

NEW BRITAIN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 2020-13
(Duly Adopted: June 1, 2020)

**A RESOLUTION OF THE NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS
ESTABLISHING GUIDELINES AND POLICIES FOR OUTDOOR SALES OF FOOD
AND MERCHANDISE DURING THE COVID-19 PANDEMIC**

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, such safety measures would be advanced and made more effective by the temporary allowance of outdoor dining and outdoor commercial activity provided such dining and activity occurs consistent with all other state and federal statutes, regulations, and orders.


NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of New Britain Township, hereby establishes the following guidelines and policies for outdoor dining and the outdoor sale of merchandise for a period of ninety (90) days in areas of properties where such activities might otherwise be prohibited by existing Township ordinances and regulations:

1. A business or organization seeking to use outdoor space to conduct commercial activity and/or dining shall be responsible for compliance with all county, state, and federal ordinances, statutes, rules, regulations, and orders, including, but not limited to, those concerning the COVID-19 Pandemic. In particular, the attached Guidelines concerning outdoor dining and retail distributed by the Bucks County Department of Health shall be fully complied with.
2. A business or organization seeking to use outdoor space to conduct commercial activity and/or dining shall be responsible for obtaining permission from the landlord or owner of the property.
3. A business or organization seeking to use outdoor space to conduct commercial activity and/or dining shall provide sufficient parking to meet the needs of its customers.
4. If a business or organization uses part of a sidewalk, the business/organization shall allow sufficient space for pedestrians and handicapped individuals to traverse the sidewalk in compliance with the appropriate social distancing measures.

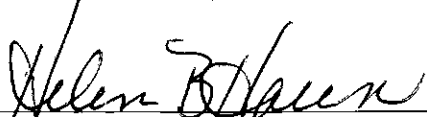
5. If a business or organization uses spaces in a parking lot, the business/organization shall provide safe separation between its employees/customers and vehicles by the placement of physical barriers visible to drivers such as barricades, walls, or large planters. No handicapped parking area shall be used to conduct outdoor commercial activity or dining.
6. A business or organization seeking to use outdoor space to conduct commercial activity and/or dining shall abide by the nuisance provisions and regulations set forth in the Township Code.
7. A business or organization seeking to use outdoor space to conduct commercial activity and/or dining shall apply for and receive a permit for such activity/dining from the Township prior to establishing this use upon the proposed outdoor space. Along with a completed application prepared upon the appropriate Township form, the applicant shall provide a site plan showing the location of the outdoor space proposed to be used for this activity/dining and compliance with the requirements of this Resolution. If necessary, proof of permission from the landlord or owner of the property shall also be submitted. No fee shall be charged for this permit.
8. This Resolution and its authorization to conduct commercial activity and/or dining in outdoor spaces shall automatically expire ninety (90) days after its effective date. All permits issued under this Resolution shall expire at that time also.

SO RESOLVED, this first day of June, 2020, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.

**NEW BRITAIN TOWNSHIP
BOARD OF SUPERVISORS**




 William B. Jones, III, Chairman



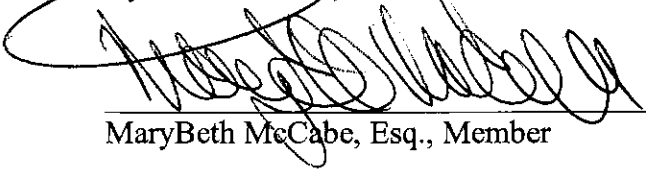
 Helen B. Haun, Vice Chair



 Gregory T. Hood, Member




 Cynthia M. Jones, Member



 MaryBeth McCabe, Esq., Member

ATTEST



 Eileen M. Bradley,
 Township Manager/Secretary

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.