

WEST GOSHEN TOWNSHIP BOARD OF SUPERVISORS

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF WEST GOSHEN
TOWNSHIP, CHESTER COUNTY, EXTENDING ESTABLISHED GUIDELINES AND
POLICY FOR THE OUTDOOR SALES OF FOOD FOR EXISTING BUSINESSES IN
THE TOWNSHIP DURING THE CORONAVIRUS PANDEMIC**

RESOLUTION 18-2020

WHEREAS, Governor Wolf issued a Proclamation of Disaster Emergency on March 6, 2020 due to the Coronavirus pandemic, authorizing political subdivisions to act as necessary within the powers conferred by the Pennsylvania Emergency Management Services Code, (35 Pa. C.S. §7501) and the Proclamation of Disaster Emergency to meet the exigencies of the emergency; AND

WHEREAS, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, (35 Pa. C.S. §7501), as amended, the Township proclaimed the existence of a disaster emergency in the Township on or about March 16 , 2020 and amended on April 21, 2020 as a result of the Coronavirus pandemic; 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 the Center 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 West Goshen Township, hereby establishes guidelines and a policy for outdoor dining of existing businesses in the Township for a period of one hundred twenty 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 as permission from the landlord or owner of the property. The terms of this resolution and the guidelines to conduct outdoor 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 with the use of physical barriers approved by the Zoning Officer, Police Department and Fire Department and shall not occupy any handicapped parking area.
5. The merchant seeking to use outdoor space to conduct commercial activity shall abide by nuisance and noise regulations found in the West Goshen Township Code.
6. This Resolution and its authorization to conduct commercial activity in outdoor spaces shall expire one hundred twenty days after its effective date.
7. Any merchant who intends to provide outdoor seating, whether on a sidewalk, paved surface or an existing yard, shall provide a parking study to the Zoning Officer for approval. The Zoning Officer may require the merchant to eliminate indoor seating so that the merchant remains in compliance with the current Zoning Ordinance.

RESOLVED, at a duly convened meeting of the Board of Supervisors of West Goshen Township conducted on this 2nd day of December, 2020.

Robin Stuntebeck, Chair

Shaun Walsh, Vice-Chair

Ashley Gange', Member

John Hellmann, Member

Hugh Purnell, JR., Member

Casey LaLonde, Township Manager