

Derry Township COVID-19 Recovery Flexible Business Support Program Guidelines

Effective June 9, 2020
Revised September 16, 2020

The Township of Derry is implementing temporary provisions in an effort to assist local businesses in responsibly reopening and resuming operations as they recover from the effects of the COVID-19 pandemic. The Flexible Business Program is intended to provide businesses with certain regulatory relief and eased restrictions to enable them to safely and effectively operate their businesses on their property in conjunction with implementing the Governor's Office, PA Department of Health, and other agency and industry guidelines regarding social distancing, sanitation, and public health.

The program does not allow for, nor is it intended to encourage social gatherings or loitering. Rather, it is being implemented to provide businesses with a certain amount of relief and the tools they need to best serve their customers during this time. Our local businesses are critical to our community and our local economy and the Township of Derry is committed to doing everything we can to assist them in sustaining and growing operations in a responsible manner.

These guidelines have been developed and may be modified as necessary in accordance with Resolution 2020-15 passed by the Derry Township Board of Supervisors.

1. **TEMPORARY SIGNAGE**

Temporary signage that is necessary to convey messages related to the functioning status, special operations, hours, services, curbside pick-up markings and instructions, ordering information, social distancing requirements, use of masks, and/or other messages necessary to ensure clear instructions for owners, operators, employees and visitors to the business in relation to the business' operations during the COVID-19 pandemic and/or during the effective term of Resolution No. 2020-15 shall be permitted in accordance with the following:

- a. Sign permits are not required for temporary signage implemented during the effective dates of the program and the effective term of Resolution No. 2020-15 if such signage complies with the Resolution and the provisions contained herein.
- b. Temporary signage may be placed on a sidewalk, grass area, or landscaped area on the property associated with the establishment being advertised.

- c. Temporary signage placed on a sidewalk must be placed in such a manner to maintain a minimum of four feet of pedestrian passage area for a maximum of five linear feet.
- d. Temporary signage shall not obstruct the vision of motorists at street intersections or where access drives intersect with a street.
- e. The bottom of any temporary signage must be at least 8 feet high when suspended over sidewalks, but at no time shall the top of the temporary signage be greater than 15 feet from the ground surface.
- f. Temporary signage shall be weighted at the base or otherwise designed so that the sign resists being moved by strong winds or creating a hazard to pedestrians or motorist.
- g. Any and all temporary signage installed during the effective term of Resolution No. 2020-15 and/or otherwise installed without a permit in accordance with the intent of the Resolution and these Guidelines shall be removed within fifteen (15) days after Resolution No. 2020-15 is no longer in effect and/or within fifteen (15) days of written notice from the Township, whichever first occurs.

2. **CURBSIDE PICK-UP**

Existing parking spaces may be reserved through the use of temporary signage for product pick-up in accordance with the following requirements:

- a. Businesses with public on street parking directly adjacent to their business frontage may designate up to 3 of those parking spaces for product pick-up if it can be conducted in a safe manner.
- b. Up to three parking spaces within private lots may be designated for curbside pick-up only.
- c. Curbside pick-up parking spaces may be utilized for businesses that accept online orders or phone ahead orders where the order is either delivered to the patron in their vehicle or the patron enters the business to pay and receive their order.
- d. Any existing parking space may be used for curbside pick-up so long as no other special parking restrictions exist at the designated location, including but not limited to, accessible (handicapped) parking, fire lanes, and loading zones.
 - i. EXCEPTION – where more than one accessible parking space exists in the area of, or on the lot in which curbside pick-up areas are designated, at least one accessible space shall also be designated for curbside pick-up, unless the business is only delivering the product directly to the vehicle.

- e. Any and all altered parking arrangements implemented during the effective term of Resolution No. 2020-15 and/or otherwise implemented in accordance with the intent of the Resolution and these Guidelines shall cease within fifteen (15) days after Resolution No. 2020-15 is no longer in effect and/or within fifteen (15) days of written notice from the Township, whichever first occurs.

