

# **TOWNSHIP OF LOWER MERION**

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

### **Issue Briefing**

**Topic:** Request for a waiver from Township Code §111-4.2 regulating open containers for a Bastille Day event to be held on a portion of Station Avenue on July 14, 2019.

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

**Date:** May 31, 2019

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

Waive Township Code §111-4.2 as requested by the applicant, Ardmore Initiative, 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 July 14, 2019.

#### **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 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:**

The proposed event is to be held on July 14, 2019 on Station Avenue, Ardmore with no rain date scheduled. The event is intended to be a family-friendly community event to help celebrate a cultural holiday. Both the French Consulate and the French International School have been notified and have offered support to recognize the event. Proposed activities that will be free and open to the public will include face painting, arts and crafts, a moon bounce, roving mime, and live music. There will also be a seating area

separate from the activities where the food and beverage supplied by The Bercy can be purchased and enjoyed.

The event sponsors propose to close a section of Station Avenue for this event and maintain the controlled area on the first block of Station Avenue immediately north of Lancaster Avenue (see attached map). All entertainment and seating will be contained within that area. The remaining portion of Station Avenue, Ardmore Train Station and the SEPTA parking lot will remain open at all times. Lane restrictions on Anderson Avenue will already be in effect for roadway construction activities at Suburban Square, which should limit traffic on Anderson Avenue.

The sponsors have requested the area be closed from 10 a.m. to 6 p.m. to allow ample time to set-up and break down the event. The event will operate from approximately Noon to 4 p.m. The sponsors will contact the nearby businesses and residents adjacent to the event area to notify them of the event and street restrictions. The Bercy will be responsible to maintain the 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 any requirements 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.

Various staff including the Traffic Safety Division have reviewed and approved the special event permit.

**V. Impact on Township Finances:**

There is no impact on Township finances.

**VI. Staff Recommendation:**

Recommend that the waiver be granted subject to The Bercy obtaining the appropriate PLCB permission.