

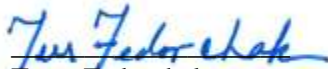
The special meeting of the **BOARD OF COMMISSIONERS** was held this evening via web-conference, President Daniel B. Norris presiding. Members present were Commissioners Brockington, Pransky, Rappoport, Areman, Holland and Zygmund-Felt.

Staff present via web-conference were: Terry Fedorchak, Interim Township Manager; Alyson Elliott, Assistant Township Manager; and Bruce Rangnow, Director of Fiscal Affairs. Also present via web-conference was Joseph Bagley, Esquire, Township Solicitor.

1. Mr. Norris called the meeting to order at 9:28 p.m.
2. Mr. Bagley provided a brief synopsis of Emergency Ordinance No. 3, which temporarily permits restaurants to establish outdoor dining areas during the Yellow Phase of the Governor's Reopening Process for Pennsylvania. The Ordinance was discussed at the Public Affairs Committee meeting earlier this evening and recommended for approval, provided it was amended to include language that guidance from the Montgomery County Office of Public Health was also followed in establishing outdoor dining areas.

Upon motion of Mr. Pransky, the Board of Commissioners unanimously voted to approve **Ordinance No. 2410-20**, an Emergency Ordinance temporarily permitting restaurants to use outdoor seating in accordance with the Yellow Phase of Governor Tom Wolf's Plan for Reopening the Commonwealth of Pennsylvania in response to the COVID-19 Emergency (see attached).

3. Citizens' Forum – None.
4. There being no further business, Mr. Norris adjourned the meeting at 9:32 p.m.



Terry Fedorchak  
Interim Township Manager

Per Alyson Elliott, Assistant Township manager

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2410-20**

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**AN EMERGENCY ORDINANCE OF THE BOARD OF COMMISSIONERS OF  
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA,  
TEMPORARILY PERMITTING RESTAURANTS TO USE OUTDOOR  
SEATING IN ACCORDANCE WITH THE YELLOW PHASE OF GOVERNOR  
TOM WOLF’S PLAN FOR REOPENING THE COMMONWEALTH OF  
PENNSYLVANIA IN RESPONSE TO THE COVID-19 EMERGENCY**

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**WHEREAS**, novel coronavirus COVID-19 ("COVID-19") has been declared a worldwide pandemic by the World Health Organization; and

**WHEREAS**, on March 6, 2020, Governor Tom Wolf of the Commonwealth of Pennsylvania declared the existence of a disaster emergency throughout Pennsylvania due to various threats of imminent danger and emergency caused by COVID-19 (the "Emergency Declaration"); and

**WHEREAS**, beginning March 19, 2020 and thereafter, Governor Wolf issued several "Stay at Home" orders directing individuals in Pennsylvania to stay at home and non-life sustaining businesses to close until June 4, 2020, subject to the right of the Governor to suspend the requirements of said "Stay at Home" orders for specific counties as part of the Governor’s phased plan for reopening Pennsylvania (the "Reopening Plan"); and

**WHEREAS**, it is anticipated that Montgomery County will move from the "Red Phase" to the "Yellow Phase" of the Reopening Plan beginning June 5, 2020; and

**WHEREAS**, according to the Reopening Plan, as modified and clarified by Governor Wolf from time to time, the "Yellow Phase" will permit restaurants to provide dine-in service in outdoor areas; and

**WHEREAS**, the Board of Commissioners of Cheltenham Township ("Board") has the authority to adopt emergency ordinances pursuant to Section 505 of the Cheltenham Township Home Rule Charter and the Pennsylvania Emergency Management Service Code, in order to meet a public health emergency; and

**WHEREAS**, the Board finds it to be in the best interests of the Township, residents of the Township and the public generally to temporarily permit outdoor seating for dining services at restaurants in the Township, in order to assist in the recovery of the restaurant business in the Township, subject to the restrictions and continuing social distancing requirements set forth herein.

**NOW, THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CHELTENHAM HEREBY ORDAINS AND ADOPTS** as follows:


1. Restaurants in Cheltenham Township shall be permitted to temporarily provide seating for dine-in service in outdoor areas ("Temporary Outdoor Seating") while Montgomery County is within the "Yellow Phase" of Governor Tom Wolf’s Reopening Plan as conditioned below.
2. Temporary Outdoor Seating shall be immediately discontinued if so ordered by Cheltenham Township or any government or agency with jurisdiction.

