Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

http://www.bloomfieldtwpnj.com

Meeting: 06/08/20 07:00 PM

2020 RESOLUTION APPROVAL

RESOLUTION TEMPORARILY AMENDING CHAPTER 466 SIDEWALK CAFÉS

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

WHEREAS, Chapter 466 of the Code of the Township of Bloomfield governs the licensing and operation of outdoor sidewalk cafés within the Township of Bloomfield; and

WHEREAS, On March 16, 2020 the Governor of the State of New Jersey, Philip D. Murphy, issued Executive Order No. 104, enacting social distancing regulations and imposing restrictions on the scope of services and hours of operation of non-essential businesses; and

WHEREAS, On March 21, 2020, Governor Murphy signed Executive Order No. 107, which continued the prohibition of on-premises consumption of food or beverages; and

WHEREAS, as part of his restart and recovery plan, Governor Murphy announced that New Jersey will enter Stage Two on June 15, 2020; and

WHEREAS, on June 3, 2020, Governor Murphy signed Executive Order No. 150 ("EO 150"), which, effective at 6:00 a.m. on Monday, June 15, 2020, permits defined "food or beverage establishments" to offer in-person service at outdoor areas provided the establishment complies with the stated requirements; and

WHEREAS, pursuant to Executive Order No. 150, the Commissioner of the New Jersey Department of Health issued Executive Directive No. 10-014 establishing COVID-19 Protocols for Food or Beverage Establishments Offering Service in Outdoor Areas; and

WHEREAS, EO 150 declares 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 temporarily ease the Township's Sidewalk Cafes regulations in order to help 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 fee required for an outdoor sidewalk café license shall be waived for 2020 licenses; and

BE IT FURTHER RESOLVED, the Township may permit an existing restaurant, as defined in Chapter 466, to expand outdoor dining during the 2020 outdoor season consistent with Governor Murphy's Executive Order No. 150 and Department of Health Executive Directive No. 10-014, subject to the following:

1. Any restaurant may create outdoor dining within private premise-owned parking lots or other portions of their property that would accommodate the safe service and enjoyment of said food or beverage establishment and in space that may have been previously required for other purposes by zoning or other agreements and regulations; and

2.   Any restaurant may create outdoor dining within a public sidewalk in front of their business or the public sidewalk next to their business with the consent of the property owner and adjoining business; and

3. Any restaurant may create outdoor dining within a public parking lot or other publically-owned property, as designated and authorized by the Township; and

4.   All outdoor dining is subject to the approval of the Township after the proper application and associated documentation is submitted; 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 SR2020-10).
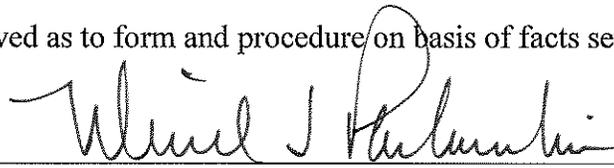
BE IT FURTHER RESOLVED, that the restaurant must submit an application with a

map detailing the location, number of tables and seating capacity of the outdoor dining space,

complying with Township regulations and New Jersey COVID-19 guidelines and regulations;

and

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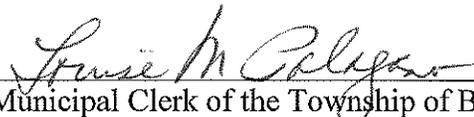Approved as to form and procedure on basis of facts set forth.

_____
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.

_____
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 June 08, 2020.

_____
Municipal Clerk of the Township of Bloomfield

Mayor of the Township of Bloomfield

✓ Vote Record – Resolution						
☐ Adopt ☐ Deny			Yes/Aye	No/Nay	Abstain	Absent
☐ Withdrawn	Jenny Mundell		☑	☐	☐	☐
☐ Table ☐ Not Discussed	Nicholas Joanow		☑	☐	☐	☐
☐ First Reading	Sarah Cruz		☑	☐	☐	☐
☐ Table with no Vote	Wartyna Davis		☑	☐	☐	☐
☐ Approve ☐ Veto by Mayor	Ted Gamble		☑	☐	☐	☐
☐ Discussion	Richard Rockwell		☑	☐	☐	☐
☐ Defeated ☐ Discussion No Vote	Michael J. Venezia		☑	☐	☐	☐