



**Township Council**  
1 Municipal Plaza  
Bloomfield, NJ 07003

**Louise M. Palagano**  
*Municipal Clerk*

<http://www.bloomfieldtwpnj.com>

Meeting: 11/23/20 07:00 PM

**2020 RESOLUTION APPROVAL**

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**RESOLUTION: EXTENDING THE COVID-19 PANDEMIC TEMPORARY AMENDMENTS TO 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 Sidewalk Cafes within the Township of Bloomfield; and

**WHEREAS**, On March 16, 2020 the Governor of the State of New Jersey, Phil 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"), and as amended by Executive Order No. 163 (2020), 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 Orders, the Commissioner of the New Jersey Department of Health issued Executive Directive No. 20-014 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 Permit (“COVID-19 Expansion Permit”) to enable designated licensees and permittees to expand their licensed premises into outdoor areas; and

**WHEREAS**, the Division recently issued SR 2020-21 holding that, as licensees continue to face indoor capacity issues and social distancing requirements due to the COVID-19 Pandemic, the COVID-19 Expansion Permit may be extended to March 31, 2021, subject to the Division’s renewal application process; 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 extend 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 Sidewalk Café License fee shall be waived for 2020 licenses; and

**BE IT FURTHER RESOLVED** that the restaurant must submit a Temporary Outdoor Sidewalk Café application complying with Township regulations and New Jersey COVID-19 guidelines and regulations; and

**BE IT FURTHER RESOLVED**, the Township may extend the license for an existing restaurant, as defined in Chapter 466, to expand outdoor dining during the 2020 outdoor season, which may be **extended through June 1, 2021**, consistent with Governor Murphy’s Executive Order No. 150 and as amended by Executive Order No. 163, Department of Health Executive Directive No. 20-014, the New Jersey Division of Alcoholic Beverage Control Special Ruling

effect, subject to the following:

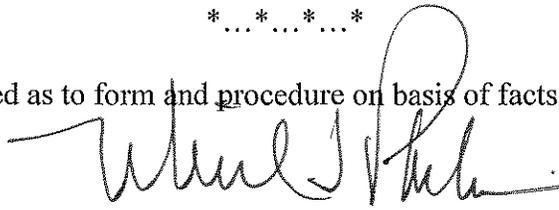
1. Outdoor dining may be conducted on any restaurant property in the Permitted Zone, that is, the CBD, B-2 and the R-G Zones; and
2. Currently licensed restaurants may create outdoor dining on private property, the public sidewalk in front of their business and the public sidewalk next to their business with the consent of the property owner and adjoining business; and
3. Outdoor dining may be permitted on premise-owned parking lots in spaces that may have been previously required by zoning or other agreements; 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 SR2020-21).
6. The Township may permit both electric and propane heaters for outdoor dining with approvals from the Building Department (electric) and Fire Department (propane) and subject to Township guidelines.
7. Seasonal canopies must be removed during storms or snow events.
8. Structures must be approved by the Building 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.

\*...\*...\*

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



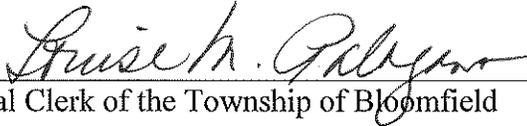
Director of Law-Township Attorney

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 November 23, 2020.



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