

**CITY OF LANCASTER, PENNSYLVANIA
COVID-19 OUTDOOR RETAIL ORDINANCE
RULES AND REGULATIONS**

Prepared by City of Lancaster

Department of Public Works

Approved by: Stephen A. Campbell, Director

DATE: July 29, 2020

These Rules and Regulations apply to each Application for a Temporary Outdoor Retail Permit and/or for the operation of Outdoor Retail under and pursuant to the City of Lancaster COVID-19 Outdoor Retail Ordinance, Administrative Bill No. 07 – 2020, Administrative Ordinance No.06-2020, adopted by City Council on July 29, 2020 (Attachment “A”). Licenses will only be issued to retail businesses with a physical locations that are currently registered with the City.

I. **Applications for Temporary Outdoor Retail Permit**

- A. Obtaining the Application. Applications may be obtained on the City website at the link below, by calling 717-291-4764, or e-mailing Engineering@cityoflancasterpa.com. A copy of the application is attached hereto as Attachment “B”.
- B. Submitting Application. Completed applications should be submitted to Engineering@cityoflancasterpa.com, or calling 717-291-4764 to schedule an inspection with an inspector of the City of Lancaster prior to submission.
- C. Other Documents Required With Submission of Application. With each Application for a Temporary Outdoor Retail Permit, the applicant should provide a certificate of insurance showing general liability insurance in amounts not less than \$100,000 per individual and \$300,000 per occurrence for operations to be covered by the Temporary Outdoor Retail Permit, a fully executed release form attached hereto as Attachment “C”, and a sketch of the proposed outdoor retail area. Failure to supply a fully executed and signed application along with these documents may result in the denial of an application for Temporary Outdoor Retail Permit.
- D. Review of Application and Granting of Permit. Permit Applications will be reviewed promptly by the City Engineer or her/ his designee. The City Engineer will work promptly to process each application as submitted.
- E. Term of Permit. All permits (licenses) issued hereunder shall be for the term commencing with the date of issuance of the same and ending on December 31, 2020.
- F. Sketch. The sketch should be drawn as close to scale as reasonably possible, depicting the applicant’s existing facility along with the proposed area for the outdoor retail. The sketch shall include:
- The entirety of the sidewalk abutting the property of the applicant;
 - The frontage of the property proposed for the outdoor retail;
 - All existing sidewalk features, including but not limited to trees, utility poles, sign poles, fire hydrants, permanent litter receptacles, news vending racks and mailboxes;
 - Any bus stops within 25 feet on either side of the proposed outdoor retail area;

- limits of the proposed outdoor retail site, the proposed location of tables, display cases, racks and other similar items, including the size of each item;
- walking paths to and from the applicant's facility to the proposed outdoor retail area;
- the dimension and proposed location of all proposed temporary structures (i.e., canopies, umbrellas, planters, landscaping, tables, display cases, racks and other similar items, chairs, all exterior lighting, electrical outlets, etc.);
- dimensioned pedestrian walkway for the public (minimum 6' width required).

G. Use of Areas Not Adjoining an Applicant's Property. Should the applicant desire a permit for a retail area not immediately adjacent to the applicant's property, the applicant should, along with the sketch referenced above, submit documents signed by all property owners other than the applicant along whose property the proposed outdoor retail is adjacent, consenting to the applicant's request for a permit for the same.

II. Physical Requirements.

A. Sidewalk

- a. All Outdoor Retail Areas operated pursuant to a License issued hereunder shall comply with the following standards.
- The Outdoor Retail Area shall have a Pedestrian Walkway with a clear, unobstructed width of six (6) feet between the Outdoor Retail Area and any obstacle, (tree, pole, post, sign, planting area, bus shelter, etc.). In addition to the tables, display cases, racks, and other items placed in the ROW, the Outdoor Retail area must take into account an area for customers to view the merchandise without impeding the six foot wide Pedestrian Walkway. The Pedestrian Walkway shall be provided with an unobstructed height of seven (7) feet between the ground plane and an overhead obstacle (tree branch, overhead sign, awning, etc.).
 - No Outdoor Retail Area may be permanently located within the Sidewalk Area by means of raised deck platform, fence, walls or other structures or enclosed by fixed walls, except that such Outdoor Retail Area boundaries may be delineated by the use of temporary barriers such as balustrades, cordons or rail links. Any such temporary barriers must be easily removed and three (3) feet or less in height above the sidewalk. Under no circumstances shall temporary barriers as authorized hereunder be allowed in the identified Pedestrian Walkway, nor shall a temporary barrier be affixed to the sidewalk or to any permanent structure, except that it may be attached by removeable clips or devices approved in advance by the City Engineer.

