



MUNICIPALITY OF NORRISTOWN

A HOME RULE MUNICIPALITY

235 EAST AIRY STREET
NORRISTOWN, PENNSYLVANIA 19401-5048
(610)272-8080

FAX:

FINANCE: (610)-270-0445
ADMINISTRATION: (610)-275-0687
BUSINESS DEV. (610)-277-2641
PUBLIC WORKS: (610)-279-3603
PLANNING: (610)-270-2892
CODE/BLDG.: (610)-279-7548

NOTICE TO RESTAURANT OWNERS

Ordinance 08-26, passed by Municipal Council in November of 2008, allows sidewalk dining in Norristown. Prior to this ordinance sidewalk dining was unlawful.

If you wish to have sidewalk dining for your establishment, please complete the attached application form and return it to the Municipal Finance Office, 235 East Airy Street, Norristown, PA 19401, along with a check payable to the Municipality of Norristown for \$25.00.

Your application will be reviewed and, if approved, a sidewalk dining license will be issued. Your license fee will be returned if your application is rejected.

If you have any questions, please contact Dave Forrest, Municipal Administrator, at 610-270-0420.

MUNICIPALITY OF NORRISTOWN
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE No. 08-26 of 2008

A MUNICIPALITY OF NORRISTOWN ORDINANCE
ESTABLISHING SIDEWALK DINING LICENSES

SECTION 1: PURPOSE AND INTENT

The purpose and intent of this article is to allow portions of the public sidewalks in front of eating establishments to be used for sidewalk dining subject to issuance of a sidewalk dining license and strict compliance with all conditions set forth herein. This limited authorization to use the public sidewalk is intended to advance the public purposes of stimulating economic activity and providing amenities in the business districts of the Municipality of Norristown, and such authorization shall be solely in the nature of a revocable license which shall not be deemed to vest licensees with any property interest or other rights in the public sidewalks.

SECTION 2: LICENSE REQUIRED/PROHIBITED ACTIVATION

A. No person shall engage in or allow sidewalk dining on any public sidewalk without having first obtained a sidewalk dining license.

B. An application, sworn to by the applicant, for a sidewalk dining license shall be filed annually with the Municipality Zoning Officer on forms supplied by the Municipality Zoning Officer. The forms shall require the following information and such additional information as deemed necessary.

1. The name of the applicant and the address.
2. The name and address of the eating establishment where sidewalk dining is to be maintained.
3. A description of the dimensions of the area and the number of tables to be used for sidewalk
4. Consent of the owner of the premises, if other than the applicant.
5. A certificate of insurance providing at least \$500,000 of comprehensive general liability extending premises coverage to all activities associated with sidewalk dining and listing the Municipality of Norristown as an additional insured with respect to such activities. This requirement may be increased at the discretion of the Municipality of Norristown Zoning Officer.

6. A check payable to the Municipality of Norristown in the amount of the license fee required by the Municipality and set by Resolution of Municipal Council.

SECTION 3: APPLICATION REVIEW

- A. The Municipal Zoning Officer shall review the application investigation report on each applicant. The Municipal Zoning Officer shall approve or deny the application, based on the zoning district and public safety concerns.
- B. Any Applicant who is denied a license may request in writing a hearing on the denial decision before Municipal Council.

SECTION 4: FEES.

- A. The annual license fee shall be set by Resolution of Municipal Council

SECTION 5: LICENSE TERMS AND CONDITIONS

- A. A sidewalk dining license shall be valid from April 1st until November 15th of a given year, and a new license must be obtained for each year.
- B. A sidewalk dining license may not be transferred.
- C. The license shall be displayed in a conspicuous place on the premises prior to the use of the premises for sidewalk dining.

SECTION 6: REGULATIONS

The conduct of sidewalk dining pursuant to a license issued under this article shall be subject to all of the following restrictions and requirements.

- A. Public sidewalk dining may be conducted by any licensed business within the Municipality of Norristown.
- B. The sidewalk dining area must not inhibit pedestrian traffic on public sidewalks, and an area must be open and unobstructed for pedestrian traffic between the closest edge of the cafe—type tables (no picnic benches) and the curb line, which area shall have a minimum width of the greater of 6 feet or half of the sidewalk width.
- C. Restaurateurs shall not place anything in an alleyway or walkway or set up tables in such a manner as to block any alleyways or walkways or any building entrance or

egress. It shall be unlawful to obstruct or reduce in any manner the clear width of any exit, discharge passageway, as determined by the clear width opening of the entrance egress door(s). The passageway shall be as straight as possible leading directly to the street.

