed cases of

COVID-19, limiting the numbers of employees on the premises and ensuring access to protective and sanitary equipment and supplies; and

**WHEREAS**, on May 29, 2020, the Mayor and Health Commissioner issued an “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They Are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19)”; and

**WHEREAS**, the Mayor and Health Commissioner, in recognition that cautious reopening with constant review of potential impacts on public health is in the best interests of Philadelphia, have issued a series of Orders gradually easing restrictions with respect to, *inter alia*, outdoor dining, use of pools, personal grooming services, retail businesses, outdoor sports, and other activities; and

**WHEREAS**, while daily COVID-19 case counts have fallen significantly from their peak earlier in the year, risk of community spread of COVID-19 remains, necessitating continued vigilance; and

**WHEREAS**, the Mayor and Health Commissioner have determined that, under applicable safety requirements and guidelines, certain additional activities are within the range of acceptable activities that may resume; and

**WHEREAS**, to that end, the Mayor and Health Commissioner issued on July 20, 2020 an “Amendment Regarding Additional Permitted Activities to the Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They Are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), Further Changes to Modified Green Phase” (the “July 20, 2020 Order”), which permitted the resumption of gym and other indoor exercise facility operation subject to compliance with applicable guidance and requirements; and

**WHEREAS**, further to that end, the Mayor and Health Commissioner issued on August 21, 2020 a “Second Amendment Regarding Additional Permitted Activities to the Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They Are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), Further Changes to Modified Green Phase” (the “August 21, 2020 Order”), which permitted the resumption of indoor recreation facility operation subject to compliance with applicable guidance and requirements; and

**WHEREAS**, the Board of Health agrees with these determinations, and recognizes that the situation involving the COVID-19 pandemic is fast moving and often requires changes to control measures both to impose additional measures and to roll back required measures when appropriate; and

**WHEREAS**, consistent with the foregoing, the Board hereby promulgates the below Eleventh Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Indoor Recreation Facilities) to adopt the July 20, 2020 Order and the August 21, 2020 Order, as a temporary regulation effective upon delivery to the Department of

Records, while the remaining procedures and formalities of Section 8-407 are followed to promulgate the amendment as a permanent regulation;

**NOW, THEREFORE,** the Board of Health hereby adopts the following regulation, effective immediately:

1. This Emergency Regulation supplements the Philadelphia Department of Public Health's *Regulations Governing the Control of Communicable and Non-communicable Diseases and Conditions* and its other emergency regulations governing the control and prevention of COVID-19.

2. The Board hereby fully adopts the Mayor and Health Commissioner's July 20, 2020 "Amendment Regarding Additional Permitted Activities to the Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They Are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), Further Changes to Modified Green Phase," which permitted the resumption of gym and other indoor exercise facility operation subject to compliance with applicable guidance and requirements, and which is attached hereto as Attachment A.

3. The Board hereby fully adopts the Mayor and Health Commissioner's August 21, 2020 "Second Amendment Regarding Additional Permitted Activities to the Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They Are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), Further Changes to Modified Green Phase," which permitted the resumption of indoor recreation facility operation subject to compliance with applicable guidance and requirements, and which is attached hereto as Attachment B.

4. This Emergency Regulation shall be effective upon filing with the Department of Records and remain effective until expressly superseded or repealed by the Board at the conclusion of the COVID-19 emergency.

Attachment A



**CITY OF PHILADELPHIA**  
**OFFICE OF THE MAYOR**  
**DEPARTMENT OF PUBLIC HEALTH**

**AMENDMENT REGARDING ADDITIONAL PERMITTED ACTIVITIES TO THE  
EMERGENCY ORDER ALLOWING LIMITED REOPENING OF BUSINESSES,  
ADVISING PHILADELPHIANS THAT THEY ARE SAFER AT HOME, AND  
ESTABLISHING SAFETY MEASURES TO PREVENT THE SPREAD OF  
2019 NOVEL CORONAVIRUS (COVID-19)**

**FURTHER CHANGES TO  
MODIFIED GREEN PHASE**

**WHEREAS**, the 2019 novel coronavirus disease, COVID-19, can cause severe disease and death, particularly in older adult and other vulnerable populations; and

**WHEREAS**, on March 6, 2020, in response to the emerging spread of COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

**WHEREAS**, on March 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

**WHEREAS**, on March 17, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order prohibiting operation of non-essential businesses to prevent the spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor and the Secretary of the Pennsylvania Department of Health issued orders requiring all non-life-sustaining businesses to close across the Commonwealth, to help stop the spread of the virus and the Governor and Secretary updated the aforementioned orders and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and multiple times thereafter; and