- The City Engineer may approve temporary platforms or similar structures for the sole purpose of leveling Outdoor Retail Areas on which Outdoor Retail Operations are located.
- No Outdoor Retail Area shall be situated:
 - i. within six (6) feet of pedestrian crossing as defined in City of Lancaster Code Section 22-19(c), safety zones;
 - ii. within five (5) feet along the street line of any fire hydrant or other emergency facility;
 - iii. within five (5) feet of any driveway;
 - iv. within two (2) feet of any curb line;
 - v. within ten (10) feet to the rear of any sign marking a designated bus stop;
 - vi. in a manner which restricts sight easements of vehicular traffic; or
 - vii. in a manner which obstructs traffic control devices or traffic signs.
- All Outdoor Retail Operations shall be open to the air.
- Canopies and awnings may be permitted in accordance with specifications, as delineated by the City Building Code or in the Rules and Regulations which relate to height, placement, interference with pedestrian passage and traffic sight easement.
- Outdoor Retail Operations shall in no way obstruct the ingress to or the egress from any building or business.
- All Outdoor Retail Operations and their attendant facilities or improvements shall comply with clearances required for structures in relation to utility lines as provided for in the City Building Code.
- No Outdoor Retail Operation shall be located on the Sidewalk Area between the building façade and a bus stop.
- Except as otherwise approved by the City Engineer, no portion of an Outdoor Retail Operation or its facilities, customer area, appurtenances, planters, shrubs, tables, racks, display cases, or other materials shall be permitted in the Pedestrian Walkway.
- Outdoor Retail Operations shall provide and maintain adequate lighting in an around the Pedestrian Walkway so as to allow sidewalk users to observe and avoid obstructions.
- Outdoor Retail Operations shall not obstruct access to hydrants, streetlights, telephones, mailboxes, transit stops or any other public service facility on the Sidewalk Area or street.
- An Outdoor Retail Operation may be expanded to an abutting property with the written permission of that Abutting Property owner.
- In the event that the proposed Outdoor Retail Area is not in front of the applicant's business or Abutting Property, the applicant must provide written permission from the owner of the property and

other proof reasonably required by the City verifying that an Outdoor Retail Area may be operated in such non-contiguous location.

- All Outdoor Retail Operations shall be operated in a manner consistent with the Rules and Regulations. Any and all such Rules and Regulations can and will be changed from time-to-time based on changes in CDC Guidelines related to the COVID-19 Pandemic, new orders issued by the Governor and/or Secretary of Health for the Commonwealth of Pennsylvania and any other circumstances deemed appropriate by the Director related to the safety of patrons and employees.

B. Parklet Using Parking Lane Adjacent to Active Travel Lane

- Approved pre-fabricated unit or traffic rated barricade barrier required
- Lancaster Parking Authority parking space rental may be required
- Parklet site layout requirements
 - i. Minimum separations
 1. 5 feet clearance from utilities (manholes, valve boxes, sewers, inlets, etc), loading zones and handicapped parking spaces
 2. 60 feet from bus stops
 3. 15 feet from fire hydrants
 4. 20 feet from crosswalk or building corner, or 32 feet from intersection without marked crosswalk
 - ii. Setbacks
 1. 4 feet from adjacent parking spaces
 2. 18 inches from travel lane
 - iii. ADA accessible if pre-fabricated unit
 - iv. Entrance to avoid tree pits

C. Street Closures. Street closures requests will be considered on a case-by case basis.

- A Traffic Control Permit must be completed and applicable notifications must be provided. This permit is provided in Attachment “D”
- If approved, City may assist with traffic control signs if available within the City’s existing stock. If proper signing is not available, licensee will be required to provide, set-up, and take down traffic control signage.
- Emergency vehicle access must be maintained. Approval of fire and police department required.

D. Retail Area Marking. How to delineate and mark retail areas.

- Delineation of outdoor retail areas is not required

- Retail adjacent to moving traffic will require traffic rated physical barriers to delineate the retail area or an approved parklet prototype.
 - Areas in closed street will be delineated with temporary marking paint or tape.
- E. Marking. How to delineate and mark off locations of tables, display cases, racks and other similar items. Tables locations must be marked with temporary marking spray paint or tape. Paint to be refreshed when needed.
- F. Posting. Post license in establishment window.
- G. Trash Cans must be accessible for patrons of the retail area. If no public cans are within 25' of the café, a trash can must be provided.

III. **Operations**

- A. Securing of Tables. Tables, display cases, racks and other similar items located in outdoor retail areas must be self supporting and sturdy enough to withstand outside elements. Tables, display cases, racks and other similar items cannot be secured or affixed to the sidewalk or the adjoining property. As set forth below, all such items must, however, be located on the areas marked and designated for the same.
- B. Hours of Operation. The hours of operation must match the hours of the sponsoring retail establishment. All materials used in the operation of the outdoor retail space or within the area used by the sidewalk outdoor retail space shall be removed from the sidewalk within one (1) hour of closing.
- C. Merchandise and Sales. All merchandise or services displayed outdoors shall be of the same types ordinarily sold indoors at the associated business. All sale transactions shall be conducted indoors or outside the right-of-way.

