

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

**RESOLUTION 10-2021**

**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**, the Governor's Proclamation of Disaster Emergency has been extended and is still in effect; AND

**WHEREAS**, on May 1, 2020, the Governor's Office presented a plan entitled Process to Reopen Pennsylvania which eased 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.

**WHEREAS**, on June 2, 2020, the Board of Supervisors of West Goshen Township passed a resolution easing the zoning restrictions for outdoor dining for a period of 120 days as long as the establishment met the established guidelines and complied with all other state and federal statutes.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of West Goshen Township, hereby renews the June 2, 2020 resolution under the established guidelines and policy for outdoor dining of existing business in the Township until **November 15, 2021** in areas on properties where it might otherwise be prohibited provided the following conditions are met:

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 or 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 regulations found in the West Goshen Township Code.
6. This Resolution and its authorization to conduct commercial activity in outdoor spaces shall expire on November 15, 2021, unless extended by Resolution or motion of the Board.
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 parking requirements in the current Zoning Ordinance.
8. If the Commonwealth alters the indoor dining capacity limits to a point where the merchant is not providing sufficient parking for the new outdoor seating and indoor seating area as required by the Zoning Ordinance, the merchant shall reduce the outdoor seating area to comply with the parking requirements in the Zoning Ordinance.

**RESOLVED**, at a duly convened meeting of the Board of Supervisors of West Goshen Township conducted on this 16<sup>th</sup> day of March, 2021.

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Casey LaLonde, Secretary

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Shaun Walsh, Chair

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Ashley Gagné, Vice-Chair

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John Hellmann, Member

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Hugh J. Purnell, Jr., Member

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Robin Stuntebeck, Member