**WHEREAS**, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and

Congregation of Persons to Prevent the Spread of COVID-19, which superseded the Emergency Order issued by the Mayor and Health Commissioner dated March 17, 2020, and which was approved as a regulation of the City by the Board of Health on March 26, 2020, which expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate to limit the spread of COVID-19; and

**WHEREAS**, on April 15, 2020, the Secretary of Health of the Commonwealth of Pennsylvania issued an Order “Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations,” which requires comprehensive safety measures to be employed in all businesses maintaining physical operations, including standards for cleaning and disinfecting high-touch areas, establishing protocols for businesses exposed to probable or confirmed cases of COVID-19, limiting the numbers of employees on the premises and ensuring access to protective and sanitary equipment and supplies; and

**WHEREAS**, on April 23, 2020, the Governor announced a *Plan for Pennsylvania* that set residents and businesses on a path to recovery from the COVID-19 pandemic while continuing to protect life from the dangers of this deadly virus, which included, *inter alia*, Red, Yellow, and Green Phases of reopening; and

**WHEREAS**, the Mayor and Health Commissioner determined on May 29, 2020, that Philadelphia could move to the Yellow Phase with additional, Philadelphia-specific restrictions that would apply in addition to restrictions established by the Governor, including limitations on outdoor dining, and executed an Order entitled “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians hat They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening” (“Yellow Phase Order”) to implement that decision, effective on the date determined by the Governor that the City of Philadelphia should move into the Yellow Phase, expected to be June 5, 2020; and

**WHEREAS**, on or around May 28, 2020, the City’s Department of Public Health released *Safe Mode: Guidelines for Safer Operations During the COVID-19 Pandemic*, which provides specific reopening guidance for specific types of facilities that may be able to open or expand operations during the Yellow Phase; and

**WHEREAS**, on June 4, 2020, the Governor and Secretary of Health’s amended their respective orders for Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, to apply to Philadelphia effective June 5th, which generally moved the City into the Yellow Phase pursuant to the Governor’s guidelines; and

**WHEREAS**, since that time, the Mayor and Health Commissioner, in recognition that cautious reopening with constant review of potential impacts on public health is in the best interests of Philadelphia, have issued a series of Orders gradually easing restrictions with respect to, *inter alia*, outdoor dining, use of pools, personal grooming services, retail businesses, outdoor sports and other activities;

**WHEREAS**, although the Governor announced that Philadelphia was authorized to join other southeastern Pennsylvania counties in moving to the Green Phase of reopening on June 26, 2020, the Mayor and Health Commissioner, in consideration of public health data and the noted effects on public health in June and July in states that have hastily reopened, including marked increases of positively identified COVID cases, the City is taking a cautious approach to moving to the Green Phase; and

**WHEREAS**, Philadelphians are working hard to turn back COVID-19, and they are succeeding. Because of social-distancing actions and the various City Orders protecting the public health, daily COVID-19 case counts have fallen significantly from counts in mid-April and mid-May. The rate of community spread of COVID-19 in Philadelphia remains high, however, and measures to continue to reduce its spread must be maintained and observed; and

**WHEREAS**, on June 26, 2020, the Mayor and Health Commissioner issued an order requiring the wearing of masks in many indoor and outdoor situations, and on July 1, 2020, the Governor issued a similar order; and

**WHEREAS**, the Mayor and Health Commissioner have determined that, under applicable safety requirements and guidelines, certain additional activities are within the range of acceptable activities that may resume in a modified Green Phase of reopening; and

**WHEREAS**, pursuant to authority set forth in The Philadelphia Code and The Philadelphia Home Rule Charter, the Mayor has broad authority to set forth limitations on public activities during a state of national health emergency; and

**WHEREAS**, Sections 6-205 and 6-206 of The Philadelphia Code provide that the Department of Public Health may by order forbid the congregation of persons when necessary to prevent the further spread of a communicable and quarantinable disease and may take such other measures as are necessary to prevent the spread of such disease;

**NOW, THEREFORE**, James F. Kenney, Mayor of the City of Philadelphia, and Dr. Thomas A. Farley, Health Commissioner of the City of Philadelphia, pursuant to all authority granted under the Philadelphia Home Rule Charter, The Philadelphia Code, the Regulations



of the Board of Health of the City of Philadelphia and applicable state law, hereby **ORDER** as follows:

**Section 1. Additional Activities Permitted In the Move to a Modified Green Phase.**

Operation of gyms and other indoor exercise facilities may be resumed, provided activities in such facilities are conducted pursuant to all applicable guidance and requirements of the Commonwealth and the City, including occupancy and capacity limitations and masking and social distancing requirements. Specific guidance for such facilities has been posted by the Department of Public Health. Indoor exercise facilities does not include indoor recreation facilities, such as facilities for bowling, pool halls, laser tag, arcades or for sporting activities where distancing requirements cannot be followed, such as multi-player indoor basketball or indoor hockey.

