

BOROUGH OF CARLISLE

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF CARLISLE, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTERS 78 AND 223 OF THE CODE OF THE BOROUGH OF CARLISLE TO ALLOW LIMITED CONSUMPTION OF ALCOHOLIC BEVERAGES BY OPEN CONTAINERS ON SIDEWALKS, AMENDING THE DEFINITION OF OPEN SIDEWALK CAFES AND ALLOWING EXPANSION OF OPEN SIDEWALK CAFES TO ALLOW USE OF SIDEWALKS ON ADJOINING PROPERTIES.

BE IT HEREBY ENACTED AND ORDAINED and it is hereby enacted and ordained by the Borough Council of the Borough of Carlisle as follows:

SECTION 1: Section 78-3 [Open containers restricted] of Chapter 78 [Alcohol beverages] of the Code of the Borough of Carlisle is hereby amended to include the following additional language at the end thereof:

The restrictions in this Section above or otherwise contained elsewhere in the Code of the Borough of Carlisle notwithstanding, open containers containing liquor, wine or malt or brewed beverages shall be permitted only upon public sidewalks adjoining those public streets within the Central Business District (C-1 District, as identified in the Zoning Map of the Borough of Carlisle) subject to the following limitations and requirements: (1) open containers are permitted only between the hours of 11:00 a.m. and 11:00 p.m.; (2) alcohol must be purchased from a restaurant, brewery, distillery or tavern in the C-1 District and shall only be consumed in non-breakable containers; (3) allowing open containers containing liquor, wine or malt or brewed beverages as noted in this Section shall not supersede any code or regulations of the Pennsylvania Liquor Control Board; (4) the limitations and requirements applicable to open sidewalk cafes as contained in Chapter 78 of the Code of the Borough of Carlisle shall continue to apply; and (5) the Borough Manager or in the absence or unavailability of the Borough Manager, the Assistant Borough Manager, shall have the authority and discretion to suspend the use of open containers in the Central Business District to address matters pertaining to public health, safety, welfare and convenience, in which event the suspension shall continue until the next public meeting of Borough Council at which time Council shall decide whether to continue or end the suspension.

SECTION 2: Chapter 223 [Streets and Sidewalks] of the Code of the Borough of Carlisle, is amended as follows:

A. The definition of Open Sidewalk Café contained in Section 223-11 [Definitions] is amended to include the additional language underlined below:

OPEN SIDEWALK CAFÉ

The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of an operating restaurant or tavern fronting on that space, which space does not have permanent walls. It shall consist of tables and chairs set in front of the restaurant or tavern and there shall be some type of nonpermanent partition which shall separate the open sidewalk cafe from the public portion of the sidewalk.

B. Section 223-13.B(1) is amended to include the additional language underlined below:

Permit required. Open sidewalk cafes shall be permitted when a permit is obtained from the Borough Manager or his or designee. A request for a permit may be made by the owner or tenant of a building occupied and used as a restaurant or tavern fronting the sidewalk sought to be used as an open sidewalk cafe, and may include, upon written permission of the owner of the property immediately adjoining either or both sides of the building used as a restaurant or tavern, the sidewalk of either or both the immediately adjoining property or properties. Such permit shall be valid for one year and be issued on a calendar-year basis.

B. Section 223-13.B(2) is amended to include the following additional subparagraph at the end thereof:

(h) If the open sidewalk cafe is proposed to extend onto either or both sidewalk areas of the property or properties immediately adjoining the building used as a restaurant or tavern, the written consent of the owner of the adjoining property or properties specifying the area of the sidewalk on the adjoining property that can be used as an open sidewalk cafe shall be included with the permit application.

C. Section 223-13.B(7) [Alcoholic beverages permitted] is amended to include the following additional subparagraph:

(c) Alcoholic beverages may only be consumed on the sidewalks of property or properties immediately adjoining the building used as a restaurant or tavern only when the Pennsylvania Liquor Control Board has extended the licensed premises to include those sidewalk areas on the immediately adjoining property or properties.

SECTION 3: Except only as amended, modified and changed by this Ordinance, the Code of the Borough of Carlisle as amended shall remain in all other respects in full force and effect.

SECTION 4: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or of the Code of the Borough of Carlisle.

SECTION 5: This Ordinance shall become effective immediately.

DULY ENACTED AND ORDAINED this 15th day of July, 2021 by the Borough Council of the Borough of Carlisle in public session duly assembled.

BOROUGH OF CARLISLE

By: _____

ATTEST:

Timothy A. Scott, Mayor

Joyce E. Stone, Secretary

(Borough Seal)