

**BOROUGH OF RIDLEY PARK  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 3-2023**

**AN ORDINANCE OF THE BOROUGH OF RIDLEY PARK, DELAWARE COUNTY, PENNSYLVANIA AMENDING CHAPTER 213, ARTICLE VIII, SECTION 213-45 OF THE BOROUGH ZONING CODE - ENTITLED "SEASON OUTDOOR CAFÉ DINING"- CONSISTANT HEREWITH AND PROVIDING FOR DEFINITIONS, REGULATIONS, PERMITS AND FEES.**

**BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Ridley Park, County of Delaware, Commonwealth of Pennsylvania, under authority of the Borough Code (8 Pa. C.S.A. § 101 et seq.), the Pennsylvania Municipalities Code (53 P.S. § 10101 et seq.) and the Code of the Borough of Ridley Park, as follows:

*Section I:* The Zoning Code of the Borough of Ridley Park, Chapter 213 entitled "Zoning," Section 45 entitled "Seasonal outdoor café dining" is hereby amended as follows:

CHAPTER 213  
ZONING

ARTICLE VIII  
C-1 COMMERCIAL

SECTION 45  
SEASONAL OUTDOOR CAFÉ DINING

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**§ 213-45. Seasonal outdoor cafe dining.**

**A. Purpose.**

- (1) The Borough desires to create an opportunity for outdoor dining. The Borough recognizes that outdoor dining encourages a pedestrian-oriented environment with increased foot traffic and promotes overall commerce. The purpose of this Section is to permit outdoor dining on private and public property in a manner that furthers the Borough's commitment to the Borough's aesthetic, economic, and community goals.

**B. Definitions. As used in this section,**

- (1) "Outdoor dining" means table service from a restaurant that includes the purchase of food. Service of alcohol is only included in this definition if the alcohol is purchased with food.
- (2) "Pedestrian access route" means an unobstructed, safe pathway adjacent to the

tables and chairs used for outdoor dining.

- (3) "Business" or "restaurant" means an entity licensed by the Pennsylvania Liquor Control Board with a Restaurant License under 47 P.S. 4-401 or a public establishment that serves prepared food.
- (4) "Furnishings" means tables, chairs, umbrellas, heaters, and hostess stands. Tents are expressly excluded from this definition.

C. Outdoor dining.

- (1) A permit is required for a business to participate in outdoor dining.
- (2) Outdoor dining shall take place on the sidewalks and public right of ways from 8 a.m. until 10 p.m. Monday through Friday and 8 a.m. to 11 p.m. on Saturday and Sunday.
- (3) Permits shall only be issued to businesses in the C-1 district of the Borough of Ridley Park.
- (4) Permits shall be issued for (a) seasonal, and (b) year-round dining options.
- (5) The outdoor dining area shall be in full visibility, and under the control, of the restaurant.

D. Placement.

- (1) The minimum pedestrian access route shall be 36 inches, which complies with the Americans with Disabilities Act (ADA) requirements. In the event that 36 inches is not adequate for ADA compliance, more than the 36 inches of usable sidewalk may be required in order to be ADA compliant which shall be determined by the Zoning Officer.
- (2) Umbrellas for the purpose of shielding patrons from weather and such elements may be affixed to outdoor tables in a manner which prevents the umbrellas and/or tables and/or chairs from tipping. Umbrellas shall not exceed the dimensions of the tables if vertical lines are drawn upward to where an umbrella would span nor can the umbrellas in height impede pedestrians' headroom.
- (3) The business is responsible for maintaining free of litter the area adjacent to the outdoor dining area over which they have control. Failure to do so may result in a suspension of the permit.
- (4) Furnishings shall not exceed a cumulative maximum of ten (10) tables and forty (40) seats; however, under no circumstances can the maximum number of seats be more than 25% of the occupancy allowance of the indoor dining business.
- (5) Portable or non-fixed furnishings shall not be set up outside the restaurant more than one-half (0.5) hour prior to the opening of business and shall be removed no later than one-half (0.5) hour after closing.

until the application has been completed in its entirety and the application fee, as required by a schedule of fees established and amended from time to time by resolution of Borough Council, has been paid in full. The schedule of fees shall be kept on file at the Borough Hall. There shall be no prorating of fees under this subsection.

