

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

RESOLUTION No. 20-316

**PERMITTING TEMPORARY PERMITS FOR SIDEWALK CAFES  
AND OUTDOOR RESTAURANT SEATING DURING THE COVID-  
19 PANDEMIC SHUTDOWN RECOVERY**

WHEREAS, restaurants are an integral part of the local economies and social fabric of municipalities; and

WHEREAS, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, the proper adherence of measures to mitigate the spread of the COVID-19 virus has greatly affected the business model of restaurants; and

WHEREAS, the Township wishes to help its local businesses through this difficult time; and

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, by Executive Order No. 150 (2020) the Governor of the State of New Jersey advanced the State into phase “Stage 2” of the recovery from COVID-19 which allows food and beverage establishments to provide such services in outdoor areas; and

WHEREAS, restaurant owners are seeking guidance as to how they may safely resume such service in accordance with proper health policies and procedures allowable under state authority; and

WHEREAS, the State of New Jersey, Department of Health (the “State Health Department”), has issued Executive Directive No. 20-014 (“Executive Directive No. 20-014”) which establishes protocols for food and beverage establishments offering service in outdoor areas; and

WHEREAS, the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control (the “ABC”), has issued Special Ruling SR 2020-10 (“SR 2020-10”) which establishes a temporary permit process to enable licensees and permittees to acquire a temporary permit to expand their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanent licensed premises (the “COVID-19 Expansion Permit”); and

WHEREAS, the Township supports temporary, practical measures that enable restaurants to augment their dine-in capabilities as a means to boost customer activity.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Washington, County of Bergen, State of New Jersey as follows:

1. Temporary Permits for Sidewalk Cafes and Outdoor Restaurant Seating ("Temporary Permit") in the Township shall be permitted. Temporary Permits shall be issued by the Business Administrator in accordance with this Resolution. All Temporary Permits issued pursuant to this Resolution shall expire on February 28, 2021 unless extended by the Business Administrator.
2. Temporary Permits issued pursuant to this Resolution shall not require the filing of a Site Plan Application or require Site Plan Approval from the Planning Board.
3. A Temporary Permit issued pursuant to this Resolution must be obtained prior to the creation and opening of any outdoor seating, including where outdoor seating is permitted by a regular Site Plan Approval previously issued by the Planning Board or Zoning Board.
4. A drawing of the proposed Sidewalk Café or Outdoor Restaurant Seating area must accompany an application for a Temporary Permit. No specific form of application for a Temporary Permit is required provided all the information set forth herein is clearly set forth. The application for a Temporary Permit shall contain a drawing showing the location and size of all proposed tables and chairs and distances to other tables and chairs. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable State Health Department Executive Directives or other applicable State Executive Orders or Directives. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey. The drawing need not be drawn to scale. The Business Administrator shall be authorized to ask for additional information in connection with an application for a Temporary Permit.
5. There shall be no fees for handling and issuance of a Temporary Permit.
6. The Township shall expedite the review of all applications seeking to obtain a Temporary Permit for a Sidewalk Café or Outdoor Restaurant Seating area pursuant to this Resolution.

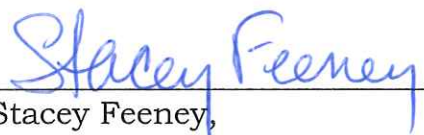
7. The Township's regulations for restaurants and food establishments not otherwise inconsistent with the creation and operation of Sidewalk Café or Outdoor Restaurant Seating areas pursuant to a Temporary Permit shall remain in full force and effect.
8. Any interpretation of the Township Zoning Ordinances which would otherwise prohibit the creation and operation of Sidewalk Café or Outdoor Restaurant Seating areas pursuant to a Temporary Permit hereunder pursuant to Executive Directive No. 20-014 or SR 2020-10 is deemed waived.
9. The standards and protocols for the creation and operation of Sidewalk Café or Outdoor Restaurant Seating areas pursuant to a Temporary Permit hereunder are set forth in Executive Directive No. 20-014 which are incorporated herein by reference as if set forth verbatim. Additional or alternate standards and protocols shall be engrafted on the issuance or continuation of any Temporary Permit in conformity with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable State Health Department Executive Directives or other applicable State Executive Orders or Directives.
10. The serving and consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission. A Temporary Permit shall not be required for an ABC licensee to expand its licensed premises pursuant to a COVID-19 Expansion Permit issued pursuant to SR 2020-10.
11. The Township Zoning Officer 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 provided same is in conformity with the concept of outdoor seating pursuant to a Temporary Permit.
12. The Township of Washington reserves all rights, privileges and immunities concerning its inalienable ownership over all sidewalks, streets, public lanes, alleys or other public grounds within the Township, whether or not any projection or encumbrance has been permitted to be erected on the same, without any waiver of such rights, privileges or immunities, whether expressed or implied.

13. The Township of Washington expressly reserves the right to require the removal of any or all encroachments of the public right-of-way, and other such encumbrances upon any sidewalk, street, public lane, alley or other public ground that present a danger to the health, safety and welfare of the public.
14. Applicants for a Temporary Permit shall conform with all requirements of the New Jersey State Uniform Fire Code, New Jersey Uniform Fire Safety Act, New Jersey State Uniform Construction Code, New Jersey Public Health Nuisance Code and all other Township ordinances, and state laws, rules, regulations and directives.
15. This Resolution shall be effective as of December 1, 2020 pursuant to Executive Order No. 150.

ATTEST:

APPROVED:  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
Susan Witkowski,  
Township Clerk

By:   
Stacey Feeney,  
Council President

DATED: November 9, 2020

MOTION	SECOND	COUNCIL	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Cascio	Cascio	Cascio				X	
Cumming	Cumming	Cumming	X				
DeSena	DeSena	DeSena	X				
Feeney	Feeney	Feeney	X				
Morgan	Morgan	Morgan	X				