Resolution # 2020-24 and its Exhibits are for use on Thursday 4pm through Sunday 10pm ONLY.
PHŒNIXVILLE BOROUGH COUNCIL
CHESTER COUNTY, PENNSYLVANIA

RESOLUTION NO. 2020 - 24

A RESOLUTION PROVIDING FOR TEMPORARY OUTDOOR SALES OF FOOD AND MERCHANDISE OF EXISTING BUSINESSES IN ACCORDANCE WITH THE YELLOW PHASE OF GOVERNOR TOM WOLF’S PLAN FOR REOPENING THE COMMONWEALTH OF PENNSYLVANIA IN RESPONSE TO THE COVID-19 EMERGENCY.

WHEREAS, novel coronavirus COVID-19 ("COVID-19") has been declared a worldwide pandemic by the World Health Organization; and

WHEREAS, on March 6, 2020, Governor Tom Wolf of the Commonwealth of Pennsylvania declared the existence of a disaster emergency throughout Pennsylvania due to various threats of imminent danger and emergency caused by COVID-19 (the "Emergency Declaration"); and

WHEREAS, beginning April 23, 2020 and thereafter, Governor Wolf issued several "Stay at Home" orders directing individuals in Pennsylvania to stay at home and non-life sustaining businesses to close until June 4, 2020, subject to the right of the Governor to suspend the requirements of said "Stay at Home" orders for specific counties as part of the Governor’s phased plan for reopening Pennsylvania (the “Reopening Plan”); and

WHEREAS, Chester County moved from the “Red Phase” to the “Yellow Phase” of the Reopening Plan beginning June 5, 2020; and

WHEREAS, according to the Reopening Plan, as modified and clarified by Governor Wolf from time to time, the “Yellow Phase” and “Green Phase” will permit the outdoor sales of food and merchandise of existing businesses in outdoor areas; and

WHEREAS, Phoenixville Borough Council finds that in the best interest of the Borough, residents of the Borough and the public, generally, to temporarily permit the outdoor sales of food and merchandise of existing businesses in outdoor areas within a certain geographic area of the Borough, in order to assist recovery of the downtown businesses in the Borough, subject to restrictions and continuing social distancing requirements set forth herein.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by Phoenixville Borough Council, as follows:
1. Restaurants and businesses located in the 100 and 200 block of Bridge Street, as reflected on the attached map, which is incorporated herein, marked as Exhibit A, shall be permitted to temporarily provide for the outdoor sales of food and merchandise of existing businesses in outdoor areas while Chester County is in the “Yellow Phase” and “Green Phases” of Governor Wolf’s Reopening Plan.

2. Temporary outdoor sales of food and merchandise shall be immediately discontinued if so ordered by any government agency with jurisdiction.

3. Temporary outdoor sales of food and merchandise shall be immediately discontinued if Chester County moves back into the “Red Phase”.

4. Beginning Thursday, June 11, 2020, at 4:00 p.m., the 100 and 200 Block of Bridge Street and the Main and Bridge Street Parking Lot will be closed and will reopen 7:00 a.m. on each Monday. Said closure shall continue each and every weekend on the dates and times more specifically described in Exhibit B, which is attached hereto and incorporated herein. Bridge Street and parking lot closures and the temporary outdoor sales of food and merchandise shall end not later than October 5, 2020.

5. Without limiting any other restrictions specifically set forth in this Resolution, customers, guests, employees and owners of restaurant and businesses must follow all applicable social distancing guidelines issued by the Centers for Disease Control and Prevention (“CDC”) and the Pennsylvania Department of Health (“Department of Health”).

6. Restaurants wishing to utilize temporary outdoor seating shall be required to comply with the rules of operation which are attached hereto, incorporated herein, marked as Exhibit C and Exhibit D.

7. Nothing contained in this Resolution shall override or supersede all other requirements of the Department of Health regarding outdoor dining in Pennsylvania.