3. Temporary Outdoor Seating shall be immediately discontinued if Montgomery County moves back into the “Red Phase” or forward to the “Green Phase” of the Reopening Plan.
4. Temporary Outdoor Seating shall be directly in front of or adjoining a street-level eating or drinking establishment.
5. Without limiting any other restrictions specifically set forth in this Ordinance, patrons, guests, employees and owners of restaurant must follow all applicable social distancing guidelines issued by the Centers for Disease Control and Prevention (“CDC”) and the Pennsylvania Department of Health (“Department of Health”).
6. Any restaurant providing Temporary Outdoor Seating shall ensure that parking lot spaces shall not be utilized for Temporary Outdoor Seating unless seating is reduced by the restaurant in proportion to the relationship between the number of parking spaces and the existing restrictions of the Township Zoning Ordinance on the number of parking spaces in proportion to the amount of space devoted to patron use at the restaurant. The Cheltenham Township Code Enforcement Officer/Zoning Officer is hereby authorized to approve the proportional relationship between the reduced seating and the reduced parking in accordance with the Township Zoning Ordinance. Drive aisles and driveways shall not be utilized for Temporary Outdoor Seating.
7. Any restaurant providing Temporary Outdoor Seating shall ensure that patrons shall not be permitted to sit together unless they are from the same household and already living together.
8. Any restaurant providing Temporary Outdoor Seating shall ensure that the Temporary Outdoor Seating area shall be physically separated from the public and parking areas by railing, fence, planting boxes, or a combination thereof.
9. Any restaurant providing Temporary Outdoor Seating shall ensure that the placement of tables and chairs for Temporary Outdoor Seating shall not, in the opinion of the Cheltenham Township Code Enforcement Officer/Zoning Officer or Fire Marshal, unreasonably block or restrict sidewalks or fire lanes.
10. Any restaurant providing Temporary Outdoor Seating shall ensure that Temporary Outdoor Seating shall not be utilized to increase the total number of seats permitted for the indoor restaurant use.
11. If the Temporary Outdoor Seating is located adjoining a residential zoning district, any restaurant providing Temporary Outdoor Seating shall ensure that odor control devices shall be installed to minimize food odor impacts.
12. Any restaurant providing Temporary Outdoor Seating shall ensure that tables and chairs are thoroughly cleaned and disinfected between every use by Customers.
13. Any restaurant providing Temporary Outdoor Seating shall ensure that no shared dishes shall be permitted.
14. Any restaurant providing Temporary Outdoor Seating shall ensure that servers, hosts, managers, and any other employee of the restaurant coming in contact with customers shall wear masks.

15. Any restaurant providing Temporary Outdoor Seating shall ensure that customers shall be required to wear masks at all times on the restaurant premises, except when seated at their table. This includes when a customer gets up to use the bathroom.
16. Where indoor bathroom use is permitted, any restaurant providing Temporary Outdoor Seating shall ensure that masks are worn indoors.
17. Any restaurant providing Temporary Outdoor Seating shall ensure that masks cover a person's mouth and nose.
18. Any restaurant providing Temporary Outdoor Seating shall ensure that the required social distance of six (6) feet between groups of customers shall be measured from the two closest points. For example, the back of a "pulled-out" chair to the back of the next "pulled-out" chair.
19. Any restaurant providing Temporary Outdoor Seating shall ensure that the tables and chairs designated for Temporary Outdoor Seating shall be located so that there exists, in the opinion of the Cheltenham Township Code Enforcement Officer/Zoning Officer, sufficient protections to separate dining patrons from passersby on neighboring properties and public spaces, sidewalks, trails and other pedestrian rights-of-way. Any restaurant providing Temporary Outdoor Seating shall ensure that there shall be a minimum 3-foot wide aisle on a sidewalk to allow passage of a wheelchair.
20. No restaurant providing Temporary Outdoor Seating shall have outdoor music, performances or any other events, guests or person(s) outdoors not directly related to the serving of food to customers.
21. All other requirements of the Department of Health and the Montgomery County Office of Public Health regarding outdoor dining in Pennsylvania shall be observed.
22. All other requirements of the Governor's Emergency Orders and Declarations shall be observed.
23. This Ordinance temporarily supersedes any restrictions on outdoor seating for a restaurant in the Township Zoning Code until Montgomery County moves back into the "Red Phase" or forward to the "Green Phase" of the Reopening Plan. At the beginning of the Green Phase of the Reopening Plan, any restaurant providing Temporary Outdoor Seating shall ensure that all Temporary Outdoor Seating is immediately removed.
24. Cheltenham Township assumes no liability and expressly disclaims any liability for injury to, or damages claimed by, all patrons, invitees, employees, property owners, adjoining or neighboring property owners or trespassers involving any aspect of Temporary Outdoor Seating.


**ADOPTED** at an emergency meeting of the Cheltenham Township Board of Commissioners held on the 10<sup>th</sup> day of **June, 2020**.

**ATTEST:**

  
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**Terry Fedorchak**

*Interim Township Manager & Secretary*

**TOWNSHIP OF CHELTENHAM  
 BOARD OF COMMISSIONERS**

By:   
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**Daniel B. Norris, President**