IV. **Health Requirements**

- A. Tables, Display Cases, Racks. Holders of any License or Permit issued hereunder will be required to disinfect high touch area at a frequency to comply with all guidelines established by the Governor and/or Secretary of Health of the Commonwealth of Pennsylvania regarding the operation of retail establishments during the COVID-19 pandemic.
- B. Trash Cans. Holders of all licenses and permits issued hereunder shall be required to disinfect all trash cans which they locate within their sidewalk retail area at least hourly, if not more based on use. They shall also monitor trash and debris an area extending fifteen (15) feet in each direction from the outermost portion or boundary of the sidewalk retail area daily.
- C. Number of persons in outdoor retail area. The number of persons allowed in the retail area must not exceed the number approved with the permit by the

City of Lancaster. The City will follow all Orders of the Governor and Secretary of Health of the Commonwealth of Pennsylvania relating to occupancy of outdoor retail areas during the COVID-19 pandemic. The number of persons in a retail area will be based on maintaining social distancing requirements. Should and if the guidelines established by Orders of the Governor and/or Secretary of Health of the Commonwealth of Pennsylvania change, to increase these numbers, applicants may make written request to the City to amend their permits to allow for increased number of people.

- D. Compliance with Orders. Holders of all permits and/or licenses issued hereunder shall comply at all times with the Orders and Guidelines of the Governor and Secretary of Health of the Commonwealth of Pennsylvania, the Center for Disease Control and the Health Officer of the City of Lancaster with respect to the operation of their outdoor retail area.
- E. Other Requirements. Holders of licenses or permits issued hereunder shall comply with any other requirements or conditions of their permit and shall at all times comply with directions of the Health Officer of the City of Lancaster and with health regulations of the Commonwealth of Pennsylvania.

V. **Public Retail Areas.**

- A. Public retail areas shall be established from time-to-time by the Director of Public Works.
- B. Director of Public Works will delineate such areas for public retail by facilities as the Director deems appropriate, markings on the street and postings of signage, and postings on the website of the City of Lancaster. All such signage and postings shall include reference to the hours of operation.

VI. **Revocation of permits.**

- A. All permits issued hereunder are temporary and are issued at the discretion of the City Engineer. Should the City determine that it is not in the best interest of the health and welfare of its citizens to allow the holder of a permit to continue to operate an outdoor retail area, the City may revoke such permit or license. Failure to comply with the terms of the City's COVID-19 Outdoor Retail Ordinance and these Rules and Regulations shall constitute grounds for revocation.

ATTACHMENT "A"
Outdoor Retail Ordinance

FILE OF THE CITY CLERK

ADMINISTRATIVE ORDINANCE NO. 06- 2020

ADMINISTRATION BILL - NO. 07 - 2020

INTRODUCED – JULY 14, 2020

ADOPTED BY COUNCIL July 28, 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA REFERRED TO AS THE COVID-19 OUTDOOR RETAIL ORDINANCE ESTABLISHING PROVISIONS PURSUANT TO WHICH INDIVIDUALS AND ENTITIES MAY RECEIVE A LICENSE FROM THE CITY OF LANCASTER FOR THE USE OF STREET RIGHTS-OF-WAY TO CONDUCT RETAIL OPERATIONS, ESTABLISHING THE CONDITIONS FOR OPERATING SUCH OUTDOOR RETAIL OPERATIONS, ALLOWING THE DIRECTOR OF PUBLIC WORKS TO DESIGNATE FROM TIME-TO-TIME AREAS WITHIN THE CITY OF LANCASTER AS AREAS RESERVED FOR OUTDOOR RETAIL OPERATIONS, AUTHORIZING THE DIRECTOR TO PROMULGATE RULES AND REGULATIONS FOR THE ISSUANCE OF LICENSES, FOR THE ESTABLISHMENT OF PUBLIC AREAS FOR OUTDOOR RETAIL OPERATIONS AND FOR THE USE AND UTILIZATION OF OUTDOOR RETAIL AREAS AND PUBLIC RETAIL AREAS, ESTABLISHING PENALTIES FOR VIOLATION OF THE ORDINANCE, PROVIDING FOR THE ENFORCEMENT OF THE ORDINANCE BY POLICE OFFICERS, THE HEALTH OFFICER AND ALL CODE OFFICERS OF THE CITY OF LANCASTER, AND PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE.