8. Nothing in this Resolution shall override or supersede the requirements of the Governor’s Emergency Orders and Declarations.

9. This Resolution and its authorization to conduct temporary outdoor seating shall expire October 5, 2020, or upon further action by Borough Council, whichever shall first occur.
PASSED by Borough Council this 9th day of June, 2020.

By: ____________________________
Jonathan M. Ewald
President, Borough Council

ENACTED this 9th day of June, 2020.

By: ____________________________
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted by a majority vote of the Borough Council at a regular meeting held on the 9th day of June, 2020 and said Resolution has been recorded in the Minutes of the Borough of Phoenixville and remains in effect as of this date.

By: ____________________________
E. Jean Krack, Borough Manager/Secretary
Details of Closure:
End of business extensions will be no more than 8 feet from the center street line on either side of the street. This will create a pedestrian walkway and emergency vehicle lane.

Closure Times:
Thursday 2pm through Monday at 7am

Roads to be Closed:
- 100 block of Bridge Street and 200 block of Bridge Street will be closed
- Main and Bridge Street parking lot will be closed throughout the duration of the setup

Artwork Rendering: Not Drawn to Scale

Barricades Indicated in Red

Open Container Ordinance Area
In Effect: Thursday - 4pm - 10pm
Saturday - 7am - 10pm
Friday - 7am - 10pm
Sunday - 7am - 10pm
Details of Closure:
End of business extensions will be no more than 8 feet from the center street line on either side of the street. This will create a pedestrian walkway and emergency vehicle lane.

Closure Times:
Thursday 2pm through Monday at 7am

Roads to be Closed:
- 100 block of Bridge Street and 200 block of Bridge Street will be closed
- Main and Bridge Street parking lot will be closed throughout the duration of the set up

Artist Rendering: Not Drawn to Scale

Business Extensions

PEDESTRIAN WALKWAY & EMERGENCY VEHICLE LANE

Business Extensions

200 BLOCK OF BRIDGE STREET
**Details of Closure:**

End of business extensions will be no more than 8 feet from the center stree line on either side of the street. This will create a pedestrian walkway and emergency vehicle lane.

**Closure Times:**
Thursday 2pm through Monday at 7am

**Roads to be Closed:**
- 100 block of Bridge Street and 200 block of Bridge Street will be closed
- Main and Bridge Street parking lot will be closed throughout the duration of the set up

*Artist Rendering: Not Drawn to Scale*
<table>
<thead>
<tr>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
<th>Sunday</th>
<th>Monday</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/16/2020</td>
<td>7/17/2020</td>
<td>7/18/2020</td>
<td>7/19/2020</td>
<td>7/20/2020</td>
</tr>
<tr>
<td>8/13/2020</td>
<td>8/14/2020</td>
<td>8/15/2020</td>
<td>8/16/2020</td>
<td>8/17/2020</td>
</tr>
</tbody>
</table>
EXHIBIT C
RULES OF OPERATION OF TEMPORARY OUTDOOR SEATING

- There shall be no more than 4 people at a table at one time.
- The placement of tables and chairs for temporary outdoor seating shall not unreasonably block or restrict sidewalks or fire lanes.
- Temporary outdoor seating shall not be utilized to increase the total number of seats permitted for the indoor restaurant use.
- Tables and chairs are to be thoroughly cleaned and disinfected between every use.
- No shared dishes shall be permitted.
- Servers, hosts, managers, and any other employee of the restaurant coming in contact with customers shall wear masks.
- Customers are recommended to wear masks at all times on the restaurant premises, except when seated at their table, including when a customer needs to use the restroom facilities.
- Indoor restroom use is permitted, provided masks are worn.
- Masks shall cover a person’s mouth and nose.
- The required social distance of six (6) feet between groups of customers shall be measured from the two closest points. For example, the back of a “pulled-out” chair to the back of the next “pulled-out” chair.
- The tables and chairs designated for temporary outdoor seating shall be located so that there exists, sufficient protections to separate dining customers from passersby on neighboring properties and public spaces, sidewalks, trails and other pedestrian rights-of-way.
- No restaurant shall have outdoor music, performances or any other events, guests or person(s) on any public right of way not directly related to the serving of food to customers.
EXHIBIT D

