

ORDINANCE NO. P-13 -2016

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", ADOPTED JUNE 30, 1986, AT CHAPTER 182 (ZONING), SECTION 182-731, BY AMENDING PROVISIONS OF THE OUTDOOR DINING REGULATIONS.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same that Ordinance No. 1960, Chapter 182, is hereby amended as follows:

ARTICLE 1. TEXT AMENDMENTS

Section 182-731 is hereby amended to read as follows:

§182-731. The following general and supplemental regulations shall be observed in all districts providing for seasonal outdoor dining in conjunction with a licensed, permitted restaurant.

A. Outdoor dining areas that are entirely located upon the private property of the restaurant shall be subject to the following regulations:

- (1) No outdoor food preparation or storage, bus stop or open outdoor trash receptacle shall be permitted.
- (2) The dining area shall not obstruct the use of any egress door or aisle, access lane or standpipe.
- (3) Outdoor dining is permitted between the hours of 7:00 a.m. and 11:00 p.m. ~~only.~~ **except where the restaurant adjoins a residential use, in which case outdoor dining is permitted between the hours of 7:00 a.m. and 9:00 p.m.**
- (4) Outdoor sound amplification systems are prohibited.
- (5) Tables or other dining surfaces must be smooth and washable.
- (6) Furnishings for outdoor dining shall be designed for outdoor use, maintained in good repair and in a clean and safe condition at all times. The use of

unweighted furnishings is prohibited. Upholstered furniture is not permitted to be used in an outdoor dining area.

(7) The outdoor dining area shall be subject to all Health Code provisions of ~~this~~ **the Township of Haverford.**

(8) Alcoholic beverage service, properly licensed by the Commonwealth of Pennsylvania, is permitted only in conjunction with the service of food.

(9) No service of food or beverages is permitted to unseated patrons.

(10) Portable heating devices with an open flame are prohibited.

(11) The outdoor dining area shall be setback a minimum of fifty feet (50') from any R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Zoning District.

(12) Outdoor dining is permitted from April 1 to October 31 only.

B. Outdoor dining areas may extend into ~~public~~ **street** rights-of-way subject to the provisions of § **182-731A** and the following additional regulations:

(1) Outdoor dining areas shall provide not less than five contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. Dining areas shall be arranged to permit a smooth alignment of the pedestrian sidewalk across several properties and shall not cause abrupt turns or angles. At street corner intersections there shall be a minimum of eight feet of unobstructed sidewalk between the area measured from the outside edge of handicapped ramps on each street frontage. Obstructions shall include, but not be limited to, light poles, traffic signal poles, fire hydrants, trees, utility structures and street signs. Further, the location of outdoor dining cannot obstruct the clear sight distance for vehicles or access or crossings for the disabled, nor be located with three feet from the face of the curb or traffic lane. Any unobstructed portion of the three-foot setback from the face of the curb may be counted toward the five-foot sidewalk area required herein.

(2) A highway occupancy permit is required. Forms for occupancy are available in the Department of Public Works. Prior to placing any furnishings, enclosures

or other items associated with the use upon any public sidewalk, the Township will inspect the condition of the sidewalk to assure that the surface is level and free of defects or tripping hazards.

(3) All furnishings, planters, railings or enclosures associated with outdoor dining must be approved by the Director of Public Works and must be properly weighted to prevent movement.

(4) Furniture, planters, railings and fences must be removed from the sidewalk and stored indoors when outdoor dining is not in seasonal operation.

~~(5) Outdoor dining upon a public right-of-way is permitted from April 1 to October 31 only.~~

~~(6)~~ **(5)** Awnings shall be adequately secured and retractable. Umbrellas over tables must be adequately weighted.

~~(7)~~ **(6)** No carpet, rug, artificial turf, platforms or other change in elevation from the surface of the concrete sidewalk, of any kind, shall be permitted.

~~(8)~~ **(7)** The operator of an outdoor dining area and his or her employees shall not be permitted to remove, destroy, deface or otherwise alter any sign, notice, curb, storm inlet, or other public device or improvement.

~~(9)~~ **(8)** Within the outdoor dining area; one hostess stand and/or menu board sign may be displayed. ~~within the area of the outdoor dining, mounted on an easel or other easily removable fixture.~~ The menu board shall not exceed six square feet, ~~and~~ may not encroach into the ~~public~~ street right-of-way and shall be mounted on an easel or other easily removable fixture. When the outdoor dining is not in operation, such hostess stand and/or menu board shall be stored indoors.

~~(10)~~ **(9)** Except emergency repairs or other emergency activities, the operator of such outdoor dining area shall be required to cease ~~the~~ that operation within two days' of notice given by the Township to ~~facilitative~~ perform public works.

~~(11)~~ **(10)** The licensee of the outdoor dining is responsible for keeping the premises clean at all times, including the public sidewalk and other furnishings of

the outdoor dining. At no time may trash or debris of any kind be blown, swept or otherwise deposited into the street. The presetting of tables with utensils, glasses, napkins, condiments and the like is prohibited.

~~(12)~~ **(11)** All food and beverages served in a ~~public~~ **street** right-of-way outdoor dining area shall be served in non-disposable containers.

ARTICLE 2. SEVERABILITY

Should any section, sentence, word or provision of this ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole.

ARTICLE 3. REPEALER

Any ordinance or part of ordinance to the extent that it is inconsistent herewith is hereby repealed.

ADOPTED this ____ day of _____, 2016, A.D.

TOWNSHIP OF HAVERFORD

BY:

Chris Connell, Sr.
President
Board of Commissioners

ATTEST:

Lawrence J. Gentile
Township Manager/Secretary