

**CHADDS FORD TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

Ordinance No. 163

AN ORDINANCE OF CHADDS FORD TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA ESTABLISHING A TEMPORARY SPECIAL DINING PERMIT TO ALLOW OUTDOOR DINING IN CERTAIN AREAS AND UNDER CERTAIN CONDITIONS DURING THE TIME THAT RESTRICTIONS UPON SOCIAL INTERACTION EXIST DURING THE COVID-19 PANDEMIC.

Whereas, on March 6, 2020, Governor Wolf declared a Disaster Emergency in the Commonwealth of Pennsylvania pertaining to the Covid-19 pandemic (the "State Declaration");

Whereas, on March 12, 2020, Chadds Ford Board of Supervisors (the "BOS") Chairman Frank G. Murphy declared a disaster emergency in Chadds Ford Township pertaining to the Covid-19 pandemic (the "Local Declaration");

Whereas, on March 18, 2020, the Chadds Ford Board of Supervisors ratified the Local Declaration via Resolution 2020-11, and extended it for the duration of the State Declaration;

Whereas, both Declarations remain effective;

Whereas, as the Commonwealth prepares to ease, but not remove, restrictions, the BOS desires to provide such support as may be practical to its business community.

Now, therefore, be it ORDAINED that:

1. Establishment of Special Dining Permit. There is hereby established in Chadds Ford Township a Special Dining Permit ("Permit"). Such permit shall, upon approval of the Township, enable restaurants to serve patrons in areas that such service would not be otherwise permissible. This may include areas otherwise unusable due to bulk, area and parking requirements. Permits shall be valid for 120 days from the date of issuance or through November 7th of the year they are issued, whichever is earlier, but in no event shall a permit be valid prior to March 15th in the year it is issued. Permits may be renewable in 120 day increments for the duration of this Ordinance, but shall become dormant during any period that there are no restrictions on social interaction due to the COVID-19 pandemic.

2. Permit Prerequisites. Prior to issuance of any Permit, any applicant shall satisfy the following conditions:

- a. Applicant shall provide a plan of its establishment together with any outdoor areas in which it intends to seat patrons showing how it will provide safe ingress and egress to all areas, including restroom facilities while accommodating for social distancing between groups of patrons.

- b. To the extent that Applicant intends to seat patrons in any parking area, Applicant shall provide evidence satisfactory to the Township that the remaining parking area is sufficient to accommodate the number of patrons Applicant will be able to serve at any one time during the term of the permit, as well as providing evidence satisfactory to the Township that safe vehicular ingress, egress and flow, sufficient to accommodate any emergency vehicles, shall remain.
- c. To the extent that Applicant intends to seat patrons in any sidewalk, lawn, or other area not normally used by the Applicant for such dining purposes, the Applicant shall provide evidence satisfactory to the Township that either the Applicant is the owner of the Property or that the Applicant's landlord has approved such areas for dining use.
- d. Evidence satisfactory to the Township that Applicant's insurance carrier is aware of the expansion of Applicant's dining area, and that the policy shall be effective for any incidents that may occur in any expanded dining area.
- e. To the extent Applicant operates with a liquor license, evidence that any expanded dining configuration will accommodate the requirements of the Pennsylvania Liquor Code.

3. Capacity. During the time period that permittee holds a Permit, that permittee's capacity shall be calculated as three (3) separate components, as follows:

- a. Permittee's capacity for its indoor dining area;
- b. Permittee's capacity for any outdoor dining area approved outside the scope of this Ordinance; and
- c. Permittee's capacity for any outdoor dining area permitted under the terms of this Ordinance.

Those elements shall be added to calculate Permittee's total capacity during the duration of any permit. The foregoing notwithstanding, Permittee shall not exceed the capacity of any one area, nor the percentage of capacity permitted in any one area under applicable regulation, during the term of any permit.

4. Compliance with Government Requirements. This Ordinance is intended to allow permits within the constraints of any requirements of and limitations upon the operation of restaurants and taverns and social interaction in place via any federal state or local law, regulation or order, and is not intended to endorse or enable noncompliance with same.

5. Effective Date and Self-Repeal. This Ordinance shall become effective upon its adoption by the Board of Supervisors, and shall remain in effective until such time as a vaccination against COVID-19 becomes widely available to the general public, at which time it shall self-terminate.

ENACTED and ORDAINED this 6th day of June, 2020.

CHADDS FORD TOWNSHIP
BOARD OF SUPERVISORS



FRANK G. MURPHY, Chairman



SAMANTHA REINER, Vice-Chair



NOELLE M. BARBONE, Supervisor

Attest:



Maryann D. Furlong
Township Manager