

TOWNSHIP OF LOWER MERION

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER MERION TOWNSHIP, MONTGOMERY COUNTY, ESTABLISHING GUIDELINES AND POLICY FOR OUTDOOR SALES OF FOOD AND MERCHANDISE AT EXISTING BUSINESSES IN THE TOWNSHIP DURING THE CORONAVIRUS PANDEMIC

WHEREAS, Governor Wolf issued a Proclamation of Disaster Emergency on March 6, 2020, authorizing political subdivisions to act as necessary within the powers conferred by the Proclamation of Disaster Emergency to meet the exigencies of the emergency; AND

WHEREAS, on May 1, 2020, the Governor's Office presented a plan entitled Process to Reopen Pennsylvania which will ease social gathering restrictions in phases based upon public health indicators while requiring ongoing compliance with Centers for Disease Control and Pennsylvania Department of Health guidance for social distancing and workplace safety; AND

WHEREAS, on June 5, the Governor announced that Montgomery County would move to the yellow phase of the Process to Reopen Pennsylvania plan; AND

WHEREAS, federal and state health and regulatory agencies have called for the implementation of safety measures, such as increased workplace ventilation, increased physical distance between employees and customers, and alteration of hours based on building size and number of employees; AND

WHEREAS, the safety measures are advanced and made more effective by the temporary allowance of outdoor dining and commercial activity provided such dining and commercial activity occur consistent with all other state and federal statutes, regulations, and orders.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Lower Merion Township, hereby establishes guidelines and a policy for outdoor sale of merchandise and outdoor dining at existing businesses in the Township for a period of ninety days on properties where it might otherwise be restricted or prohibited provided the following:

1. The merchant seeking to use outdoor space to conduct commercial activity and dining shall be responsible for compliance with all local, county, state and federal statutes, regulations, and orders, as well permission from the landlord or owner of the property. The terms of this resolution and the guidelines to conduct outdoor commercial activity and dining expressly do not excuse merchants from complying with federal and state orders, including but not limited to those relating to COVID-19 mitigation nor pre-existing statutes and regulations such as Pennsylvania Department of Health requirements relating to outdoor dining.

2. Although additional parking shall not be required for outdoor sales, the merchant seeking to use outdoor space to conduct commercial activity shall communicate to customers nearby locations where parking is permitted and available to meet the needs of its customers.
3. If a merchant uses part of a sidewalk, the merchant shall allow sufficient space for pedestrians and handicapped individuals to traverse the sidewalk in compliance with ADA laws and the outdoor dining and sales regulations included with this Resolution.
4. If a merchant uses spaces in a private parking lot, the merchant shall provide safe separation between its customers and vehicles with the use of physical barriers approved by the Zoning Officer and Parking Services Department and shall not occupy any handicapped parking area.
5. The merchant seeking to use outdoor space to conduct commercial activity shall abide by noise, light, and nuisance regulations found in the Lower Merion Township Code.
6. A set of outdoor dining/sales rules and regulations applicable during the terms of this resolution are included with this Resolution and shall be posted on the Township's web site and social media sites and distributed upon request.
7. This Resolution and its authorization to conduct commercial activity in outdoor spaces beyond what may be permitted in the Lower Merion Code shall expire ninety days after its effective date, unless extended by the Board of Commissioners.

RESOLVED this _____ day of _____ 2020 by the Board of Commissioners of the Township of Lower Merion.

BOARD OF COMMISSIONERS
TOWNSHIP OF LOWER MERION

BY: _____
Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary