



Department of Planning & Engineering (DP&E)
Temporary Outdoor Eating Policy
Hanover Borough, York County, PA
June 1, 2020

1. Background

The Borough of Hanover has no formal outdoor dining regulations in the current Code of Ordinances, beyond those that were created to facilitate use of sidewalks in the General Business (GB) District. To support local restaurants in this unusual time, the following temporary policy has been drafted in order to facilitate the anticipated requests related to eating outdoors. The Borough will review and expedite outdoor dining requests on a case-by-case basis for a temporary period. Mirroring the process that is facilitated / allowed by the Special Events permit process, restaurants will be asked to submit both an application and an informal outdoor seating plan for review and acknowledgement.

2. Informal Plan Review

Restaurants that wish to do outdoor dining must submit a detailed sketch, (drawn as close to scale as possible) to the Hanover Borough Department of Planning and Engineering (DPE) for review. The submission must have sufficient detail so that the staff can determine the layout and location on the site. A layout on an actual field survey is preferred if available but not mandated. There will be no fees for these reviews and DPE will strive to expedite the reviews and endeavor to complete them within two (2) business days of submission.

3. Requirements:

- Dining tables must be spaced at least 6 feet apart and be on a paved surface.
- Tables must not block entrances, exits, fire lanes, hydrants, sprinkler connection points, drive aisles, back-up areas, pedestrian or handicapped access.
- Parking spaces may be used for dining tables, but there must be a physical barrier or separation to protect customers from vehicle traffic, such as bollards, jersey walls, barricades, or large scale (structural) planter boxes.
- The outdoor seating plan must meet Fire Department standards, including points of egress, access to fire extinguishers, etc.
- If a tent or canopy is to be used it must be fire rated and the fire rating for the tent must be approved by the Borough.
- There must be a restroom along an accessible route within close proximity to the outdoor eating area.
- The outdoor food serving operations must adhere to all applicable state guidelines as have been issued and may be revised from time to time.

Department of Planning & Engineering

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Restaurants that use outdoor seating must ensure that outdoor dining areas are maintained and free of trash and other debris. Restaurants with a liquor license must adhere to and/or obtain approval from the state to serve alcohol in an outdoor area. Operating hours for outdoor areas must be disclosed on the application request.

If the proposed outdoor area would utilize a public space, the Borough reserves the right to limit the hours of operation. In no case shall the hours of operation exceed the normal hours for indoor seating.

If any application cannot fully meet the above specified criteria, then the Borough shall have the right to review each case to determine the risk to the public health, safety and welfare.

Each application, if approved, will also be required to provide the following documents;

- A signed disclaimer (regarding any claims filed by third parties for damages, injuries, etc. regarding outdoor seating areas)
- A signed affidavit regarding COVID-19 protocols as issued by the state and or Federal government.

This policy is temporary in nature until such time as regulations due to COVID-19 are relaxed. It is not intended to provide a permit track for establishing permanent outdoor eating areas. Therefore, no permits will be issued. A letter of acknowledgement will be provided once an application has been received, reviewed, and determined to provide the minimum protocols as noted in this policy.

There is an ongoing discussion about creating a long-term strategy, as part of a redevelopment initiative, to permit outdoor dining. It is hoped that this will be a means to create diverse dining options and hopefully draw additional patrons into the Borough. As we progress with that, the database of applicants for this temporary process will be used as a sounding board for new ideas, etc.



AFFIDAVIT OF CONSENT AND SUPPORT

The Property Owner, _____, certifies that it has reviewed and will comply with all applicable guidance and regulations as issued by Governor Wolf’s administration among which specifically outlines procedures by which restaurants must operate during the Covid-19 Pandemic.

The Property Owner, _____, verifies that the facts set forth in this application are true and correct to the best of its knowledge, information, and belief, and are verified subject to the penalties for unsworn falsification to authorities under 18 Pa.C.S. § 4904.

While conducting temporary outdoor seating at:

_____,
(Site / Property Address)

the following individual will serve as Pandemic Safety Officer _____.
(name of Pandemic Safety Officer)

Dated this the _____ day of _____, 2020

Signature of Property Owner: _____



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OUTDOOR SEATING APPLICATION

Name of Property Owner: _____ Telephone No. _____

Street Address: _____ City/State/Zip: _____

Name of Applicant (if different): _____ Telephone No. _____

Street Address: _____ City/State/Zip: _____

Applicants Email Address: _____

Address of Premises (where seating is being requested)

Please respond to the following questions;

1. Will operations occur within Borough owned (public) space?
2. What are the intended hours of operation with days?
3. Will alcohol be permitted in the outdoor eating area?
 - a. If alcohol is to be served, will operations adhere to all applicable PA Liquor Control Board (PLCB) guidelines?
4. If seating is to be located within any cartway, parking area, etc. will appropriate vehicle barriers be provided to restrict traffic?
5. How many outdoor tables (number and seating per table) are being provided?
6. Will there be any tents, awnings or coverings used over top of outdoor dining?
7. Are their adequate restroom facilities located within an appropriate distance of the outdoor dining area (for use by patrons)?

Please provide a detailed sketch (on 8.5" x 11" sheet of paper) with submission to show ingress and egress routes, tables, barricades, sidewalks, distance from streets, trash facilities, restroom locations, buildings, etc.



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The undersigned has read and understands all the provisions of the temporary outdoor seating policy and has provided the supplemental documents.

Property Owner/Application Signature: _____ Date: _____

BOROUGH USE ONLY:

Received by: _____

Date received: _____

- Complete Signed & Dated Application
- Signed COVID-19 Affidavit Form
- Signed Release of Liability Form
- Sketch of Outdoor Dining Area

Contact Person:

P. Eric Mains, PE
 Director of Planning & Engineering
emains@hanoverboroughpa.gov



Waiver of Liability and Assumption of Risk Agreement

Waiver:

In consideration of my business conducting outdoor seating, pursuant to the Hanover Borough Temporary Policy on Outdoor Seating, I for myself, my heirs, personal representative or assigns, **do hereby release, waive, discharge, and covenant not to sue Hanover Borough** it's Council members, directors, officers, employees and agents from liability **from any and all claims including negligence** resulting in personal injury, accidents, or illnesses (including death) and property loss arising from my operations.

Assumption of Risk:

The use of outdoor space, for the purposes of dining, carries with it certain inherent risks that cannot be eliminated regardless of the care taken to avoid injuries. I have read the application forms and I know and understand and appreciate these and other risks are inherent in the activity I am participating in. **I hereby assert that my participation is voluntary and that I knowingly assume all such risks.**

Indemnification and Hold Harmless:

I also agree to indemnify and hold harmless **Hanover Borough** it's Council members, directors, officers, employees and agents from any and all claims, actions, suits, costs, expenses, damages and liabilities including attorney fees as a result of this use of premises.

Severability:

The undersigned further expressly agrees that the forgoing waiver and assumption of risk agreement is intended to be as broad and inclusive as is permitted by the law of the State of Pennsylvania and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

Acknowledgement of Understanding:

I have read this waiver of liability, assumption of risk, and indemnity agreement, and fully understand its terms. I acknowledge that I am signing the agreement freely and voluntarily and intend by my signature to be a complete and unconditional release of all liability to the greatest extent allowed by law.

Signature of Participant

Date