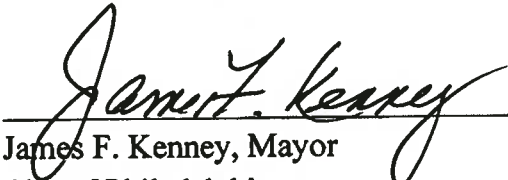
**Section 2. Interpretation and Implementation.**

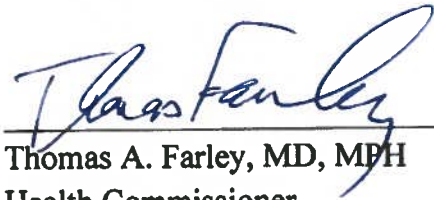
a. Unless otherwise stated, this Order shall be interpreted as consistent with applicable orders and requirements of the Commonwealth of Pennsylvania. The City shall continue to adhere to waivers, exemptions, or recategorizations issued by the Commonwealth from its emergency orders, subject to all applicable laws and regulations. The City shall continue reviewing inquiries and submissions regarding the applicability of the City's orders to businesses and activities.

b. Facilities subject to this Order must allow inspection of ongoing operations as a condition of operation. Failure to comply with this Order shall result in orders to cease operations and the imposition of penalties, fines, license suspensions, and other remedies as provided for by law.

c. This Order shall remain in effect until rescinded, superseded, or amended by further Order.

Date: July 20, 2020

  
James F. Kenney, Mayor  
City of Philadelphia

  
Thomas A. Farley, MD, MPH  
Health Commissioner  
City of Philadelphia



Attachment B



**CITY OF PHILADELPHIA**  
**OFFICE OF THE MAYOR**  
**DEPARTMENT OF PUBLIC HEALTH**

**SECOND AMENDMENT REGARDING  
ADDITIONAL PERMITTED ACTIVITIES TO THE**

**EMERGENCY ORDER ALLOWING LIMITED REOPENING OF BUSINESSES,  
ADVISING PHILADELPHIANS THAT THEY ARE SAFER AT HOME, AND  
ESTABLISHING SAFETY MEASURES TO PREVENT THE SPREAD OF  
2019 NOVEL CORONAVIRUS (COVID-19)**

**FURTHER CHANGES TO  
MODIFIED GREEN PHASE**

**WHEREAS**, the 2019 novel coronavirus disease, COVID-19, can cause severe disease and death, particularly in older adult and other vulnerable populations; and

**WHEREAS**, on March 6, 2020, in response to the emerging spread of COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

**WHEREAS**, on March 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

**WHEREAS**, on March 17, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order prohibiting operation of non-essential businesses to prevent the spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor and the Secretary of the Pennsylvania Department of Health issued orders requiring all non-life-sustaining businesses to close across the Commonwealth, to help stop the spread of the virus and the Governor and Secretary updated the aforementioned orders and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and multiple times thereafter; and

**WHEREAS**, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and Congregation of Persons to Prevent the Spread of COVID-19, which superseded the Emergency Order issued by the Mayor and Health Commissioner dated March 17, 2020, and which was approved as a regulation of the City by the Board of Health on March 26, 2020, which expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate to limit the spread of COVID-19; and

**WHEREAS**, on April 15, 2020, the Secretary of Health of the Commonwealth of Pennsylvania issued an Order “Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations,” which requires comprehensive safety measures to be employed in all businesses maintaining physical operations, including standards for cleaning and disinfecting high-touch areas, establishing protocols for businesses exposed to probable or confirmed cases of COVID-19, limiting the numbers of employees on the premises and ensuring access to protective and sanitary equipment and supplies; and

**WHEREAS**, on April 23, 2020, the Governor announced a *Plan for Pennsylvania* that set residents and businesses on a path to recovery from the COVID-19 pandemic while continuing to protect life from the dangers of this deadly virus, which included, *inter alia*, Red, Yellow, and Green Phases of reopening; and

**WHEREAS**, the Mayor and Health Commissioner determined on May 29, 2020, that Philadelphia could move to the Yellow Phase with additional, Philadelphia-specific restrictions that would apply in addition to restrictions established by the Governor, including limitations on outdoor dining, and executed an Order entitled “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians hat They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening” (“Yellow Phase Order”) to implement that decision, effective on the date determined by the Governor that the City of Philadelphia should move into the Yellow Phase, expected to be June 5, 2020; and

**WHEREAS**, on or around May 28, 2020, the City’s Department of Public Health released *Safe Mode: Guidelines for Safer Operations During the COVID-19 Pandemic*, which provides specific reopening guidance for specific types of facilities that may be able to open or expand operations during the Yellow Phase; and

