

ORDINANCE NO. _____

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING PART 2, ALCOHOLIC BEVERAGES, OF CHAPTER 6, CONDUCT, IN ORDER TO PERMIT THE CONSUMPTION OF ALCOHOL WITHIN OUTDOOR DINING AREAS THROUGHOUT THE BOROUGH, AND PART 2, SIDEWALKS, OF CHAPTER 21, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, IN ORDER TO EXEMPT OUTDOOR DINING AREAS FROM THE GENERAL REGULATIONS RELATED TO ENCROACHMENT UPON BOROUGH SIDEWALKS.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION 1. A new section 205, Exception, of Part 2, Alcoholic Beverages, of Chapter 6, Conduct, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby created and shall read as follows:

§ 205 Exception.

The provisions of this Part shall not apply to Outdoor Dining Areas, as defined within Chapter 27, Zoning, § 1400, “Definitions,” which hold a valid permit issued by the Borough, and persons who are patrons of any such establishment are exempt from this Part provided that the patrons remain within the confines of the area, and do not enter or leave the premises with open alcoholic beverages.

SECTION 2. Section 209, Sidewalk Encroachments, of Chapter 21, Streets and Sidewalks, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to read as follows:

§ 209 – Sidewalk Encroachments.

With the exception of Outdoor Dining Areas, as defined within Chapter 27, Zoning, § 1400, “Definitions,” no portion of a building or structure, or any open areaways, railings, or steps,

shall project beyond the building line; provided, however, that this requirement shall not apply to reconstruction of steps of buildings already erected which it would be impossible to reconstruct in accordance with above-specified regulations, and in such case they may be reconstructed to extend over the pavement or sidewalk not more than 1/3 of the width of said pavement or sidewalk, but in no case cover a width greater than five feet. No steps of any building shall project more than 18 inches on either side of any door jamb. Areaways or openings covered with iron doors not more than three feet in width with rough surface, set flush with pavement, may project over not more than 1/4 of the pavement width but in no case more than three feet measuring from the inside face of the areaway to the building line.

SECTION 3. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any part of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

SECTION 4. Reenactment. All other parts of Chapter 6, Conduct, and Chapter 21, Streets and Sidewalks, of the Code of Ordinances of the Borough of Pottstown, as amended, are hereby re-enacted and reordained and shall remain in effect as previously adopted.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED and **ORDAINED** this ____ day of _____, 2019.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

BY: _____
Dan Weand, President

ATTEST: _____
Virginia L. Takach, Secretary

Approved this ____ day of
_____, A.D., 2019.

Stephanie Henrick, Mayor