TERMS, CONDITIONS AND REQUIREMENTS
FOR
TEMPORARY OUTDOOR SALES OF FOOD AND MERCHANDISE

1. Temporary Outdoor Sales of Food and Merchandise of Existing Businesses:
   
a. Any existing business desiring to offer food or merchandise in the dedicated areas of the 100 and 200 block of Bridge Street and the Main and Bridge Street Parking Lot must fill out the Temporary Open Air Setup Permit Application and submit the application to Manager@phoenixville.org. Applications can also be found at www.phoenixville.org.

b. Requirements:
   
i. The restaurant or store must comply with all applicable laws relating to litter, noise, and other livability matters.

   ii. Outdoor dining or shopping areas must not interfere within the temporary pedestrian walkways in the center of Bridge Street or the parking lot, fire and other emergency access, safe pedestrian and vehicular access, or requirements of the Americans with Disabilities Act. Outdoor dining areas must comply with all applicable provisions of the fire code.

   iii. Any sales and/or consumption of food and/or alcoholic beverages must be in compliance with the provisions of any federal, state, and/or local laws and regulations governing same.

2. Terms & Conditions:

   A. The Temporary Open-Air Setup Permit must be posted on the premises so as to be visible from the public right-of-way during all times that outdoor sales of food and merchandise is being conducted.

   B. The permittee must maintain the sidewalk, street, and parking lot area in a good and safe condition.

   C. Permittee must maintain a general liability insurance. The Borough must be named as an additional insured on these policies, and proof of insurance must be provided to the Borough. Permittee agrees to indemnify, defend, and hold harmless the Borough against any and all claims or suits for damages or injury.

   D. In the event that the Borough determines that the location of sidewalk, street, or parking lot constitutes an immediate physical danger, the encroachment may be removed immediately.
E. The Borough Staff or Police Department may perform a site inspection of the area to verify compliance with the requirements.

F. Permittee must adhere to CDC and Commonwealth Health Department PPE and Social Distancing guidelines.

G. Permittees may provide one (1) 10 x 10 pop-up tent for their business operations such as outdoor registers or for product protection.

3. Requirements:

A. The width of the dining or sales of merchandise area must not exceed the width of the frontage of the restaurant’s property.

B. Permittees must maintain a clear pedestrian path on the sidewalk of at least six feet (6’) at all times.

C. Outdoor Dining or sales of merchandise must not interfere with any utilities or other facilities, obstruct any required clearance for entrances or exits, obstruct any areas required for accessibility for disabled persons, or violate the vision clearance requirements.

D. No vending machines, carts, or objects for the sale of goods will be permitted.

E. Outdoor dining or sales of merchandise is prohibited between 10:00 PM and 7:00 AM.

F. Tables, chairs, and all other furnishings or accessories may not be left in place during non-Temporary Open-Air Permit Setup hours, but shall be either stored indoors or stacked and stored in an orderly fashion adjacent to the structure. Tables, chairs or any other fixtures used in connection with a Temporary Open-Air Permit Setup shall not be attached, chained or in any manner affixed to any tree, post, sign or other Borough-owned fixture.

G. If alcoholic beverages are served within the designated areas, the permittee must have a valid license under all applicable laws for such sales.

H. Chapter 6-702 of the Borough Code of ordinance will not be enforced for the areas and times as shown on page four (4) of Exhibit A provided the consumption of alcoholic beverages is undertaken by customers from an establishment that has been issued a valid temporary open-air permit and is limited to no more than sixteen (16) ounces.