**WHEREAS**, on June 4, 2020, the Governor and Secretary of Health’s amended their respective orders for Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, to apply to Philadelphia effective June 5th,

which generally moved the City into the Yellow Phase pursuant to the Governor's guidelines; and

**WHEREAS**, since that time, the Mayor and Health Commissioner, in recognition that cautious reopening with constant review of potential impacts on public health is in the best interests of Philadelphia, have issued a series of Orders gradually easing restrictions with respect to, *inter alia*, outdoor dining, use of pools, personal grooming services, retail businesses, outdoor sports and other activities;

**WHEREAS**, although the Governor announced that Philadelphia was authorized to join other southeastern Pennsylvania counties in moving to the Green Phase of reopening on June 26, 2020, the Mayor and Health Commissioner, in consideration of public health data and the noted effects on public health in June and July in states that have hastily reopened, including marked increases of positively identified COVID cases, the City is taking a cautious approach to moving to the Green Phase; and

**WHEREAS**, Philadelphians are working hard to turn back COVID-19, and they are succeeding. Because of social-distancing actions and the various City Orders protecting the public health, daily COVID-19 case counts have fallen significantly from counts in mid-April and mid-May. The rate of community spread of COVID-19 in Philadelphia remains high, however, and measures to continue to reduce its spread must be maintained and observed; and

**WHEREAS**, on June 26, 2020, the Mayor and Health Commissioner issued an order requiring the wearing of masks in many indoor and outdoor situations, and on July 1, 2020, the Governor issued a similar order; and

**WHEREAS**, the Mayor and Health Commissioner have determined that, under applicable safety requirements and guidelines, certain additional activities are within the range of acceptable activities that may resume in a modified Green Phase of reopening; and

**WHEREAS**, pursuant to authority set forth in The Philadelphia Code and The Philadelphia Home Rule Charter, the Mayor has broad authority to set forth limitations on public activities during a state of national health emergency; and

**WHEREAS**, Sections 6-205 and 6-206 of The Philadelphia Code provide that the Department of Public Health may by order forbid the congregation of persons when necessary to prevent the further spread of a communicable and quarantinable disease and may take such other measures as are necessary to prevent the spread of such disease;

**NOW, THEREFORE,** James F. Kenney, Mayor of the City of Philadelphia, and Dr. Thomas A. Farley, Health Commissioner of the City of Philadelphia, pursuant to all authority granted under the Philadelphia Home Rule Charter, The Philadelphia Code, the Regulations of the Board of Health of the City of Philadelphia and applicable state law, hereby **ORDER** as follows:

**Section 1. Additional Activities Permitted In the Move to a Modified Green Phase.**

Indoor recreation facilities, such as facilities for bowling, pool halls, laser tag, and arcades, may resume business, provided activities in such facilities are conducted pursuant to all applicable guidance and requirements of the Commonwealth and the City, including occupancy and capacity limitations and masking and social distancing requirements. Indoor recreation facilities may not allow eating, drinking, or smoking on-site. Other specific guidance for such facilities has been posted by the Department of Public Health.

Activities in an indoor recreation facility where distancing requirements cannot be consistently followed remain prohibited. Indoor multi-player sporting activities such as multi-player indoor basketball or indoor hockey likewise remain prohibited.

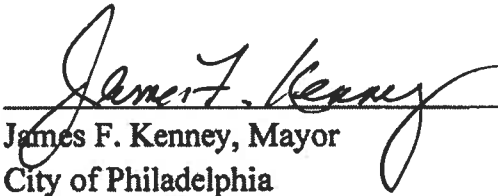
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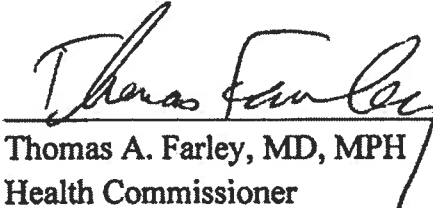
a. Unless otherwise stated, this Order shall be interpreted as consistent with applicable orders and requirements of the Commonwealth of Pennsylvania. The City shall continue to adhere to waivers, exemptions, or recategorizations issued by the Commonwealth from its emergency orders, subject to all applicable laws and regulations. The City shall continue reviewing inquiries and submissions regarding the applicability of the City's orders to businesses and activities.

b. Facilities subject to this Order must allow inspection of ongoing operations as a condition of operation. Failure to comply with this Order shall result in orders to cease operations and the imposition of penalties, fines, license suspensions, and other remedies as provided for by law.

c. This Order shall be effective August 20, 2020 and shall remain in effect until rescinded, superseded, or amended by further Order.

Date: August 21, 2020

  
James F. Kenney, Mayor  
City of Philadelphia

  
Thomas A. Farley, MD, MPH  
Health Commissioner  
City of Philadelphia