

RESOLUTION #2020-128

RESOLUTION PERMITTING TEMPORARY OUTDOOR SEATING FOR RESTAURANTS

WHEREAS, Covid-19 Pandemic has had a significant economic impact on the Township's restaurants and eateries;

WHEREAS, Governor Murphy has signed Executive Order No. 150 permitting the outdoor service of food and/or beverages, effective 6:00 a.m. Monday June 15, 2020;

WHEREAS the Acting Director of the Division of Alcoholic Beverage Control has released Special Ruling SR2020-10 and the State Department of Health has issued Executive Directive No 20-014 both providing guidance on the implementation of temporary outdoor dining;

WHEREAS, The Township supports temporary, practical measures that enable Township restaurants to boost customer activity while continuing proactive measures to curtail the spread of the Covid-19 virus.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington as follows:

1. Outdoor seating will be temporarily permitted as an accessory use to a restaurant, fast-food restaurant and drive-in restaurant. The temporary period shall be up to 120 days unless a longer or shorter time is established by Executive Order issued by the Governor.
2. A Temporary Outdoor Restaurant Seating Application must be approved by the Township prior to the installation of any outdoor seating. A drawing of the proposed outdoor restaurant seating area must accompany the Application. This drawing shall show the location of all proposed tables and chairs, any other structures such as a host podium and serving stations, and the onsite vehicle circulation pattern. Where available, the sketch shall be superimposed upon an existing site plan drawing, aerial image, or survey. The property owner shall certify that they have approved the application and that the business owner will comply with all applicable County and State Health regulations and directives, Executive Orders issued by the Governor as well as any other local requirements, conditions and/or limitations and will designate an employee onsite for compliance at all times the area is open.
3. The application fee for a Temporary Outdoor Restaurant Seating Application is \$0.00
4. No Site Plan Application, performance bond, maintenance bond or engineering inspection fees will be required in connection with an approved outdoor restaurant seating plan.
5. The following standards are hereby created in connection with outdoor restaurant seating:

- a. Outdoor dining areas must be designed and operated in accordance with State Department Directive 20-014 and any amendments or subsequent directives, and any required County Health Department requirements.
- b. Outdoor restaurant seating areas may be located upon public sidewalks (with approval from the appropriate jurisdiction, County or Municipal) where adequate provision is made for pedestrian safety; on relatively level grass areas, and in parking lots. Preference should be given to creating outdoor restaurant seating on sidewalks and upon grass areas.
- c. Where outdoor seating is proposed to be created in a parking lot, bollards or other protection structures shall be erected along the perimeters of the outdoor restaurant seating area in order to enhance public safety;
- d. Temporary lighting will be required if the outdoor restaurant seating area is proposed to be utilized after dusk;
- e. A tent, awning or umbrellas may be utilized within an outdoor restaurant area but should not restrict pedestrian access; the installation of certain tents and awnings may require construction permit approval;
- f. Serving stations and a host podium may be located within an outdoor restaurant seating area. There shall be no outdoor cooking allowed, unless approved by the County Health Department and Fire Marshal and/or any other designee of the Township Administrator.
- g. No change in grading will be permitted in order to create an outdoor restaurant seating area, and no temporary flooring or mats may be utilized;
- h. Restaurants with existing outdoor seating areas may seek to expand the existing area;
- i. The proposed outdoor restaurant seating area may not affect the effective site circulation of vehicles for employees, customers, emergency vehicles, delivery vehicles and trash pickup of a prior approved site plan;
- j. The operator of an outdoor seating area shall be responsible for maintaining a sanitary, safe litter-free, and well-kept appearance of the property.
- k. Licensees or permittees with on-premises retail consumption privileges are responsible for obtaining a Covid-19 Expansion Permit and compliance with the New Jersey Alcoholic Beverage Control Commission (See ABC Special Ruling 2020-10 dated 6/3/2020.)
- l. In multi-tenanted properties, an approved outdoor restaurant seating area must be discontinued or reduced in size if other retail, personal service and/or commercial

establishments are permitted to reopen and there is then an inadequate number of parking stalls available in the discretion of the Township Zoning Officer and or if the Township Administrator or his designee identifies a safety issue that may involve but not be limited to traffic, fire, pedestrian safety and trash management.

- m. All outdoor seating areas must operate within the hours of the Township's existing Noise Ordinance, Chapter 8.20 which does not allow permitted activities between 10 p.m. and 7 a.m.
- n. The Township Zoning Officer, Township Administrator, Traffic Safety Officer and Fire Marshal shall have the discretion to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of the Township Zoning Ordinance as well as the goals and objectives of the Township's Master Plan.
- o. An approved outdoor restaurant seating area shall be discontinued or reduced in size if the restaurant establishment fails to comply with applicable sanitary and cleaning standards, use of masks and partitions, social distancing or other requirements issued by the Governor, State or County Department of Health or the Township.

I, Maria Carrington, Clerk of the Township of Bordentown, hereby certify that the above is a true copy of a resolution duly authorized by the Township Committee on the 8th day of June, 2020.



Marla Carrington, RMC, Township Clerk