WHEREAS, the 2019 Novel Coronavirus (COVID-19) is a contagious disease that is rapidly spreading from person to person in the Commonwealth of Pennsylvania and can be transmitted from people who are infected with the virus, even if they are a-symptomatic or their symptoms are mild, or through exposure through the touching of surfaces or objects that have the virus on it and then touching one’s mouth, nose or eyes; and

WHEREAS, the Governor of the Commonwealth of Pennsylvania issued a Declaration of State of Emergency for the Commonwealth of Pennsylvania related to COVID-19 on March 6, 2020; and

WHEREAS, COVID-19 is a threat to the public’s health, for which the Secretary of Health may order general measures, including, but not limited to, closure, isolation and quarantine; and

WHEREAS, the Secretary has the authority to take any disease control measures appropriate to protect the public from the spread of infectious disease; and

WHEREAS, in accordance with such authority, Rachel Levine, M.D., Secretary of Health for the Commonwealth of Pennsylvania has issued orders establishing safety and

precaution members to protect the public from the spread of COVID-19; and

WHEREAS, it is anticipated by City Council of the City of Lancaster that various orders and restrictions will continue to be placed upon retailers by the Governor or the Secretary of Health from time-to-time which will stay in effect for a significant numbers of months following the date of enactment of this Ordinance and through the course of the COVID-19 pandemic; and

WHEREAS, City Council of the City of Lancaster deems it to be in the best interest, health and welfare of its residents and businesses to promote and encourage use of outdoor spaces for retailing in accordance with the guidelines issued by the Secretary of Health of Commonwealth of Pennsylvania.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED and enacted by the Council of the City of Lancaster, Lancaster, Pennsylvania, as follows:

SECTION 1.

TITLE.

This Ordinance shall be referred to as the COVID-19 Outdoor Retail Ordinance.

SECTION 2.

TERM OF ORDINANCE.

This Ordinance shall take effect immediately upon its adoption and shall remain in full force and effect through December 31, 2020 at which time it shall terminate unless extended by Ordinance adopted by the City Council of the City of Lancaster.

SECTION 3.

INTENT AND PURPOSE.

The intent of this Ordinance is to authorize and create a system for issuing of Licenses for use of public streets, rights-of-way and public places within the City of Lancaster for outdoor retailing and to establish rules and regulations that assure that such outdoor retailing is performed in a manner consistent with the orders of the Governor of the Commonwealth of Pennsylvania and the Secretary of Health of the Commonwealth of Pennsylvania.

SECTION 4.

DEFINITIONS.

For the purposes of this Ordinance, certain words and phrases shall have the meanings described to them by this Section, unless the context clearly indicates a different meaning.

Abutting Property. Property contiguous to a public street Right-Of-Way on which a outdoor retail operation will be conducted pursuant to this Ordinance.

Areas Reserved for Outdoor Retail Operations (“Public Retail Places”). Areas so designated in accordance with Section 7 of this Ordinance.

City Engineer. The City Engineer of the Department of Public Works or the City Engineer’s authorized representative.

Director. The Director of Public Works of the City of Lancaster.

Health Officer. The Health Officer of the Bureau of Housing, Health and Sanitation or his/her authorized representative.

License. A License issued by the City of Lancaster for an Outdoor Retail Operation pursuant to this Ordinance.

Outdoor Retail Area. The area governed by a License or designated by the Director for use as an Outdoor Retail Operation.

Outdoor Retail Operation. The use of a street Right-Of-Way described in Section 5A of this Ordinance.

Owner. Includes any owner of fee simple title, part owner, joint owner, tenant-in-common, tenant-in-partnership, joint tenant or tenant by the entirety of the whole of the land contiguous to the street Right-Of-Way on which an outdoor retail operation is to be operated under the authority of this Ordinance.

Pedestrian Walkway. That portion of a Sidewalk Area which is free of any obstruction, fixture of appurtenance and is used for pedestrian travel.

Person. Includes a partnership, corporation, association, trust, estate or other legally recognized entity, as well as an individual.

Rules and Regulations. The Rules and Regulations promulgated by the Director pursuant to Section 8 of this Ordinance.

Sidewalk Area. That portion of the City street Right-Of-Way reserved for sidewalks, which areas are defined on the City Plan.

Street Right-Of-Way. The entire Right-Of-Way of a public highway, public alley or public road, including the designated Sidewalk Areas.

Streetscape Components. Those items designated as streetscape components pursuant to Chapter 262 – Streets and Sidewalks – of the Code of the City of Lancaster.

Streetscape District. Those areas designated as a streetscape district pursuant to Chapter 262- Streets and Sidewalks - of the Code of the City of Lancaster.

Streetscape Standards. Those standards designated as streetscape standards by Chapter 262 of the Code of the City of Lancaster, Streets and Sidewalks.

SECTION 5.

LICENSE REQUIRED.

