

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PLUMSTEAD TOWNSHIP, BUCKS COUNTY, ESTABLISHING GUIDELINES AND POLICY FOR OUTDOOR SALES OF FOOD AND MERCHANDISE DURING THE CORONAVIRUS PANDEMIC

RESOLUTION 2020-16

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 RESOLVED, that the Board of Supervisors of Plumstead, hereby establishes guidelines and a policy for outdoor sale of merchandise and outdoor dining for a period of ninety days in areas on properties where it might otherwise be prohibited provided the following:

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, the merchant shall provide safe separation between its customers and vehicles and shall not occupy any handicapped parking area.
5. The merchant seeking to use outdoor space to conduct commercial activity shall abide by nuisance regulations found in the Plumstead Township Code.
6. This Resolution and its authorization to conduct commercial activity in outdoor spaces shall expire ninety days after its effective date.

RESOLVED, at a duly convened meeting of the Board of Supervisors of Plumstead Township conducted on this 12th day of May, A.D., 2020.

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

Peter Busillo

Daniel Hilferty

Jim McComb

Kenneth Lichtenstein

Brian Trymbiski

Attest: Angela P. Benner, Township Manager