

**LOWER SALFORD TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION NO. 2020 - 16**

**A RESOLUTION 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**

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

**WHEREAS**, on March 6, 2019, 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 April 23, 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 Supervisors of Lower Salford Township 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, THEREFORE, BE IT RESOLVED**, as follows:

1. Restaurants in Lower Salford 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.
2. Temporary Outdoor Seating shall be immediately discontinued if so ordered by 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. Without limiting any other restrictions specifically set forth in this Resolution, customers, 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”).
5. Parking lot spaces shall not be utilized for Temporarily Outdoor Seating unless reduced seating is provided and the Lower Salford Township Code Enforcement Officer and the Fire Marshal has approved the relationship between the reduced seating and the reduced parking.

6. The placement of tables and chairs for Temporary Outdoor Seating shall not, in the opinion of the Lower Salford Township Code Enforcement Officer and the Fire Marshal, unreasonably block or restrict sidewalks or fire lanes.

7. Temporary Outdoor Seating shall not be utilized to increase the total number of seats permitted for the indoor restaurant use.

8. The tables and chairs designated for Temporary Outdoor Seating shall be located so that there exists, in the opinion of the Lower Salford Township Code Enforcement Officer and the Fire Marshal, sufficient protections to separate dining customers from passersby on neighboring properties and public spaces, sidewalks, trails and other pedestrian rights-of-way. All Temporary Outdoor Seating shall be ADA accessible to the satisfaction of the Lower Salford Township Code Enforcement Officer.

9. No restaurant shall have outdoor music, performances or any other events, guests or person(s) outdoors not directly related to the serving of food to customers.

10. All other requirements of the Department of Health regarding outdoor dining in Pennsylvania shall be observed.

11. All other requirements of the Governor's Emergency Orders and Declarations shall be observed.

12. Any individuals who patronize, work at or otherwise visit businesses permitted to offer Outdoor Seating Areas for dine-in food service pursuant to this Resolution assume the risk that they may be exposed to and contract the COVID-19 virus. Any decision to use any permitted Outdoor Seating Area is made knowingly and voluntarily with the full knowledge of this risk. The Township shall not be liable for any exposure to or contraction of

the COVID-19 virus by any individual as a result of the permission to provide or use permitted Outdoor Seating Areas pursuant to this Resolution.

**APPROVED** at the public meeting of the Lower Salford Township Board of Supervisors held on June 3, 2020.

**LOWER SALFORD TOWNSHIP**

By:   
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**Douglas A. Gifford**, Chairman,  
Board of Supervisor

Attest:   
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**Joseph S. Czajkowski**, Secretary