

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Waiver of Township Code regulating open containers for a holiday event hosted by Ardmore Initiative on December 6, 2019

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Date: October 29, 2019

I. Action to Be Considered by The Board:

Waive Township Code § 111-4.2 as requested by Ardmore Initiative to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages in public rights-of-way within a regulated area on December 6, 2019 between the hours of 5:00 p.m. and 9:00 p.m.

II. Why This Issue Requires Board Consideration:

A provision in the First-Class Township Code allows for a market on Township property or rights-of-way. This provision allows the Board of Commissioners to permit this event by providing and establishing regulations for the area. This event requires a waiver of Township Code § 111-4.2 to serve and consume alcohol in a 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. This 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 this and similar special events in Ardmore and other commercial districts in the Township.

IV. Other Relevant Background Information:

The proposed holiday event is to be held on December 6, 2019 with no rain date scheduled. This controlled area is proposed to be a centralized meeting area to encourage attendees to participate with many Ardmore businesses planning to be open that evening. This controlled area will allow the sponsor to provide attendees maps of participating stores as well as a waiting area for the participants to board/depart trolley rides in the Ardmore commercial area. In addition to these activities, the Ardmore Initiative proposes to provide musical entertainment within this area and host food and beverage vendors who may also provide the sale of alcoholic beverages. Ardmore Initiative has invited

local vendors whom have previously participated in similar events; however, commitments have not been confirmed as yet.

The initial set up of the event will start at noon and clean-up will end by 11:00 p.m. The event will operate from approximately 5 p.m. to 9 p.m. The sponsor will contact nearby businesses to notify them of the event and lot restrictions. 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 event sponsors propose to maintain the controlled area within Schaufele Plaza (see map). Activities outside of the area are free and open to the public. Nearby parking will be available at the Cricket Avenue Municipal Parking Garage.

V. Impact on Township Finances:

The event sponsors will purchase the use of the metered spaces in Schaufele Plaza Municipal Lot 6.

VI. Staff Recommendation:

Staff recommends that the alcohol waiver be approved as requested subject to the purveyors providing the required insurance certificate documenting adequate coverage as required by the Township.

