

## **Reopening New Britain Township COVID-19 Yellow Phase Transition**

The New Britain Township Board of Supervisors has passed, by Resolution # 2020-13, temporary relief from certain Township Regulations in order to allow our community's businesses to reopen to the public as we navigate through these difficult and unprecedented times.

New Britain Township is prepared to help our local businesses open their doors to the public once again, but only in accordance with the safety guidelines that have been established for all Yellow Phase counties. We must now work together to protect the health, safety, and welfare of our community members by implementing these *temporary dining/retail/commercial space* guidelines executed by the Bucks County Department of Health, federal agencies, and agencies of the Commonwealth of Pennsylvania.

By this Resolution, your elected officials have lessened Township restrictions of outdoor business operations that under normal circumstances may not be permitted. This Resolution shall only apply to existing businesses with all required Township approvals that were legally operating prior to the COVID-19 "Stay-at-Home Order" shut down. These special guidelines are listed below:

- ❖ Businesses/organizations seeking to use outdoor space for commercial activity, dining, and/or retail will need to comply with all county, state, and federal guidelines.
- ❖ Businesses/tenants are responsible for obtaining permission from the owner of the property owner/landlord in order to conduct these activities outdoors and/or utilize temporary tents on the property for these activities.
- ❖ Businesses are required to provide adequate parking to meet the needs of its customers.
- ❖ If businesses use part of a sidewalk, that business must allow sufficient space for pedestrians and handicapped individuals to traverse the sidewalks while still applying appropriate social distancing measures.
- ❖ If a business/organization uses spaces in a parking lot, the business/organization shall provide safe separation between employees/customers and vehicles by placing physical barriers visible to

- Site plans shall indicate if temporary tent structures are to be used as part of the proposal (if you propose a tent for commercial use, it shall be compliant with the requirements of the 2015 International Fire Code, see 2015 IFC summary for temporary tents below)

## 2015 IFC Requirements for Temporary Tent Structures

Chapter 31, Section 3103 of the 2015 International Fire Code details specific requirements for this type of temporary structure. If you plan to utilize this type of structure, you are required to comply with these requirements *and* apply for a Township Building Permit. If you have any questions regarding the information below please contact the Township Building Code Official/Fire Marshal, Randy Teschner at 215-822-1391.

- ✓ Tents shall not be located within 20 feet of lot lines, buildings, other tents or structures, parked vehicles, or internal combustion engines.
- ✓ Tents and their appurtenances shall be roped, braced, and anchored to withstand the elements of weather and prevent against collapsing.
- ✓ Fire Rating Certification shall be provided to the Fire Code Official and retained on site as well as the tent owner's information.
- ✓ Portable fire extinguishers are required.
- ✓ Bucks County Health Department guidelines require that all tent flaps shall remain open to the outside air.

## Inspections

Once you have received your temporary permit, you will be required to make arrangements for an inspection of your outdoor commercial space **PRIOR** to opening to the public. The Zoning Officer and Fire Marshal will be present for the inspection to ensure that all required guidelines are being followed. You can request an inspection (only after your permit has been approved) by emailing the Township Zoning Officer, Kelsey Harris at [kharris@newbritaintownship.org](mailto:kharris@newbritaintownship.org) or by phone at 215-822-1391.

# **BUCKS COUNTY DEPARTMENT OF HEALTH**

## **OUTDOOR SEATING/DINING GUIDELINES**

- Municipalities must approve the plans/seating location first.
- Reservations should be required, if possible. This will help manage congestion if dining must be canceled or reduced due to bad weather.
- Outdoor dining tables will be limited to the ability to social distance. A maximum group of 25 people under yellow guidance does not apply to independent dining numbers (i.e. a facility may have more than 25 patrons), although table size should be limited to 1 family unit.
- Table social distancing should be measured from the backs of the chairs associated with a table to the backs of the chairs at the next closest table.
- Tents or outdoor temporary structures can be used if the tent flaps are open to the outside air at all times and are approved for use by the municipal code enforcement authority
- Bars must remain closed.
- Porta Potties are not allowed, only inside restrooms may be used.
- Restrooms should be cleaned and disinfected every hour on all high touch points and counters.
- No food storage or preparation should be in any walkway that leads to a bathroom.
- All waiters and waitresses should be masked and gloved (with glove changes at consistent intervals.)
- All condiments should be single serve units.
- Any questions on serving drinks to outside tables should be directed to the LCB.
- All menus must be disposable or incorporated into the table or table area (under glass, taped out of reach on a wall, etc.).
- All tables and chairs must be sanitized after every use.
- Considerations for pedestrian traffic must be evaluated to ensure social distancing.

