



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 04/11/22 07:00 PM

2022 RESOLUTION APPROVAL

RESOLUTION: TEMPORARILY AMENDING CHAPTER 466 - SIDEWALK CAFES

WHEREAS, on March 9, 2020, Governor Philip D. Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App A:9-33 et seq., in the State of New Jersey for COVID-19; and

WHEREAS, the Public Health Emergency was extended by Governor Murphy under Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222 and 231; and

WHEREAS, Governor Murphy issued several Executive Orders (EO) related to indoor and outdoor dining through EO 104, 107, 150, 157, 158, 163 and 194 et als; and

WHEREAS, as part of New Jersey's restart and recovery plan, Governor Murphy announced that New Jersey will enter Stage Two on June 15, 2020 and remains in Stage Two as of April 26, 2021; and

WHEREAS, on November 9, 2020, Governor Murphy issued Executive Order No. 194, which, among other things, permitted the use of enclosed structures such as plastic domes for outdoor dining; and

WHEREAS, pursuant to Executive Orders, the Commissioner of the New Jersey Department of Health issued Executive Directives No. 20-014 and 20-019 establishing COVID-19 Protocols for Food or Beverage Establishments Offering Service in Outdoor Areas; and

WHEREAS, the New Jersey Division of Alcoholic Beverage Control ("Division) issued Special Ruling 2020-10 ("SR 2020-10") establishing the COVID-19 Expansion of Premises

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Permit (“COVID-19 Expansion Permit”) to enable designated licensees and permittees to expand their licensed premises into outdoor areas; and

WHEREAS, the Division issued Administrative Order 2021-01 on March 19, 2021 which mandates extension of the expiration date of all COVID-19 Expansion Permits issued by the Director pursuant to the provisions of Special Ruling No. 2020-10 until November 30, 2022 or the date on which indoor dining resumes without capacity limitations, whichever is later; and

WHEREAS, the Executive Orders declare that “municipalities are in the best position to make decisions allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety”; and

WHEREAS, the Mayor and Council of the Township of Bloomfield wish to continue the temporary expansion of the Township’s Sidewalk Cafes regulations in order to ease the burden on the Township’s restaurants and eateries.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that the Outdoor Dining/Sidewalk Café License fee shall be waived for the 2022 season; and

BE IT FURTHER RESOLVED that a restaurant or eatery shall submit a new Outdoor Dining/Sidewalk Café application through the Municipal Clerk's office that complies with the Township's revised regulations and New Jersey COVID-19 guidelines and regulations; and

BE IT FURTHER RESOLVED, the Township may issue a license for an existing restaurant to expand outdoor dining during the 2022 season, consistent with Governor Murphy’s Executive Orders, the New Jersey Department of Health Executive Directives, and the New Jersey Division of Alcoholic Beverage Control and any other Executive Orders, Executive Directives, Administrative Orders and Special Rulings currently in effect, subject to the following:

1. Outdoor dining may be conducted on any existing restaurant property throughout the Township between the hours of 6 AM to 10 PM on weekdays and 6 AM to 11 PM on weekends (Friday and Saturday) through November 30, 2022; and
2. Currently licensed restaurants may create outdoor dining on private property, the public sidewalk in front of their business and the public sidewalk next to their business with the consent of the property owner and adjoining business; and
3. Outdoor dining may be permitted on premise-owned parking lots in space that may have been previously required by zoning or other agreements. No more than ten percent (10%) of any private parking lot in a residential zone may be utilized for outdoor dining; and
4. Outdoor dining may be permitted on municipally governed areas, such as sidewalks, streets or parking lots, as designated and authorized by the Township; and
5. Service of alcoholic beverages shall be permitted in outdoor areas licensed or allowed by temporary Alcoholic Beverage Control or State regulations (see State of New Jersey Division of Alcoholic Beverage Control Special Ruling SR-2020-21 and Administrative Order 2021-01); and
6. There shall be no amplified music of any kind within the outdoor dining area; and
7. At no time shall the outdoor dining consist of pre-fixed, coordinated banquet-type events attended by more than 20 people, but shall include only an expansion of the regular dining activity offered by each restaurant; and
8. The Township may permit both electric and propane heaters for outdoor dining with approvals from the Construction Department (electric) and Fire Department (propane) and subject to Township guidelines; and
9. Seasonal canopies must be removed during severe weather events; and
10. Structures must be approved by the Construction Department.

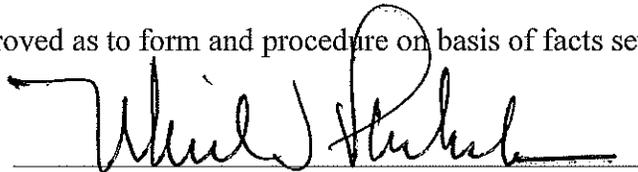
BE IT FURTHER RESOLVED, the Insurance, Indemnification Agreement and

Maintenance Agreement requirements of Chapter 466 shall remain in effect.

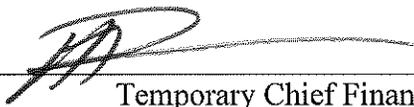
BE IT FURTHER RESOLVED, the Township may waive other sections of Chapter 466 and enact other regulations as appropriate to maintain order, enhance public safety and to help Township restaurants impacted by the COVID-19 Global Health Pandemic.

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Approved as to form and procedure on basis of facts set forth.

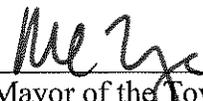

Director of Law-Township Attorney

I do hereby certify that the funding will be legally appropriated per the above information for the purpose specified in the attached contract. Furthermore, it has been represented to me that the contracts have been processed in accordance with the applicable provisions of New Jersey Local Public Contract Law and the Code of the Township of Bloomfield.


Temporary Chief Financial Officer

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on April 11, 2022.


Municipal Clerk of the Township of Bloomfield


Mayor of the Township of Bloomfield

✓ Vote Record – Resolution						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote						
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						

<input type="checkbox"/> Defeated	Michael J. Venezia		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion No Vote						