- (3) The applicant shall save, indemnify, defend, and keep harmless the Borough of Ridley Park, its officers, employees, and agents from and against any and all actions, suits, demands, payments, costs, and charges for and by reason of the existence of the restaurant-cafe and all damages to persons or property resulting from or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement, or removal of such restaurant-cafe or by the acts or omissions of the employees or agents of the applicant in connection with such restaurant-cafe.
- (4) The applicant shall stop serving customers on or before 11:00 p.m., prevailing time, and clear all tables of food, beverages, and customers on or before 12:00 midnight, prevailing time.

#### ***Section 2. Effective Date.***

This Ordinance shall become effective within 30 days of its approval.

#### ***Section 3. Severability.***

Should any section, subsection, paragraph, sentence, laws or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

#### ***Section 4. General Repealer.***

All other Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance, including Section 213-45 as currently adopted, are hereby repealed to the extent of such conflict. The Borough of Ridley Park reserves the right at any time by Ordinance to amend or otherwise modify or repeal this Ordinance.

- (6) Temporary barricades, as approved by the Zoning Officer, shall be placed at the edge of the usable sidewalk area for the food establishment in order to delineate the usable space for the food establishment and the usable walk area. Such barricades shall be in place during the hours of use. The location of outdoor dining may not use driveways or areas that are used for off-street parking.
- (7) Umbrellas shall not contain any written advertisements for the food establishment(s) or vendor(s).
- (8) Any temporary outdoor heating or cooling elements must be reviewed and approved by the Ridley Park Borough Fire Marshal and Building Code Official.

E. Special circumstances.

- (1) During Borough-permitted events, the Borough will determine, on an event-by-event basis, due to concerns for the Borough citizens' health, safety, and welfare, if seasonal outdoor cafe dining may occur. Reasonable notice to permit holders under this chapter will be provided by the Borough.


F. Miscellaneous provisions.

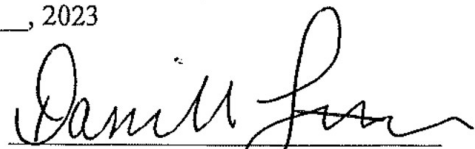
- (1) The outdoor dining area shall be used exclusively for the seating and consumption of meals and/or beverages by patrons of the restaurant. The ordering and consumption of alcohol without food is prohibited.
- (2) Outdoor dining that creates a nuisance is prohibited.
- (3) The activities occurring in conjunction with the operation of the outdoor dining area shall not cause a noise disturbance to surrounding properties or businesses. As such, entertainment and advertising that is being amplified from inside or outside the business may not exceed 75 decibels beyond the business' property line.

G. Permits.

- (1) Permits shall be available on an annual or seasonal basis.
  - a) Annual permits shall be issued for the duration of the calendar year beginning on January 1 and ending on December 31. Applications may be submitted at any time.
  - b) Seasonal permits must be obtained no later than March 1 for the season. Seasonal permits shall be effective from May 1 until the second Sunday in October.
- (2) A fee must be paid with the filing of the application. Such fee can be amended in the future by resolution of Borough Council.

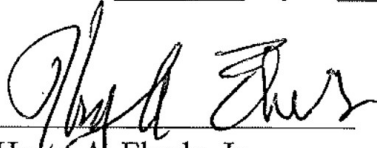
ORDAINED AND ENACTED into an Ordinance and passed by Borough Council for the Ridley Park Borough on the 18<sup>th</sup> day of July, 2023

BY:   
Dane Collins  
Borough Council President

  
Attest: Danielle Stacone  
Borough Secretary

(SEAL)

Approved this 18<sup>th</sup> day of July, 2023

  
Hon. Henry A. Eberle, Jr.  
Mayor