

ADOPTED DECEMBER 16, 2019

TOWNSHIP OF DELANCO

ORDINANCE 2019-25

**AMENDING THE TOWNSHIP CODE AT CHAPTER 213
GOVERNING “OUTDOOR EATING FACILITIES”**

WHEREAS, the Township adopted provisions governing outdoor eating facilities by creating Chapter 213; and

WHEREAS, the Township has determined that amendments are required to make it clear that chairs and tables are not required to be moved each night;

WHEREAS, the Township enacts this amendment in the best interests of public health, safety and welfare.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco that the Township Code be and hereby is amended at Chapter 213 governing “Outdoor Eating Facilities”:

Section 1. Chapter 213-3.C. governing “Operation, furniture, and littering regulations” shall be amended and replaced as follows:

§213-3. Operation, furniture, and littering regulations.

All outdoor eating facilities permitted by this chapter must comply with the following:

C. All outside furniture, including tables and chairs, may remain in the public right-of-way (sidewalk) at the end of business each day, but any smaller items, including napkin holders, table signs, and the like, shall be stored inside the business.

Section 2. Chapter 213-3.H. governing “Operation, furniture, and littering regulations” shall be amended and replaced as follows:

H. There must be a satisfactory operating plan that covers the following:

- (1) Serving of food and drinks;
- (2) Cleaning any accumulation of trash, garbage and/or litter;
- (3) Ensuring that pedestrian traffic will not be impaired; and
- (4) Removing of all smaller items per Subsection C above when the operations cease each day.

Section 3. Chapter 213-5.C(3) governing “Operation, furniture, and littering regulations” shall be amended and replaced as follows:

§213-5. Application process; fee.

C. Once an application for an outdoor eating facility permit is submitted, the Zoning Officer shall review it within 10 days in order to determine whether it is complete. A complete application for an outdoor eating facility permit shall consist of the following items:

(3) Details of the operational plan for serving of food and drinks, for cleaning any accumulation of trash, garbage and/or litter; for ensuring that pedestrian traffic will not be impaired; and for removing all ~~tables, chairs, storage items, and other~~ smaller items which must be removed when the operations cease each day.

Section 4. Repealer, Severability, and Effective Date.

Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it’s intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the ordinance.

Effective Date. This Ordinance shall take effect upon proper passage and approval in accordance with the law.