- A. It shall be unlawful to sell, offer for sale, vend, operate, maintain, serve or give away any item from a sidewalk without a valid License from the City issued pursuant to this Ordinance. Notwithstanding the foregoing, should items of food or beverage wish to be sold, the sale or service of same is governed by and must be done in accordance with the Sidewalk Café Ordinance of the City of Lancaster and/or the COVID-19 Outdoor Dining Ordinance of the City of Lancaster.
- B. Application for a License hereunder must be made in writing to the Engineer.
- C. Licenses hereunder shall only be available under the terms of this Ordinance.
- D. Acceptance of a License hereunder is an express acknowledgement and consent to the terms and restrictions set by this Ordinance and the City Engineer. The grant and usage of such License is a privilege, not a right, subject to reasonable restrictions as set out herein or as may be promulgated by the Director.
- E. As an express condition of the acceptance of a License hereunder the recipient agrees to police for trash and debris in an area extending fifteen (15) feet in each direction from the outermost portion or boundary of the Outdoor Retail Area at least daily.
- F. No application fee will be required for an application for License hereunder.
- G. No zoning approval is required for any License issued hereunder and any License issued hereunder shall not constitute an expansion of an existing use for zoning purposes.
- H. With respect to any Licenses issued pursuant to this Ordinance, the Director and/or City Engineer may waive or modify any of the requirements set forth in Article 7 of Chapter 262.
- I. With respect to any Licenses issued pursuant to this Ordinance, the Director and/or City Engineer may waive or modify any of the requirements set forth in Article 7 of Chapter 262- Streets and Sidewalks of the Code of the City of Lancaster, relating to Streetscape Standards and Streetscape Components.
- J. Any requirements for Historic Architectural Review Board approval of any License pursuant to this Ordinance are waived, provided any proposed improvements or alterations to the Sidewalk Area or Right-Of-Way are temporary and non-invasive in nature.
- K. The Director may designate areas of street Rights-Of-Way for use as Outdoor Retail Areas and in such case only those making application for and receiving Licenses may use those portions of the Right-Of-Way for an Outdoor Retail Area.

SECTION 6.

OUTDOOR RETAIL OPERATION REQUIREMENTS.

All Outdoor Retail Areas operated pursuant to a License issued hereunder shall comply with the following standards.

- A. The Outdoor Retail Area shall have a Pedestrian Walkway with a clear, unobstructed width of six (6) feet between the Outdoor Retail Area and any obstacle, (tree, pole, post, sign, planting area, bus shelter, etc.). The Pedestrian Walkway shall be provided with an unobstructed height of seven (7) feet between the ground plane and an overhead obstacle (tree branch, overhead sign, awning, etc.).
- B. No Outdoor Retail Area may be permanently located within the Sidewalk Area by means of raised deck platform, fence, walls or other structures or enclosed by fixed walls, except that such Outdoor Retail Area boundaries may be delineated by the use of temporary barriers such as balustrades, cordons or rail links. Any such temporary barriers must be easily removed and three (3) feet or less in height above the sidewalk. Under no circumstances shall temporary barriers as authorized hereunder be allowed in the identified Pedestrian Walkway, nor shall a temporary barrier be affixed to the sidewalk or to any permanent structure, except that it may be attached by removeable clips or devices approved in advance by the City Engineer.
- C. The City Engineer may approve temporary platforms or similar structures for the sole purpose of leveling Outdoor Retail Areas on which Outdoor Retail Operations are located.
- D. No Outdoor Retail Area shall be situated:
 - 1. within six (6) feet of pedestrian crossing as defined in City of Lancaster Code Section 22-19(c), safety zones;
 - 2. within five (5) feet along the street line of any fire hydrant or other emergency facility;
 - 3. within five (5) feet of any driveway;
 - 4. within two (2) feet of any curb line;
 - 5. within ten (10) feet to the rear of any sign marking a designated bus stop;
 - 6. in a manner which restricts sight easements of vehicular traffic; or