## **OUTDOOR RETAIL TENT GUIDELINES**

- Municipalities must approve the plans/location first.
- 25 person capacity including employees.
- Social distancing must be adhered to.
- All persons including employees must wear masks.
- All sides of the tents must remain up so air can pass through the tent.
- Considerations for pedestrian traffic must be evaluated to ensure social distancing.

## **Pennsylvania Liquor Control Board Temporarily Expedites Extensions of Licensed Premises for Additional Outdoor Serving Areas**

Harrisburg -- Supplementing guidance issued by Governor Tom Wolf for businesses in the restaurant industry and to facilitate outdoor dining and service, the Pennsylvania Liquor Control Board today announced an expedited approval process for licensees wishing to temporarily extend their licensed premises to include additional outdoor areas.

The service or sale of alcoholic beverages in unlicensed areas is illegal, so licensees looking to serve or sell alcoholic beverages in a currently unlicensed outdoor area must apply to the PLCB for an extension of their licensed premises.

Adoption of this temporary expedited application process will immediately grant authority to serve at previously unlicensed outdoor areas, waiving both application fees and the minimum 30-day waiting period typically required before an extension of licensed premises could be approved.

The guidance issued today by the PLCB regarding these temporary procedures is summarized below.

- Emergency temporary authority for outside areas may be requested by clubs, catering clubs, restaurants, retail dispensers, hotels, distilleries, limited distilleries, wineries, limited wineries, and breweries.
- Licensees that wish to apply for a temporary extension of the licensed premises to include outside serving areas, with this extension expiring at the end of the current public health emergency, may do so without paying the \$220 filing fee.
- The application for temporary extension of premises to include an outdoor seating area will require the submission of a plan, and if the area to be licensed is an area not under the applicant's control – such as a municipal sidewalk – then proof that the applicant has the right to occupy the location must be provided.
- A licensee may only submit an application for an outdoor area immediately adjacent to, abutting and contiguous to the existing licensed premises. Applications for locations not meeting these criteria will be rejected, and no temporary extensions are allowed for any locations separated from a licensed premises by a public thoroughfare.
- Upon submission of the application, the licensee will see a confirmation screen that the application was successfully submitted for processing. The licensee must print this confirmation page and display it as evidence the application was received, and at that point, the licensee will automatically have temporary authority to operate on the proposed outdoor area.

Licensees that do not wish to extend the licensed premises to serve and sell alcohol but will merely allow customers to congregate on an unlicensed portion of the premises are reminded they must still adhere to the Governor's guidelines on social distancing.

Any licensee that fails to comply with this guidance risks citation by the Pennsylvania State Police Bureau of Liquor Control Enforcement.

The PLCB regulates the distribution of beverage alcohol in Pennsylvania, operates nearly 600 wine and spirits stores statewide, and licenses 20,000 alcohol producers, retailers, and handlers. The PLCB also works to reduce and prevent dangerous and underage drinking through partnerships with schools, community groups, and licensees. Taxes and store profits – totaling nearly \$18.5 billion since the agency's inception – are returned to Pennsylvania's General Fund, which finances Pennsylvania's schools, health and human services programs, law enforcement, and public safety initiatives, among other important public services. The PLCB also provides financial support for the Pennsylvania State Police Bureau of Liquor Control Enforcement, the Department of Drug and Alcohol Programs, other state agencies, and local municipalities across the state. For more information about the PLCB, visit [lcb.pa.gov](http://lcb.pa.gov).



