

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 60 - 2022

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AUGUST 3, 2022

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AN ORDINANCE

Amending the City of Allentown Code, Part II, General Legislation, by adding Chapter 474, Regulating Rights and Actions, § 474-1, Buffer Zones, creating buffer zones at hospital, medical offices or clinics engaged in assisting patients and other persons entering or exiting such facilities.

**SECTION ONE:** That the following be added to Part II, General Legislation, as Chapter 474 Regulating Rights and Actions, § 474-1, Buffer Zones.

**Chapter 474 Regulating Rights and Actions,**

**§ 474-1, Buffer Zones**

**A. DEFINITIONS:** For the purposes of this section the following definitions shall apply:

**1. *Hospital*** means an institution that:

(1) Offers services beyond those required for room, board, personal services and general nursing care; and, (2) Offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and, (3) Regularly makes available clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical treatment of similar extent.

Hospitals may include offices for medical and dental personnel, central facilities such as pharmacies, medical laboratories and other related uses.

**2. *Medical office/clinic*** means an establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an out-patient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and clinics and out-patient medical laboratories.

**B. FIFTEEN-FOOT BUFFER ZONE.**

No person or persons shall knowingly congregate, patrol, picket or demonstrate in a zone extending fifteen (15) feet from any entrance to the hospital and or

medical office/clinic. This section shall not apply to police and public safety officers, fire and rescue personnel, or other emergency workers during their official business, or to authorized security personnel employees or agents of the hospital, medical office or clinic engaged in assisting patients and other persons to enter or exit the hospital, medical office, or clinic.

### **C. PENALTY.**

Any person, firm, or corporation who pleads guilty or nolo contendere, or is convicted of violating of this section shall be guilty of a summary offense and punished by a fine of at least fifty dollars (\$50.00) for the first offense; a fine of at least one hundred fifty dollars (\$150.00) for a second offense within five (5) years; and a fine of three hundred dollars (\$300.00) for a third offense within five (5) years.

For fourth and subsequent offenses within five (5) years the fine shall not be less than three hundred dollars (\$300.00) and/or imprisonment for not less than three (3) days but not more than thirty (30) days.

No part of the minimum fine may be suspended or discharged, except upon proof and a finding of indigence by the court. Indigent defendants may pay fines imposed under this section by participation in a court designated community service program, crediting the commensurate dollar amount of each hour of community service toward payment of the minimum fine owed.

**SECTION TWO:** That the following **§ 474-5 Severability** be added as a provision for this section and chapter:

#### **§ 474-5 Severability.**

The provisions of this Chapter are severable. If any portion of this Chapter is held invalid, unenforceable, or unconstitutional by any court of competent jurisdiction, it shall not affect the validity of the remaining portions of this Chapter, which shall be given and remains in full force and effect.

**SECTION THREE:** That this Ordinance will take effect ten (10) days after final passage.

**SECTION FOUR:** That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.