

# **TOWNSHIP OF LOWER MERION**

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

### **Issue Briefing**

**Topic:** Waiver of Township Code regulating open containers for the Oktoberfest event hosted by Ardmore Initiative on September 28, 2019

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

**Date:** July 5, 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 September 28, 2019 between the hours of 2:00 PM and 8:00 PM.

#### **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 rights-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 with 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.

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

The proposed event will be held on September 28, 2019 with no rain date scheduled. The initial set up of the event will start at 10:00 AM and clean-up will end by 10:00 PM. The event will operate from approximately 2 PM to 8 PM. The sponsor will contact nearby businesses and residents to notify them of the event and street 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 and around Schaufele Plaza (see map). An adjoining portion of Cricket Terrace and Cricket Terrace Municipal Lot 5 will be used for musical entertainment and family-friendly activities. The remaining portion of Cricket Terrace and South Cricket Terrace will remain open and accessible from Cricket Avenue and Lancaster Avenue via the alleyway between Schaufele Plaza Lot 6 and Bella Italia. Activities outside of the beer garden area are free and open to the public. Parking will be available at the One Ardmore Place municipal parking garage.

**V. Impact on Township Finances:**

The event sponsors will purchase the use of the metered spaces in both Municipal Lot 5 and 6.

**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.

