

RESOLUTION NO. 112-2020
BOROUGH OF SEA GIRT

UPON MOTION of Councilperson Anthony, seconded by Councilperson Mastrorilli, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt is making efforts to revitalize the local economy as we begin to recover from the devastating economic impact of the COVID-19 crisis; and,

WHEREAS, the State of New Jersey has authorized bars and restaurants to allow outdoor dining and consumption of alcoholic beverages (collectively referred to herein as "Outdoor Dining") with certain conditions as of June 15, 2020; and,

WHEREAS, Outdoor Dining can only be allowed where public safety can be protected; and,

WHEREAS, the Borough recognizes that the impact of Outdoor Dining on surrounding property owners must be minimized, to the best extent possible.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. In accordance with Governor Murphy's transition into Stage 2 of the statewide recovery from the COVID-19 pandemic, local restaurants and bars will be allowed to provide Outdoor Dining as of 6:00, Monday, June 15, 2020, subject to the rules established by State of New Jersey Executive Order No. 150 and this Resolution.
2. Before being allowed to commence Outdoor Dining, an Outdoor Dining Permit Application (the "Permit Application") must first be filed with the Borough of Sea Girt. The Permit Application can be obtained from the Borough website.

BE IT FURTHER RESOLVED that the following Outdoor Dining Permit requirements are hereby adopted:

1. Name and Address of the Business
2. Copy of survey or site plan not more than 10 years old showing current conditions (no smaller than 11" x 17")
3. Drawing or Plan to scale to include (an accurate hand drawing would be allowed):
 - a. proposed outdoor seating, seating type and size of each table
 - b. area of proposed use
 - c. impact on existing parking
 - d. security plan – including but not limited to planters/fencing/motor vehicle protection devices
 - e. landscaping plan
 - f. ingress/egress/pedestrian routes for proposed areas
 - g. proposed occupancy maintaining 6 feet distance from back of occupied chair to back of occupied chair per table; table location demarcation must be used to maintain social distancing.
 - h. proposed location and social distancing marking of area for patrons waiting for seating
 - i. proposed lighting plan (NOTE: light plan should be the least obtrusive to neighbors, pedestrians and nearby residences)
 - j. proposed hours of operation outdoor seating area (shall be closed to all lawful permitted activities by the restaurant on or before 10:00 PM each day).
 - i. Establishments without NJ ABC licenses may begin outdoor service at 8:00 AM daily;
 - ii. Establishments with NJ ABC licenses may begin outdoor service at Noon daily.

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- k. occupancy of interior seating, number of tables, bar stools – total number when in normal operation.
 - l. Proof of liability insurance of expanded area
 - m. No smoking allowed in outdoor seating area
 - n. No music allowed in seating area
 - o. No tents or canopies of any size may be utilized in the outdoor seating area
 - p. No outdoor bar permitted in the outdoor seating area
 - q. No raw bar or buffet-style food offerings in the outdoor seating area
 - r. No food preparation is to be allowed in the proposed seating area.
- 4. Property owner approval of proposed expansion of outdoor dining/seating
 - 5. Affirmation that attached Department of Health guidelines will be followed and applicable regulations posted.
 - 6. Affirmation that this allowed expansion will be permissible only pursuant to the NJ State COVID19 Outdoor Dining Expansion Plan. It shall expire upon order of the Borough or on November 30, 2020, whichever is earlier.
 - 7. Compliance with Borough Ordinance in regards to noise, service to patrons, fire code, health code.
 - 8. Health Department approval if applicable.

Liquor License Holders Additional Requirements

- 1. ABC COVID19 expansion of premises application required – POSSE System
- 2. Chief of Police and Municipal Clerk approval on application
- 3. Copy of Municipal restrictions related to outdoor expansion of dining.
- 4. Liquor License holder will provide bona fide food service at tables – provide explanation
- 5. Explanation of alcohol service to patrons
- 6. Music is prohibited in the outdoor area
- 7. Follow all NJ ABC rules and regulations
- 8. Affirmation that this allowed liquor license expansion will be permissible only during the prescribed period in concert with the NJ State COVID19 Outdoor Dining Expansion Plan and Special COVID19 NJ ABC Expansion of Premises Permit.

Other Conditions in concert with the NJ State COVID19 Outdoor Dining Expansion Plan

- 1. The Borough reserves the right to amend, terminate, or repeal this approval at any time, and accordingly no property rights are granted to any person(s) or entities by virtue of this Resolution. All persons and/or entities electing to pursue temporary relief in accordance with the provisions of this approval are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon the provisions of this approval shall be at their sole and exclusive expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility.
- 2. Each specific violation of this approval shall be considered a separate violation, the owners of restaurants shall be subject to potential multiple violations during the course of each day, and each day in violation shall be considered a separate violation.
- 3. The Code Enforcement Officer and the Borough Police Department shall be charged with the enforcement of the terms of this approval.

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4. Penalties for violations of this approval may be imposed under, among other statutes, *N.J.S.A.* App. A:9-49 and -50, and the Borough Code and the temporary grant provided herein to restaurants may be revised or revoked by the Borough.
5. With the exception of the temporary relief set forth herein, Applicant's must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of restaurants
6. Unless otherwise expressly provided by this approval, all terms and requirements of the Borough Code shall continue to apply to the restaurants and the proposed structures, including, but not limited to, construction permits for the installation of any proposed structures at the restaurant property. The Borough shall have absolute discretion to amend any approval condition, and restriction set forth in this Resolution.
7. Notwithstanding any provisions contained herein, the Emergency Management Coordinator of the Borough may act as necessary to alter this Resolution so as to ensure that it is compliant with the Governor's Order No. 150 and the health, safety and welfare of the Borough.

BE IT FURTHER RESOLVED that the Outdoor Dining Permit Application form attached hereto is hereby adopted.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

CERTIFICATION

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Borough Council of the Borough of Sea Girt at their Regular Meeting held the 10th day of June, 2020.

Lorraine P. Carafa, RMC,
Municipal Clerk