3. **OUTDOOR SEATING and PRODUCT DISPLAY/SALES AREAS ON PRIVATE PROPERTY**

To assist restaurants, retail, and other commercial businesses during a time when they are subject to occupancy restrictions inside the business, an establishment may add outdoor seating or outdoor display areas to their property temporarily during the effective term of Resolution No. 2020-15 in accordance with Resolution 2020-15 and the following:

- a. Businesses may utilize areas between the edge of the public sidewalk furthest from the street and the front of their buildings for product display and/or tables and chairs, subject to compliance with federal and state orders, including but not limited to those relating to COVID-19 mitigation and pre-existing statutes and regulations such as Pennsylvania Department of Health requirements relating to outdoor dining, and further subject to approval from the landlord and/or property owner.
- b. Where the public sidewalk is wider than 5 feet, the remaining portion of the sidewalk may be used for seating or display area. A clear path measuring 5 feet wide must be maintained.
- c. Use of removable barriers to define the sidewalk dining or display area is permissible.
- d. No tables, chairs, umbrellas, displays, or other fixtures shall be permitted within 6 feet of a pedestrian crosswalk or corner curb cut.
- e. If temporary tents, umbrellas, or other similar shade structures or devices are used, they must be appropriately anchored or secured to resist movement or collapse.
- f. All tents must be commercial grade pop-up or free-standing frame tents. All tents must be secured by weights or stakes at each corner of the tent. No stakes may be driven into concrete or asphalt and weights or stakes cannot be more than six inches away from the legs of the tent.
- g. Any heating sources used for outdoor areas shall be maintained in a safe manner.

- h. Temporary tents, umbrellas, or other similar shade structures or other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than 6 feet, 8 inches above the sidewalk.
- i. Temporary tents, umbrellas, or other similar shade structures or devices must be closed or disassembled at the close of business each day.
- j. Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers, displays, or seating. There shall be a minimum of 40 inches in distance separating the edge of a table or chair from a fire department connection. If at any time the fire department and/or police department indicate there is a safety concern and/or issue, the same shall be immediately resolved in a manner and form deemed acceptable to the Township.
- k. When temporary new or additional outdoor restaurant seating is provided, the requirement to provide additional parking to accommodate the additional seating is temporarily suspended.
- l. Restaurants may provide temporary new or additional outdoor seating up to a maximum quantity of 50% of the permitted indoor seating for the establishment. The 50% limitation shall exclude any pre-existing outdoor seating. If other orders or guidance is provided by the Commonwealth, the most restrictive order or guidance shall be used to determine the number of seats permitted.
- m. Where restaurants have available on-site outdoor space that is not a part of on-site parking areas, that space shall be first utilized to provide seating. Where restaurants do not have available or sufficient outdoor space to provide seating, up to 40% of an existing parking area greater than 20 spaces designated for that establishment may be utilized for outdoor seating, so long as the spaces can be used for such purpose in a safe manner.
- n. . Required accessible parking spaces cannot be utilized for display or seating areas.
 - i. EXCEPTION - If an establishment has fewer than 20 designated parking spaces on site, the entire parking area may be utilized for seating, so long as the spaces can be used for such purpose in a safe manner.
- o. Outdoor seating areas within parking areas must maintain access for vehicles to utilize the remaining parking spaces.
- p. When dining areas are provided in a private parking area, it shall be the proprietor's responsibility to protect that area from vehicles.

- q. To the greatest extent possible, accommodations for accessible seating shall be provided.
 - r. All outdoor seating must be grouped at least six feet apart except to the extent that appropriate partitioning is in place.
 - s. Restaurants are encouraged to implement contactless ordering and payment processes through the utilization of online systems and/or disposable paper menus.
 - t. It is strongly suggested that restaurants utilizing private outdoor dining areas institute a reservation policy requiring patrons to make advance reservations. This policy is suggested for the purpose of discouraging people waiting for tables from gathering in groups outside restaurant establishments.
 - u. Any and all of the above-referenced temporary improvements/facilities/etc. installed and/or implemented during the effective term of Resolution No. 2020-15 and/or otherwise implemented in accordance with the intent of the Resolution and/or these Guidelines shall cease and/or be removed within fifteen (15) days after Resolution No. 2020-15 is no longer in effect and/or within fifteen (15) days of written notice from the Township, whichever first occurs.
4. Loitering is to be discouraged in outdoor areas. This program is not intended to create a gathering or social space. **GENERAL INFORMATION AND GUIDANCE**
- a. Persons using these guidelines should also regularly review orders and recommendations as issued or updated by Governor Wolf which can be viewed here <https://www.governor.pa.gov/>.
 - b. The CDC has provided guidance for businesses and workplaces on how they can plan, prepare, and respond in regards to re-opening responsibly which can be viewed at <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>.
5. Resolution No. 2020-15 and its authorization of these Flexible Business Support Program Guidelines shall expire sixty (60) days after the effective date of Resolution No. 2020-15, or once said Resolution is repealed by the Township Board of Supervisors, whichever first occurs.