7. in a manner which obstructs traffic control devices or traffic signs.
- E. All Outdoor Retail Operations shall be open to the air.
 - F. Canopies and awnings may be permitted in accordance with specifications, as delineated by the City Building Code or in the Rules and Regulations which relate to height, placement, interference with pedestrian passage and traffic sight easement.
 - G. Outdoor Retail Operations shall in no way obstruct the ingress to or the egress from any building or business.
 - H. All Outdoor Retail Operations and their attendant facilities or improvements shall comply with clearances required for structures in relation to utility lines as provided for in the City Building Code.
 - I. No Outdoor Retail Operation shall be located on the Sidewalk Area between the building façade and a bus stop.
 - J. Except as otherwise approved by the City Engineer, no portion of an Outdoor Retail Operation or its facilities, appurtenances, planters, shrubs, tables, racks, display cases or other materials shall be permitted in the Pedestrian Walkway.
 - K. Outdoor Retail Operations shall provide and maintain adequate lighting in an around the Pedestrian Walkway so as to allow sidewalk users to observe and avoid obstructions.
 - L. Outdoor Retail Operations shall not obstruct access to hydrants, streetlights, telephones, mailboxes, transit stops or any other public service facility on the Sidewalk Area or street.
 - M. An Outdoor Retail Operation may be expanded to an abutting property with the written permission of that Abutting Property owner.
 - N. In the event that the proposed Outdoor Retail Area is not in front of the applicant's business or Abutting Property, the applicant must provide written permission from the owner of the property and other proof reasonably required by the City verifying that an Outdoor Retail Area may be operated in such non-contiguous location.
 - O. All Outdoor Retail Operations shall be operated in a manner consistent with the Rules and Regulations. Any and all such Rules and Regulations can and will be changed from time-to-time based on changes in CDC Guidelines related to the COVID-19 Pandemic, new orders issued by the Governor and/or Secretary of Health for the Commonwealth of Pennsylvania and any other circumstances deemed appropriate by the Director related to the safety of patrons and employees.

SECTION 7.

PUBLIC AREAS DESIGNATED FOR OUTDOOR RETAIL OPERATIONS.

- A. The Director may, from time-to-time during the term of this Ordinance designate areas within the City of Lancaster as Areas Reserved For Outdoor Retail Operations (“Public Retail Operations”). Those areas will be marked off and designated in manners readily visible to the public and posted on the City of Lancaster website.
- B. The Director and/or City Engineer shall determine how such areas will be utilized and who may utilize such areas for Outdoor Retail Operations and will establish through the promulgation of Rules and Regulations the process for the same.
- C. All people utilizing Public Retail Areas shall comply at all times with the Rules and Regulations.

SECTION 8.

RULES AND REGULATIONS.

- A. The Director is hereby authorized and directed to establish and promulgate Rules and Regulations for the issuance of Licenses, for the establishment of Public Areas For Outdoor Retail Operations and for the operation and utilization of Outdoor Retail Areas and Public Retail Areas. Such Rules and Regulations will become effective when filed with the City Clerk and posted on the City of Lancaster’s website. As set forth in Section 6.B.4 above, the Director may amend such Rules and Regulations from time-to-time as the Director deems appropriate. Any amendments will also become effective upon filing with the City Clerk and posting on the City of Lancaster’s website.
- B. The Rules and Regulations will address, at a minimum, the following:
 - 1. Procedures for the issuance of Licenses;
 - 2. The size and number of tables, display cases, racks and other similar items allowed in Outdoor Retail Areas and Public Retail Areas;
 - 3. The specific areas within the Outdoor Retail Areas and Public Retail Areas where tables, display cases, racks and other similar items allows in Outdoor Retail Areas may be located;
 - 4. Hours of operation for Outdoor Retail Areas and Public Retail Areas;
 - 5. Requirements for posting of signage and licensure under this Ordinance;
 - 6. Requirements for cleaning and sanitation of tables, display cases, racks and other similar items; and

7. Such other matters as deemed necessary or appropriate for inclusion therein by the Director.
- C. Any violation of the Rules and Procedures shall be deemed a violation of this Ordinance subject to penalties provided for herein.
- D. The Director is authorized to establish within the Rules and Regulations provisions for authorizing persons holding mobile food truck permits and health licenses to operate mobile food trucks within, adjacent to, or in proximity of Public Retail Areas under and pursuant to such restrictions as shall be set forth by the Director.

SECTION 9.

VIOLATIONS.

- A. The holder of a License is subject to penalty as hereinafter provided should that holder violate any term of this Ordinance or any provision of the Rules and Regulations.
- B. Any person utilizing an Outdoor Retail Operation contrary to or in violation of any term of this Ordinance or the Rules and Regulations is guilty of a violation of this Ordinance and subject to the penalties set forth herein.

SECTION 10.

PENALTIES.

- A. Whoever violates any provision of this Ordinance shall, upon conviction thereof in a summary proceeding, be fined not less than Fifty (\$50.00) Dollars and not more than One Thousand (\$1,000) Dollars for each offense, to be collected as other fines and costs are by law collectible or imprisoned for not more than ninety (90) days, or both. Each day during which a violation occurs shall constitute a separate offense.
- B. Any person holding a License who is convicted of a violation of any of the provisions of this Ordinance may have his/her/its License suspended.
- C. This Ordinance and the foregoing penalties shall not be construed to limit or deny the right of the City of Lancaster or any person to such equitable or other remedies as may be otherwise available with or without process of law. The City is authorized to seek injunctive relief to enforce any provisions of this Ordinance.

SECTION 11.

ENFORCEMENT.