**pennsylvania**  
LIQUOR CONTROL BOARD

**ADVISORY NOTICE NO. 26 (Second Revision)**

**TEMPORARY CESSATION OF THE SALE OF FOOD AND ALCOHOL FOR ON-  
PREMISES CONSUMPTION RELATIVE COVID-19 PUBLIC HEALTH EMERGENCY**

**June 3, 2020**

**TO: All License Holders**

The PLCB, upon authorization from the Governor, has the authority under the Liquor Code (47 P.S. §4-462) to mandate the closure of licensed establishments in times of emergency. Section 7101 of the Emergency Management Services Code (35 Pa.C.S. § 7101) gives the Governor wide latitude in dealing with disasters such as the public health crisis precipitated by the outbreak of the COVID-19 coronavirus. As part of that authority and in response to the current public health emergency, the Wolf Administration had previously asked all retail establishments to cease selling food and alcohol for on-premise consumption. The Board had indicated that, pursuant to the Governor's directive, licensees no longer needed to sell food and alcohol for on-premise consumption as a precondition to sell alcohol for off-premise consumption.

On March 18, 2020, the Board directed that all retail licensees, clubs, permittees and producers cease the sale of food and alcohol for on premises consumption, effective at 8 p.m. that day and until further notice, in the interest of slowing the spread of the COVID-19 virus and mitigating the unprecedented public health crisis the commonwealth faces. The Board provided additional guidance in the form of this Advisory Notice, Advisory Notice No. 26.

On April 27, 2020, the Governor authorized golf courses to open, effective May 1. In response, the Board provided additional guidance for golf courses.

Subsequent to the original emergency declaration, the Governor indicated that he intended to use a phased approach in lifting the emergency declaration by designating counties in red, yellow and green phases of recovery. On May 13, 2020, the Board revised this Advisory Notice to address that issue and to make clear that the Board will only recognize the Governor's designation of a county, since only the Governor can make such designations.

On May 21, 2020, Act 21 of 2020 went into effect, allowing certain restaurant and hotel licenses to sell prepared beverages and mixed drinks to go. In response, the Board provided guidance on what licensees should know about Act 21 of 2020.

On May 27, 2020, the Governor's office provided additional guidance on what activities are permissible in green counties and further indicated a change in what is permissible in yellow counties.

On May 29, 2020, the Board provided guidance as to what is permissible in green counties.

Following is a summation of what is and is not permitted in the counties in Pennsylvania, depending on their color designation.

**In RED Counties:**

- Restaurant, retail dispenser and hotel licensees may not allow the service or consumption of food or alcohol on the licensed premises. Beer and food sales to go are still permitted, as are hotel sales of food and alcohol for consumption in private rooms. Sales of prepared beverages and mixed drinks to go are permitted, by those licensees that are eligible to make such sales.
- Licensees holding wine expanded permits authorizing the sale of wine to go may not allow the service or consumption of food or alcohol on the licensed premises. Sales to go are still permitted, as are the operation of a grocery store, convenience store or gas station next to the licensed premises.
- Airport restaurant license holders may not allow the service or consumption of food or alcohol on the licensed premises. Sales to go are still permitted.
- Clubs and catering clubs may not allow the service or consumption of food or alcohol on the licensed premises, and such licensees are not authorized to sell any alcohol to go. They may continue selling food to go.
- Permittees including special occasion, off-premise catering, exposition and farmers markets may not allow the service or consumption of food or alcohol on the licensed premises or at public gatherings. It is incumbent upon the permit holder to ensure that the event qualifies as a bona fide exposition/event before conducting sales of alcohol or offering tastings under authority of the permit.
- Breweries, distilleries/limited distilleries and limited wineries may not allow the service or consumption of food or alcohol on the licensed premises. Sales of the producer's own alcohol for off-premises consumption is permitted.
- Sacramental wine licensees may not allow food or beverage consumption on premise but may sell sacramental wine for consumption off premise.

**In YELLOW Counties:**

- Until June 5, 2020, licensees in yellow counties must adhere to the same rules as those for red counties as set forth above.
- Beginning June 5, 2020, licensees in yellow counties may allow dine-in service in outdoor seating areas consistent with the restaurant industry guidance issued by the Governor's office on May 27, 2020.

**In GREEN Counties:** Licensees are encouraged to follow the PLCB's guidance as to what is permissible in green counties.

