



**BOROUGH OF EDGEWATER  
RESOLUTION**

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
HENWOOD				X
LAWLOR	X			
MONTE	X			
VIDAL	X			
MARTIN	X			
BARTOLOMEO	X			
MAYOR				

DATE: June 15, 2020  
 RESOLUTION NO. 2020-136  
 INTRODUCED BY: Councilman Bartolomeo  
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 SECOND BY: Councilman Vidal  
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**Resolution authorizing the approval of outdoor seating, alcohol consumption, and temporary signage in compliance with State of New Jersey Executive Order 150 and Alcohol Beverage Control Special Ruling 2020-10 as it is regulated by Borough Code 240-141, 121-10, and 240-162**

**WHEREAS**, a worldwide pandemic has occurred involving the coronavirus more commonly known as COVID-19; and

**WHEREAS**, on March 9, 2020, pursuant to Executive Order No. 103, the Governor of the State of New Jersey declared a State of Emergency pursuant to N.J.S.A. App. A.:9-33 et seq. and a Public Health Emergency pursuant to N.J.S.A. 26:13-1 et seq. due to COVID-19; and

**WHEREAS**, on March 16, 2020, pursuant to Executive Order No. 104, the Governor of the State of New Jersey set forth numerous restrictions encouraging the practice of social distancing so as to help minimize and slow the spread of COVID-19; and

**WHEREAS**, on March 21, 2020, pursuant to Executive Orders No. 107, the Governor of the State of New Jersey, among other things, ordered the closure of non-essential businesses and encouraged businesses remaining open to establish rules permitting employees to work from home; and

**WHEREAS**, on June 3, 2020, Governor Murphy issued Executive Order 150 permitting restaurants to open with outdoor seating only; and

**WHEREAS**, this pandemic has presented unprecedented conditions that have caused countries throughout the world to shut down its economies, resulting in the worst economic contraction in nearly a century; and

**WHEREAS**, the economy in Edgewater has been similarly impacted, and it has caused great hardship and uncertainty to the businesses of Edgewater; and

**WHEREAS**, in consideration of the above, the Edgewater Mayor and Council of the Borough of Edgewater has determined it in the best interests of Edgewater, its businesses, residents, and visitors to implement thoughtful and meaningful policies and programs to assist the business community in Edgewater; and

**WHEREAS**, helping local businesses re-establishing themselves at this difficult time supports the Edgewater Mayor and Council's long-standing goal of fostering a robust and growing economy that enables entrepreneurship, employment opportunities, offers valuable products and services, and increases tax revenues; and

**WHEREAS**, the provisions set forth in Chapter 240-141 entitled "Outdoor Dining" and 121-10 entitled "Consumption Regulations" and Chapter 240-162 entitled "Temporary Signs" are sufficient and proper during a typical business atmosphere, but present a potential impediment to recovery from the effects of COVID-19 on the economy; and

**WHEREAS**, granting the Zoning Officer the authority to grant permits superseding the provisions of the Ordinances can help assist business recovery; and

**NOW, THEREFORE BE IT RESOLVED** by the Edgewater Mayor and Council as follows:

1. The Zoning Officer, shall promulgate Rules and Regulations applicable to the issuance of permits superseding provisions set forth in Chapter 240-141, 121-10, 240-162; and

2. The Zoning Officer is hereby authorized to issue permits to applicants seeking relief from Chapter 240-141, 121-10, and 240-162; and

3. The Zoning Officer shall use his discretion in determining whether to issue a permit to a particular applicant; and

4. Any permits issued by the Zoning Officer shall expire within 120 days upon the date of issuance, and may not be renewed unless the Mayor and Council has passed a subsequent Resolution extending the terms herein; and

5. The Zoning Officer is hereby authorized and directed to execute any and all such documents and undertake any and all such acts as necessary and prudent to effectuate to the terms of this Resolution.

6. Outdoor Seating will be temporarily permitted as an accessory use to a restaurant, fast-food restaurant, and drive-in restaurant as defined in the zoning code.

7. Outdoor seating will not require the filing of a site plan.

8. A drawing of the proposed seating area must accompany the outdoor seating application. The drawing shall show the size of the tables and chairs and location of each and must comply with all applicable Executive Orders issued by the Governor of the State of New Jersey. Where applicable, a sketch shall be superimposed upon an existing site plan drawing or survey.

9. All fees will be waived for those restaurants who already do not provide outdoor seating and who would normally not be issued an outdoor seating permit.

10. All permits will be expedited.

11. No performance bond, maintenance bond, or engineering inspection fees will be required for this special outdoor seating permit.

12. The outdoor seating area shall not exceed 1000 square feet.

13. Outdoor restaurant seating may be located upon public sidewalks where adequate provision is made for pedestrians, level grass areas, parking lots where an adequate number of parking stalls remain.

14. 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 seating area to enhance public safety.

15. Outdoor lighting must be provided if seating area is utilized after dusk.

16. Awnings, umbrellas, and tents may be utilized providing they are properly secured.

17. Restaurants with existing outdoor seating areas may expand the existing approved area with an amended permit.

18. Restaurants who do not own the premise of their establishment must present a "property owners certification" that the property owner approves of the created serving area.

19. An approved outdoor restaurant seating area must be discontinued or reduced in size if proper social distancing is not maintained or the restaurant does not comply with applicable sanitary and cleaning standards, masks must be worn by staff at all times.

20. All Borough of Edgewater Health, Safety, and Fire Regulations shall be maintained within the outdoor seating area.

21. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcohol Beverage Control Commission and any deviation from the original permit must comply with Special Ruling 2020-10 before alcohol can be served.

22. Outdoor dining areas shall be permitted to operate from 7am to 10pm Sunday through Wednesday and 7am to 11pm Thursday through Saturday.

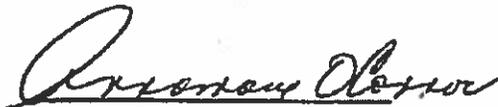
23. This resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by the Governing Body on June 15, 2020



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Michael McPartland  
Mayor



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Annamarie O'Connor, RMC  
Borough Clerk