- A. Police Officers, the Health Officer and all Code Officers of the City of Lancaster

are authorized to enforce the provisions of this Ordinance.

- B. All officials authorized to enforce the provisions of this Ordinance that are not officers in the Bureau of Police shall have the powers of a police officer, except the power of arrest.

SECTION 12.

SEVERABILITY.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not effect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 13.

REPEALER.

All ordinances or parts ordinances conflicting with the provisions of this Ordinance are hereby and rescinded.

Duly ordained an enacted this day of , , by the City Council of the City of Lancaster.

CITY OF LANCASTER

By: _____
Danene Sorace, Mayor

ATTEST:

Bernard W. Harris Jr., City Clerk

CERTIFICATION

I hereby certify that the attached is a true and correct copy of Administrative Bill No. 06-2020, advertised on July 14, 2020 for consideration for adoption by City Council of the City of Lancaster on July 28, 2020.

Barry N. Handwerger
Solicitor

ATTACHMENT "B"
TEMPORARY OUTDOOR RETAIL APPLICATION



120 NORTH DUKE STREET, P.O. BOX 1599, LANCASTER, PA 17608-1599

TEMPORARY OUTDOOR RETAIL PERMIT APPLICATION INSTRUCTIONS

The Temporary Outdoor Retail Permit application is the process for applying for the use of outdoor space located in the public right-of-way. This includes the sidewalk, parking spaces, or street closures. See the COVID-19 OUTDOOR RETAIL ORDINANCE RULES AND REGULATIONS for requirements associated with the use of these areas. A temporary license will be issued and will expire December 31, 2020.

The City is committed to processing Temporary Outdoor Retail applications as quickly as possible. If you have any questions about the process, please call the Engineering office at 717-291-4764. Inspectors can assist you in completing the application, including generating the required sketch.

Application Process

1. Complete the application. Email to Engineering@cityoflanasterpa.com or give to inspector during field visit. Applications must include the following items. Items a,b, and c may be provided following the inspection.
 - a. Outdoor Retail sketch (inspector can assist with creating)
 - b. An insurance certificate naming the City of Lancaster as an additional insured. Liability insurance minimum in the amount of \$100,000 per individual and \$300,000 per occurrence.
 - c. A Hold Harmless Agreement, executed by the applicant (included in application)
2. Call 717-291-4764 to schedule an inspection. The inspector will review your proposal on-site with you. This will identify the number and location of tables etc. allowed based on the space available. The inspector will generate a sketch for the application and will mark where tables must be located in the sidewalk or street. Other parameters will be identified if applicable, such as barrier location or restricted areas.
3. Inspector will bring the application back to the office for processing.
4. Applicant must provide additional paperwork.
5. License will be issued.

Parklets (use of on-street parking spaces)

1. Metered parking spaces - Metered spaces must be rented from the Lancaster Parking Authority (LPA). Cost is \$10/day. Call LPA at (717)- 299-0907 to coordinate rental.
2. Use of any parking space adjacent to moving traffic must be protected with a traffic rated barrier.

07/29/2020

An Outdoor Retail Space shall:

- Comply with all plans submitted to and approved by the Public Works Engineering Department.
- Operate only during the same hours of business as the sponsoring retail establishment. All patrons must be vacated from the sidewalk outdoor retail space and all materials used in the operation of the outdoor retail space or within the area used by the sidewalk outdoor retail space shall be removed from the sidewalk within one (1) hour of closing, provided, however, that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the outdoor retail space may be allowed to remain on the sidewalk area, only if specifically permitted in the Public Work's approval of the retail plans and does not violate the noise ordinance.
- Play no music, from whatever source (acoustical, electric, or other) on the premises outdoors, except in conformance within the city noise ordinance.
- Monitor trash and debris an area extending fifteen (15) feet in each direction from the outermost portion or boundary of the outdoor sidewalk daily.
- Comply with all other provisions of the Codified Ordinances of the City of Lancaster, Lancaster County, Pennsylvania.



120 NORTH DUKE STREET, P.O. BOX 1599, LANCASTER, PA 17608-1599

OUTDOOR RETAIL PERMIT APPLICATION

COVID-19 Outdoor Retail Ordinance 06-2020

Phone: 717-291-4764 | Email: engineering@cityoflanasterpa.com

Establishment: _____

Address: _____

Owner/Applicant _____

Mailing Address: _____

Telephone: _____ Email: _____

City Establishment Business No.: _____

Responsible Person on Site: Name: _____ Telephone: _____

REQUEST: Please check areas below for outdoor retail

Sidewalk Area

Parklet/Parking Space

Street Closure

Retail Dimensions: Length (FT): _____ Width (FT): _____

Requirements Attached:

- Sidewalk outdoor retail Site Drawing/Sketch
- Insurance Certificate listing City of Lancaster as an additional insured for the sidewalk outdoor retail area
- Hold Harmless Agreement, executed by applicant
- Adjacent property owner permission (if applicable)

A sketch with dimensions listed is required for all requests. Provide existing width and length of sidewalk, parklet, or street area, reduced sidewalk width at existing obstructions, total retail area, and width of resultant clear pedestrian path. A MINIMUM of six-foot-wide clear pedestrian path must be maintained.

