

ORDINANCE NO. 4 of 2016

BE IT ENACTED AND ORDAINED BY THE BOROUGH OF WHITE HAVEN, LUZERNE COUNTY, PENNSYLVANIA, and it is hereby enacted and ordained by authority of the same, that:

Chapter 24, Streets and Sidewalks, Part 7, Prohibition of Obstruction of Sidewalks by Vendors is amended as follows:

Section 702, Restriction on Sidewalk Sales, is amended as follows:

“a. Except as hereinafter provided, it shall be unlawful for any vendor of groceries, fruits and produce, or any kind of foodstuff or merchandise, except peddlers duly licensed or authorized and farmers, to store, display, exhibit or sell their wares on public highways, including the sidewalk or cartway, or any portion thereof, or to make use of the sidewalk or cartway or any portion thereof, as a place for salespersons, clerks or customers to stand while transacting business, or in any way to obstruct the sidewalk or cartway, or any portion thereof, and prevent the free use of the same by the general public.

b. Retail Merchants located in the business district on Main Street in the Borough may have a sidewalk sale from time to time that occupies the public right-of-way which is an extension of the primary business of the adjoining property. Any items occupying the public right-of-way must be placed on the side of the right of way nearest to the merchant’s business. A minimum of three (3) feet of clear walkway must be maintained at all times on the sidewalk and all Federal ADA guidelines must be complied with. There can be no sidewalk sales during Municipal sponsored or sanctioned events unless the Borough permits said activity.

c. Permissible items include merchandise, tables, chairs, display racks, and signage.”

Section 703, Illegal to Obstruct Sidewalks, subsection (c) is added to read as follows:

“a. Except as hereinafter provided, it shall be unlawful to put or place any box, boxes, barrels, merchandise or other articles that obstruct the free use of any sidewalk upon any of the sidewalks, except articles temporarily placed thereon for the purpose of loading or unloading, removing or storing away.

b. Retail Merchants located in the business district on Main Street in the Borough may display merchandise in the area that occupies the public right-of-way which is an extension of the primary business of the adjoining property. Any items occupying the public right-of-way must be placed on the side of the right of way nearest to the merchant’s business. A minimum of three (3) feet of clear walkway must be maintained at all times on the sidewalk and all Federal ADA guidelines must be complied with.

There can be no displays of merchandise during Municipal sponsored or sanctioned events unless the Borough permits said activity.

c. Restaurateurs may have outdoor dining that occupy the public right-of-way adjoining its property. Any outdoor dining tables, chairs, or any other items occupying the public right-of-way must be placed on the side of the right of way nearest to the restaurateurs' business. A minimum of three (3) feet of clear walkway must be maintained at all times on the sidewalk and all Federal ADA guidelines must be complied with. There can be no outdoor dining during Municipal sponsored or sanctioned events, unless the Borough permits said activity. For locations of outdoor dining within any historic district as established by the Borough of White Haven, the furnishings and equipment, if any, for outdoor dining shall be subject to review by the Borough Council.

d. No person shall dispense alcoholic beverages unless they have been issued a Restaurant or Liquor License by the Pennsylvania Liquor Control Board and have received Pennsylvania Liquor Control Board approval for sales outside their premises.

e. No products shall be stored or displayed nor trash receptacles placed on the sidewalk, street, or any adjacent outside area by any Merchants or Restaurateurs overnight and/or after the Merchants' or Restaurateurs' normal business hours.

f. No permanent structures shall be displayed, erected or placed on the sidewalk, street, or any adjacent outside area by any Merchants or Restaurateurs.

g. Permissible items include merchandise, tables, chairs, racks, and signage along with rental items including bicycles and rafts."

These amendments shall take effect immediately upon its adoption, the date being indicated below.

ENACTED AND ORDAINED THIS 29th DAY OF June,
2016, BY WHITE HAVEN BOROUGH COUNCIL.

ATTEST:

WHITE HAVEN BOROUGH
COUNCIL:

[Signature]
Manager

BY: [Signature]
President

APPROVED THIS 29th DAY OF June, 2016.

Mayor

CERTIFICATE

I, Linda Szoke, the undersigned White Haven Borough Secretary/Manager, do hereby certify that the **attached** is a true and correct copy of Ordinance No. 4 of 2016 adopted by White Haven Borough Council by affirmative vote of a majority of Council members present at a public meeting held on June 29, 2016, which meeting was at all times open to the public and advertised.

I further certify that: (1) the total number of Members of Council is seven; (2) the vote upon the Ordinance was called and recorded in the minutes of the meeting; and (3) of the seven Members of Council, five were present at the meeting and those five Members of Council voted in the following manner:

<u>NAME</u>	<u>VOTE</u>
John Klem	Yea
Charles Best	Yea
Tim Janosco	Absent
Rose Swerdon	Yea
Joseph Knowles	Absent
Clyde Morrison	Nay
Bob Lamson	Yea

I further certify that the Mayor vetoed the Ordinance by letter dated July 21, 2016, which veto was overridden under Section 3301.1 of the Borough Code at a regular meeting of Council held on July 25, 2016.

I further certify that the total number of Members of Council at the July 25th Meeting was six, that the vote upon the Ordinance was called and duly recorded upon the minutes of the meeting and that the members of Council voted in the following manner:

<u>NAME</u>	<u>VOTE</u>
John Klem	Yea
Charles Best	Yea
Tim Janosco	Yea
Rose Swerdon	Yea

Joseph Knowles	Absent
Clyde Morrison	Nay
Bob Lamson	Yea

The vote to override the Mayor's veto having consisted of a majority of all Council Members plus one, the Ordinance is effective as if it had received the approval of the Mayor under Section 3301.1(a)(2)(iii) of the Borough Code.

I have set my hand and seal this 26th day of July, 2016.

(SEAL)


Linda Szoke, Secretary/Manager