## **Temporary Board Procedures Expediting Extensions of Licensed Premises for Additional Outdoor Serving Areas**

The Governor's decision to encourage outside dining has led the Board to adopt temporary procedures to expedite the process for licensees that want to temporarily extend their licensed premises to include additional outside areas. These temporary procedures only apply to applications for outdoor serving areas, and effective with the adoption of this notice, the following applies:

- Emergency temporary authority for outside areas may be requested by clubs, catering clubs, restaurants, retail dispensers, hotels, distilleries, limited distilleries, wineries, limited wineries and breweries.
- Licensees that wish to apply for a temporary extension of the licensed premises to include outside serving areas, with said extension to expire at the end of the current public health emergency, may do without incurring a filing fee. If the applicant wishes to permanently extend the licensed premises, it must follow the normal application process and pay the requisite fee.
- The application process for temporary extension of premises to include an outdoor seating area is similar to a regular application to extend premises and will require a plan. If the area to be licensed is an area not previously under the applicant's control – such as a municipal sidewalk – then proof that the applicant has the right to occupy the location must be provided.
- A licensee may only submit an application for an outdoor area immediately adjacent to, abutting and contiguous to the existing licensed premises. Applications for locations not meeting these criteria will be summarily rejected, and no temporary extensions are authorized for any locations separated from a licensed premises by a public thoroughfare.
- Upon submission of the application in PLCB+, the licensee will see a confirmation screen that the application was successfully submitted for processing. The licensee must print this confirmation page and display it as evidence the application was received, and at that point, the licensee will automatically have temporary authority to operate on the proposed outdoor area. Additionally, the licensee will be directed to post a Notice of Application. Distilleries, limited distilleries, wineries, limited wineries and breweries do not need to post a Notice of Application but must display the email acknowledging the application was accepted.
- The initial authority to operate will last until one of the following occurs: (1) The COVID-19 Emergency Declaration ends, (2) a protest or petition to intervene in opposition to the application is received by the PLCB, or (3) the Board informs the applicant that authority has come to an end.
- Licensees that don't wish to extend the licensed premises to include additional outdoor areas, but instead allow customers to congregate on an unlicensed portion of the premises, must still adhere to the Governor's guidelines on social distancing.

## Enforcement

Any licensee that fails to comply with the Governor's guidance risks citation by the Pennsylvania State Police Bureau of Liquor Control Enforcement (BLCE). Further, BLCE has agreed to notify the PLCB if any citations are issued relative to this issue. The PLCB may suspend a licensee's operating authority under section 462 based on the circumstances. A licensee who continues to operate after its operating privileges have been suspended risk further enforcement action by the BLCE.

Ultimately, citations may put the business's liquor license at risk, both through the citation process and upon application for renewal to the PLCB. Further, licensees are reminded that, pursuant to section 494(a) of the Liquor Code, any person who violates the applicable sections of Article IV of the Liquor Code may be charged criminally with a misdemeanor.

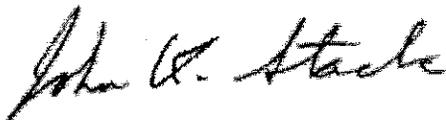
Finally, the PLCB has received a number of inquiries as to how beer distributors should react to business closure guidance. As suppliers to grocery stores, convenience stores and other retail licensees permitted to sell beer to go, distributors' continued operation will preserve beer accessibility for consumers. As such, the Board is not limiting distributors' operations at this time but encourages these businesses to employ social distancing best practices and avoid large public gatherings.

Complaints regarding licensees not complying with these mandates may be directed to the BLCE at 1-800-932-0602 or reported through the [BLCE's online complaint form](#).

The Board will constantly re-evaluate this policy, guided by the strategy developed by the Governor's Office and the Pennsylvania Department of Health, and lift restrictions at the appropriate time.

Any issues not covered by this Advisory Notice may be resolved by writing to the Office of Chief Counsel, [ra-lblegal@pa.gov](mailto:ra-lblegal@pa.gov).

**BY ORDER OF:  
PENNSYLVANIA LIQUOR CONTROL BOARD**



JOHN K. STARK  
Secretary to the Board