DAYS OF OPERATION & TIME *(check days which apply & complete time your outdoor retail site is open)*

Monday Time _____ to _____

Tuesday Time _____ to _____

Wednesday Time _____ to _____

Thursday Time _____ to _____

Friday Time _____ to _____

Saturday Time _____ to _____

Sunday Time _____ to _____

I hereby certify that: (1) I have read and understand the Instructions Packet, COVID-19 Outdoor Retail Ordinance 06-2020, attached hereto; and (2) the facts and declarations of intent set forth above are true and are intended to be relied upon by the officials of the City of Lancaster.

Print Applicant Full Name

Title

Signature

Date

FOR CITY USE ONLY

Additional Approvals:

Lancaster City Parking Authority (if applicable)

Inspection:

Signature

Date

Approved by Department of Public Works:

Signature

Date

ATTACHMENT "C"
RELEASE FORM OUTDOOR RETAIL

RELEASE FORM SIDEWALK OUTDOOR RETAIL

The undersigned shall defend, indemnify and hold harmless the City of Lancaster and its agents from and against any and all liability, claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions and causes of action arising from the City conducting its business at said property. The obligation exists whether injury or property damage occurs on the licensed premises. The undersigned's obligation to defend and indemnify does not extend to the willful misconduct of the City of Lancaster or its agents.

Print Applicant Full Name

Title

Signature

Date

ATTACHMENT "D"
TRAFFIC CONTROL PERMIT



TRAFFIC CONTROL PERMIT APPLICATION

Return this form and sketch to:
 City of Lancaster, Engineering Bureau
 120 North Duke Street, PO Box 1599
 Lancaster PA 17608-1599
 Fax: (717) 291-4772
 Phone: (717) 291-4764
 Email: engineering@cityoflancasterpa.com

Permit Revision Date: February 2018

***** THIS PAGE FOR CITY OF LANCASTER OFFICE USE ONLY *****

Approval Date: _____ Permit Number: _____
 Permit Expiration: 60 days unless noted Approved By: _____
 Other Notes: _____

ALL PERMIT HOLDERS ARE REQUIRED TO MAKE THE FOLLOWING NOTIFICATIONS AT LEAST 24 HOURS PRIOR TO THE START OF WORK. FAILURE TO DO SO MAY RESULT IN REVOCATION OF PERMITS AND FIELD WORK BEING TERMINATED OR SUSPENDED.

Notify LCPD at (717) 735-3332 & (717) 735-3300 (Desk & Patrol Sergeants)	X	REQ'D
Notify LCFD at (717) 989-3647	X	REQ'D
Notify Solid Waste & Recycling Dispatch at (717) 291-4744	X	REQ'D
Resident & Business Notification Required: letters/flyers/door hangers	X	REQ'D

THE FOLLOWING REQUIREMENTS WILL APPLY IF CHECKED:

Notify Public Works 24 hours in advance at (717) 291-4777 and (717) 291-4839	
Parking Space Rental Required from LPA, (717) 299-0907	
Traffic Control Consultant Required	
Certified Flaggers Required	
Notification of RRTA Required, (717) 397-5613	
Notification of EMS/Emergency Facility Required	
Notification of School District(s) and/or Bus Services Required	
Variable Message Board Required with messages per City direction	
Notification of PennDOT or Highway Occupancy Permit is required	
Work Hours Restricted to: _____	
Date Restrictions Apply: _____	
Media Notification Required via Press Release	
Public/Neighborhood Meeting Required	
Applicant responsible for roadway and/or sidewalk snow removal	
Applicant to submit road, sidewalk, and property photos prior to work	
Coordination required: _____	

ALL ITEMS LISTED BELOW ARE REQUIRED.
THIS APPLICATION MUST INCLUDE A TRAFFIC CONTROL DIAGRAM OR LABELED SKETCH

Applicant (Company): _____

Applicant (Representative Name): _____

Applicant Mailing Address: _____

Representative Phone Number: _____

Representative Email Address: _____

Email Address/Fax to Return Permit: _____

Date(s) of Proposed Work: _____

Hours of Proposed Work: _____

Description of Work: _____
(Brief Narrative)

Location of Work (nearest address): _____

Nearest Intersections:
(nearest road names)

Name of On-site Supervisor: _____

On-site Supervisor Cell Phone: _____

Applicant Comments:
(optional)
