

# **TOWNSHIP OF LOWER MERION**

## ***Building & Planning Committee***

### **Issue Briefing**

**Topic:** Request for waiver of Township Code § 111-4.2 regulating open containers for the Oktoberfest event hosted by Ardmore Initiative

**Prepared By:** Eric Persson, Economic Development Specialist

**Date:** July 16, 2018

#### **I. Action to Be Considered by The Board:**

Waive Township Code § 111-4.2 to permit patrons to possess open containers with alcoholic beverages and to serve alcoholic beverages in public Rights-of-Way within a regulated area on September 22, 2018.

#### **II. Why This Issue Requires Board Consideration:**

This event requires a waiver of Township Code § 111-4.2 to serve and consume alcohol in the public Right-of-Way and to possess open containers in a public place for this day and event.

Code § 111-4.2 states: No person shall drink an alcoholic beverage, nor shall any person, firm, corporation or other organization possess an open container containing an alcoholic beverage, whether inside or outside of a motor vehicle or any part thereof, on or in any public place within the Township of Lower Merion.

#### **III. Current Policy or Practice (If Applicable):**

Current policy prohibits the consumption of alcohol in open containers in a public place. Current policy also requires approval from the Board of Commissioners to serve and consume alcohol in public Right-of-Way. This code provision has been waived for similar special events in Ardmore and other commercial districts in the Township.

#### **IV. Other Relevant Background Information:**

This particular event has been conducted for seven years. Each establishment will maintain their respective requirements to prevent the sale of alcoholic beverages or use by those underage; provide their own event liability insurance; comply with any Montgomery County temporary food licenses and requirements and any stipulated by the Pennsylvania Liquor and Control Board (PLCB). All servers are paid employees of the participating restaurants and are certified under the Responsible Alcohol Management Program (RAMP) as established by the PLCB.

The proposed event is to be held on September 22, 2018 with no rain date scheduled. The event will operate from approximately 2pm to 8pm. The sponsor will contact nearby businesses and residents to notify them of the event and street and lot restrictions.

The event sponsors are moving the controlled area onto the first block of Cricket Avenue immediately south of Lancaster Avenue (see map). The adjoining portions of Cricket Terrace and Haws Terrace will be used for musical entertainment and family-friendly activities. This upper block of Cricket Avenue would be closed off to vehicular traffic, but remaining portions of Cricket Avenue, Haws Terrace, Cricket Terrace, and Trolley Way will remain open. Activities outside of the beer garden area are free and open to the public.

**V. Impact on Township Finances:**

There is no impact on Township finances because the event sponsors will purchase the use of the metered spaces in the restricted area on Cricket Avenue.

**VI. Staff Recommendation:**

Staff recommends that the waiver be approved.