- D. The only items permitted are tables, chairs, umbrellas and containers for the disposal or recyclable cans/bottles and garbage.
- E. Restaurateurs shall not place any table, sign, umbrella or other item in such a manner as to block any municipal signs, receptacles for garbage, public benches or other public amenity including fire hydrants.
- F. Restaurateurs must provide for the disposal of recyclable cans/bottles and garbage. Public receptacles for garbage shall not be used. Sidewalk areas shall be kept clean during hours of operation. Litter shall not be permitted on adjoining sidewalks or property.
- G. Restaurateurs are prohibited from serving drivers or passengers of vehicles. All customers must be seated throughout their meal.
- H. Restaurateurs are prohibited from using public utility hookups.
- I. All sound systems are strictly prohibited.
- J. All food preparation shall be in the regular kitchen area of the restaurant, not outside.
- K. All outdoor food service is subject to the regulations of the Montgomery County Department of Health.
- L. The placement of outdoor tables shall be limited to the area immediately in front of existing and/or property approved restaurants, cafes or eating establishments. No portion of any sidewalk dining equipment, including chairs, tables and opened umbrellas, shall encroach upon the sidewalk area in a manner to block, impede or cover adjacent store fronts, doors or windows in front of other business establishments.
- M. Sidewalk dining may commence April 1 and may continue through November 15th.
- N. Permissible hours of operation shall be from 11:00 a.m. to 10:00 p.m.
- O. Alcohol service or consumption is permitted only if the licensee provides outside waiter/waitress service and obtains half of its gross revenues in a calendar year from serving food.
- P. Everything must be removed and sidewalks must be washed daily by 10:30 p.m.
- Q. The Municipality retains the right to temporarily suspend a sidewalk dining license to allow for construction activity, utility repairs, special events or for other reason as deemed appropriate by the Municipal Council, with reasonable advance notice to be given to affected licensees.

SECTION 7: SUSPENSION AND REVOCATION OF LICENSE.

Any license may be suspended or revoked for good cause by the Zoning Officer, including but not limited to a misrepresentation of the information supplied in the application, the conviction of a crime, a violation of any ordinance, statute or government regulation or a violation of this article. Ha business violates one of the aforementioned provisions during one calendar year; the business shall have their license revoked.

SECTION 8: ENFORCEMENT

The Municipal Zoning Officer or their designee shall be responsible for licensing and the collection of fees. This chapter shall otherwise be enforced by the Zoning Officer, Code Enforcement Officers, or the Norristown Police Department.

SECTION 9: VIOLATIONS AND PENALTIES

Any violations of the provisions of this article shall be punishable by a fine not to exceed \$500.00. Each day the violation shall continue after a notice and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.

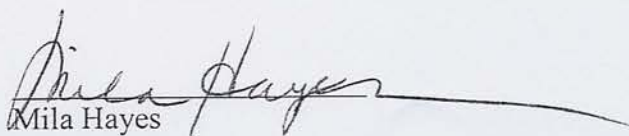
SECTION 10: SEVERABILITY

Each section of this article is an independent section, and the holding of any section or part thereof to be unconstitutionality of any other section of part thereof.

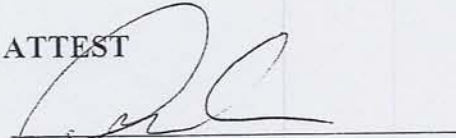
SECTION 11: EFFECTIVE DATE

This Ordinance shall become effective in accordance with the Home Rule Charter.

ENACTED AND ORDAINED this 18th day of November, 2008 in Council Chambers.


Mila Hayes
Council President

ATTEST


David Forrest
Municipal Administrator



MUNICIPALITY OF NORRISTOWN

A HOME RULE MUNICIPALITY

235 EAST AIRY STREET
NORRISTOWN, PENNSYLVANIA 19401-5048
(610)272-8080

FAX:
FINANCE: (610)-270-0445
ADMINISTRATION: (610)-275-0687
BUSINESS DEV. (610)-277-2641
PUBLIC WORKS: (610)-279-3603
PLANNING: (610)-270-2892
CODE/BLDG.: (610)-279-7548

Municipality of Norristown Sidewalk Cafe License Application

Permit # _____

Date of Application: _____

Owner/Corporation Name: _____

Owner/Corporation Address: _____

Telephone #: _____

Contact/Maintenance Person: _____ (must be available 24/7)

Address: _____ City: _____

State: _____ Zip: _____ Phone: _____

Pager#: _____ Cellular#: _____

Insurance Information

Public Liability Insurance Carrier: _____

Policy #: _____ Amount: _____ From: _____ To: _____

Agents Name: _____ Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Insurance Information

Applicants at the time of application must provide an insurance certificate with the following types and limits of coverage naming the Municipality as additional insured with a waiver of subrogation:

General Liability

- \$1,000,000 each occurrence, bodily injury and property damage
- \$2,000,000 annual liability aggregate
- \$2,000,000 products and completed operations aggregate
- \$1,000,000 personal and advertising injury liability
- \$100,000 fire damage
- \$5,000 medial payments

Umbrella Liability

- \$1,000,000 per occurrence
- \$1,000,000 annual aggregate

Worker's Compensation and Employer's Liability (if applicable)

- Statutory WC
- \$1,000,000/\$500,000/\$100,000 for Employer's Liability

Liquor Liability (if applicable)

- \$1,000,000 each occurrence and annual aggregate

Further in consideration of the permit issuance by the Municipality of Norristown the applicant hereby agrees to indemnify and hold harmless the Municipality of Norristown from any and all claims, damages, causes of action, and suits whatsoever arising out of or in any way connected to any and all activities associated with the vending activity,

Description of Activity

Number of Tables: _____

Number of Chairs: _____

Please attach a sketch of the proposed locations indicating the size of the table(s), configuration of seating and the sidewalk dimensions.

License Fee and Term

A sidewalk dining license is valid from April 1 until November 15 of each year. A new application must be completed and a fee paid each year if sidewalk dining is desired. The license fee is \$25.00

I, _____ the undersign, as an individual or Representative
(print name)
of the above corporation, attest that the information provided above is correct and accurate.

Signature

Date

For Official Use Only

Total number of tables approved: _____

Total number of chairs approved: _____

Location of approved tables & chairs: _____

Check #: _____ Receipt #: _____

Approved by: _____
Print Name

Signature

Date: _____