

RESOLUTION NO. 2020-118

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, TEMPORARILY PERMITTING OUTDOOR DINING AT ALL EATING ESTABLISHMENTS WITHIN THE TOWNSHIP OF LITTLE EGG HARBOR

WHEREAS, on March 21, 2020, Governor Phil Murphy issued Executive Orders 107 and 108, cancelling social gatherings, directing New Jersey residents to remain home or at their place of residence, and requiring the closure of all restaurants except for take-out; and

WHEREAS, Governor Murphy has announced a start date to implement Stage 2 of a Restart and Recovery Plan to relax restrictions, as public health data continues to demonstrate flattening the curve of COVID-19 cases and hospitalizations, and

WHEREAS, as the Governor's Office is reducing the social distancing restrictions, the Township Committee desires to establish regulations for outdoor dining, when the Governor indicates that it will be permissible upon the implementation of Stage 2 on June 15, 2020; and

WHEREAS, eating establishments shall be permitted to set up and provide service to outdoor tables as of June 15, 2020, conditioned on compliance with all Executive and Administrative Orders.

IT IS THEREFORE RESOLVED, by the Township Committee of the Township of Little Egg Harbor as follows:

1. That the governing body does hereby permit outdoor dining at all eating establishments in the Township when outdoor dining is permitted in the State of New Jersey, provided eating establishments are in compliance with the following:
 - a. Owners or operators of eating establishments may apply to the Zoning Officer for an Outdoor Dining Permit, to permit outdoor seating provided the accommodations are safe, and social distancing is maintained. The Zoning Officer shall consult with the Chief of Police and Fire Department concerning each application, prior to the issuance of a permit.
 - b. An applicant for an Outdoor Dining Permit is required to provide the following:
 - i. The current licensed occupancy for the establishment.

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1. The total occupancy of an outdoor seating area may not exceed the permitted occupancy inside the establishment.
2. When limited interior dining is permitted, the combined interior and exterior dining areas may not exceed the permitted interior occupancy of the establishment.

ii. A layout of the proposed seating area, which shall include a depiction of all aisles and seating areas.

1. Seating must be arranged in order to provide four (4) feet of unobstructed sidewalk.
2. Parking areas may be utilized for seating; however, a barrier, of a least three (3) feet in height, shall be required to separate tables from pedestrian and vehicular traffic.

iii. A depiction of the proposed barriers, which may include large planters or shrubs, decorative fencing or vehicle barriers designed to enclose the eating area.

iv. A plan to control litter and waste within the outdoor seating area.

c. Applicants are required to comply with ABC regulations pertaining to the sale and consumption of alcoholic beverages outdoors.

d. Applicants shall be required to obtain all necessary permits from outside agencies, including but not limited to the Board of Health.

e. Any eating establishments that have previously received approval by the Planning Board or Zoning Board of Adjustment for outdoor seating are exempt from the requirement for an Outdoor Dining Permit set forth herein; however, an eating establishment is only exempt from being required to obtain an Outdoor Dining Permit as to the specific number of outdoor seats permitted in the applicable resolution of approval, and provided that the previously-approved outdoor seating conforms to social distancing requirements.

f. When the Executive Order is issued permitting 100% occupancy inside eating establishments, the Outdoor Seating Permit shall be considered terminated immediately.



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2. That outdoor dining shall be permitted beginning June 15, 2020 and shall remain in effect until the Executive Order prohibiting eating inside restaurants is lifted.
3. That participation in the Outdoor Dining Pilot Program is conditioned on compliance by eating establishments with the provisions of all Executive and Administrative Orders of the State of New Jersey.

CERTIFICATION

I, **DIANA McCRACKEN** do hereby certify that the foregoing resolution was duly adopted by the Governing Body of the Township of Little Egg Harbor at a meeting held on the 11th day of June, 2020.



DIANA McCRACKEN
Township of Little Egg Harbor

MSA

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