RESOLUTION NO. 2020-029

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTS TOWN, MONTGOMERY COUNTY, PENNSYLVANIA, EXTENDING AND ESTABLISHING GUIDELINES AND POLICY FOR OUTDOOR SALES OF FOOD AND MERCHANDISE OF EXISTING BUSINESSES IN CERTAIN PORTIONS OF THE BOROUGH 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, 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 AND IT IS HEREBY RESOLVED, that the Pottstown Borough Council, hereby extends and establishes guidelines and a policy for outdoor sale of merchandise and outdoor dining of existing businesses within certain areas of the Borough for a period of six (6) months or one hundred and eighty (180) days in areas on properties where it might otherwise be prohibited provided that the following conditions are satisfied:

1. The merchant seeking to use outdoor space to conduct commercial activity and dining shall be responsible for compliance with all 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. The merchant seeking to use outdoor space to conduct commercial activity shall nevertheless provide sufficient parking 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.

4. If a merchant uses spaces in a parking lot or uses parking spaces on the public street, the merchant shall provide safe separation between its customers and vehicles with the use of physical barriers and forward a sketch plan and details on the type of barriers for review by the Department of Licensing and Inspections, the Police Department and the Fire Department, and shall not occupy any handicapped parking area or Bus Stop.

5. The merchant seeking to use outdoor space to conduct commercial activity shall abide by any and all nuisance regulations as set forth in the Pottstown Borough Code of Ordinances, as amended.

6. The provisions of this Resolution shall apply to all merchants in the Borough with the exception of merchants using public parking spaces located on a public street which shall only be utilized for food service and drink service uses and shall be limited to the street frontage of the addresses of 0 to 340 High Street and contiguous properties in accordance with PLCB service area extension guidelines.

7. Merchants regulated by the PLCB are permitted to extend their service areas in the Borough in locations permitted above provided that the applicants make successful applications to the PLCB. This resolution shall serve as the required documentation from the local jurisdiction for permission of these establishments to operate in the extended service area.

8. Permit requirements for outdoor dining shall be waived for the duration of this authorization.

9. This Resolution and its authorization to conduct commercial activity in outdoor areas shall expire upon further resolution of Borough Council or upon six (6) months or one hundred and eighty (180) days of its effective date, whichever first shall occur.

ENACTED and RESOLVED, this 9th day of November 2020

THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN

BY: [Signature]
   Dan Wcand, President

ATTEST: [Signature]
   Secretary