

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Waiver of Township Code regulating open containers.

Prepared By: Eric Persson, Economic Development Specialist

Date: June 30, 2020

I. Action To Be Considered By The Board:

Waive Township Code § 111-4.2 as requested by the applicants Narberth Ambulance and Tired Hands Brewing Company to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages on public rights-of-way within a regulated area on August 9, 2020 between the hours of 11:00am to 4:00pm.

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 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 this and similar special events in Ardmore and other commercial districts in the Township.

Additionally, as the Township may still be operating under 'Green' from the pandemic restrictions, the applicant will provide a process to implement social distancing during the operation of the beer garden area.

IV. Other Relevant Background Information:

This race is organized by the Narberth Ambulance working with the Trek Bike Shop. These groups have partnered in the past with Tired Hands Brewing Company to help promote this race and propose to continue the partnership this year with events such as

the beer garden. The only outdoor area where Tired Hands will be selling alcoholic beverages will be at the beer garden in Schaufele Plaza.

The written request from Narberth Ambulance and Tired Hands includes a map of Schaufele Plaza showing the location for the beer garden in Schaufele Plaza, as well as the consumption of alcohol along the south side sidewalk of Lancaster Avenue. This is the same area that has been used in prior years. Tired Hands will sell all beer in cans from their garage doors, and license the area labeled as the beer garden with their liquor license.

Tired Hands has implemented safety protocols for those transactions: Patrons over the age of 21 at the beer garden will be required to show identification before they are served any alcohol. Each of those persons will also be wrist-banded; guests must be six feet apart from each other and from staff; both customers and employees will need to wear masks. A dedicated safety officer the day of the race will be assigned to Schaufele Plaza to maintain capacity below the recommendations of the governor's office. Main Line Bike Race staff will work hand in hand with Tired Hands staff to monitor this area. Facemasks will be offered at the entry points to the Beer Garden provided by Narberth Ambulance, but will not be required while eating or drinking. Mask use for guests will follow the most current recommendations of the governor's office.

As in the past, the sponsors have requested that the restricted area for open containers extend along the south side sidewalk from the beer garden in Schaufele Plaza to the east side of Ardmore Avenue. The sidewalk in this area will already be fenced along the racecourse on Lancaster Avenue, while the building frontage will restrict movement southward. There are only two alley ways on either side of Tropicraft Furniture and Cricket Avenue, that could allow movement out of the restricted area, but these locations will be manned by RAMP certified staff from Tired Hands and the lot at Bryn Mawr Trust will host a Narberth Ambulance tent. Approximately 10-12 RAMP certified staff will be involved throughout this area to monitor and oversee security.

Patrons over the age of 21 at the beer garden will be required to show identification before they are served any alcohol. Each of those persons will also be wrist-banded. Narberth Ambulance will provide volunteer staff during the operation of the Family Fun Center and the beer garden to monitor attendees and assure that consumers stay with the designated area.

The Police Department has been working with the various groups associated with this event and will have Police Officers available as needed for the bike race and associated events on August 9. This specific event has been discussed with the Police Department and other Township staff and approved for a special event permit.

V. Impact on Township Finances:

There is no direct impact on Township Finances.

VI. Staff Recommendation:

Staff recommends that the alcohol waiver be approved as requested subject to Tired Hands providing the required insurance certificate documenting adequate coverage as required by the Township and providing enforcement of social distancing during the event.

