



T: 973-402-9410
F: 973-316-8498
boonton@boonton.org

100 Washington Street
Boonton, NJ 07005

RESOLUTION 20-154

A RESOLUTION OF THE TOWN OF BOONTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, TO TEMPORARILY AMEND AND RELAX CHAPTER 254 SIDEWALK CAFES AND CHAPTER 300, ZONING AND LAND USE

WHEREAS, the COVID-19 Global Health Pandemic has had a significant negative economic impact on the Town's restaurants and eateries; and

WHEREAS, the Board of Aldermen wishes to temporarily ease the Town's Sidewalk Café and Zoning and Land Use regulations, in order to help the Town's restaurants and eateries; and

WHEREAS, on June 3, 2020, Governor Murphy issued Executive Order 150 which allows outdoor dining at food or beverage establishments in New Jersey starting on Monday, June 15, 2020, provided that establishments follow a number of COVID-19 health and safety protocols issued by the New Jersey Department of Health, including a limit of eight customers per table, requirements of at least six feet of distance between parties, and a prohibition on smoking in any outdoor areas designated for the consumption of food and/or beverages; and

WHEREAS, Executive Order 150 further notes that Municipal Governments are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks; and

WHEREAS, in consideration of the above and the great hardship and uncertainty the COVID-19 public health emergency has caused to the businesses of the Town of Boonton, the Board of Aldermen desires to support the economic recovery of local restaurants and businesses by temporarily modifying certain outdoor dining restrictions and outdoor retail sale restrictions so that restaurants and retail establishments are able to serve customers while satisfying social distancing requirements; and

WHEREAS, the Town of Boonton's professionals and the Town Attorney have reviewed same, and found the temporary modification satisfactory; and

WHEREAS, the Governing Body finds it in the best interest of the Town of Boonton to temporarily modify certain restrictions; and

WHEREAS, the Town of Boonton finds it in the best interests of its citizens and businesses to temporarily modify certain outdoor dining restrictions and outdoor sale restrictions in accordance with Executive Order 150, all associated Town of 'Boonton Board of Health guidance, and the Division of Alcoholic Beverage Control's COVID-19 Expansion of Premises Permit regulations; and

WHEREAS, Executive Order 150 also allows non-essential retail businesses to reopen with restrictions in place regarding permitted capacity, face coverings and social distancing restrictions as set forth in Executive Order 107.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen, in the Town of Boonton, in the County of Morris, State of New Jersey, that the provisions set forth in Chapter 254, Sidewalk Cafes, and Chapter 300, Zoning and Land use, shall be eased and relaxed; and

BE IT FURTHER RESOLVED that the Town Administrator may permit an existing restaurant or food establishment to expand outdoor dining during the 2020 outdoor season through October 31, 2020, subject to the following:

Outdoor dining may be conducted on any restaurant property located on Main Street; and

Any restaurant may create outdoor dining on private property, the public sidewalk in front of their business and the public sidewalk next to their establishment with the consent of the property owner and adjoining business, and

Outdoor dining may be permitted on premise-owned parking lots in spaces that may have been previously required by zoning or other agreements; and

Service of alcoholic beverages shall be permitted in outdoor areas licensed or allowed by ABC Order SR 2020-10 or state regulations; and

A Sidewalk Café license from the Town of Boonton must be obtained, at no cost, in advance; and

The number of seats permitted in the outdoor dining area may not exceed the total seating capacity previously approved for the eating and/or drinking establishment; and.

Outdoor dining areas can be located on patios, walkways, plazas and courtyards in a manner that does not impair pedestrian circulation. Outdoor dining areas may also be located, at the discretion of the designated official, on public sidewalks, lawn areas, and in parking lots, provided that pedestrian and vehicular circulation is not impaired and further provided, in the case of parking lots, that outdoor dining shall only be permitted thereon if the number of parking spaces exceeds the minimum required for the use permitted under the Town Code; and.

Where outdoor dining is proposed within a parking lot, bollards or other protective structures shall be erected along the perimeter of the outdoor dining area in order to enhance public safety; and

If the outdoor dining area is proposed to be utilized after dark, temporary lighting shall be required; and.

Landscaping around and/or within the outdoor dining area shall be permitted, but not required; and.

Awnings, umbrellas, canopies and open-air tents attached to a building wall, and heating units shall be permitted within outdoor dining areas; however, closed tents are not permitted; and

All outdoor dining areas must be closed by 10 pm.; and

In multi-tenanted properties, an approved temporary outdoor dining area must be discontinued or reduced in size if other retail, personal service and/or commercial establishments are permitted to reopen and there is no longer an adequate number of parking stalls available and/or if the prior

approved site plan is no longer functioning, as determined by the Administrator or other designated official; and.

Retail establishments that reopen and desire to expand their operations to outside their location may apply for a temporary permit in similar fashion as restaurants seeking to permit outdoor dining; and.

The Town Administrator or designated official 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 Town Code, as well as the goals and objectives of the Town's Master Plan; and

The required permit must be accompanied by an informal layout and/or plan for the outdoor dining area or outdoor sales area, the number of seats proposed, the parking availability and the COVID-19 Expansion of Premises Permit from the NJ Division of Alcoholic Beverage Control if applicable; and

Restaurants may display one temporary, unlit sign to notify the public of in-house, take-out as well as outdoor dining options and any restrictions in place due to the COVID-19 public health emergency. Retail establishments may also display one sign indicating outdoor sales are available; and

In accordance with Executive Order 150, restaurants availing themselves of the use of outdoor dining, must ensure they follow these requirements:

Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations; Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table; Satisfy all standards issued by the New Jersey Department of Health pursuant to Executive Order 150;

Ensure that tables seating individual groups are 6 feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are 6 feet apart in all directions;

Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom; Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age; and Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages.

The requirement that food or beverage establishments impose this prohibition shall automatically sunset once food or beverage establishments are permitted to offer in-person service in indoor areas.

Restaurants must continue to follow all rules and regulations of the local Board of Health, the NJ Department of Health, and Division of Alcoholic Beverage Control ("ABC"), as well as all applicable local, state and federal laws; and

Specifically, all restaurants must adhere to the following requirements as set forth by the New Jersey Department of Health:

Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 must adhere to the protocols listed below:

Obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor areas;

Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 should enter the food or beverage establishment;

Limit seating to a maximum of eight (8) customers per table and arrange seating to achieve a minimum distance of six feet (6) between parties;

Rope off or otherwise mark tables, chairs and bar stools that are not to be used;

Demarcate 6 feet of spacing in patron waiting areas; Provide physical guides, such as tape on floors, sidewalks, and signage on walls to ensure that customers remain at least 6 feet apart in line for the restroom or waiting for seating;

Eliminate self-service food or drink options such as buffets, salad bars, and self-service drink stations; Disinfect all tables, chairs and any other shared items (menus, condiments, pens) after each use; Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 ft is difficult;

Ensure 6 feet of physical distancing between workers and customers, except at the moment of payment and/or when employees are servicing the table;

Require infection control practices, such as regular handwashing, coughing and sneezing etiquette, and proper tissue usage and disposal;

Require frequent sanitization of high-touch areas like credit card machines, keypads, and counters to which the public and workers have access;

Place conspicuous signage at entrance alerting staff and customers to the required 6 feet of physical distance; and

Require all food or beverage establishments to have an inclement weather policy that, if triggered, would require the food or beverage establishment to adhere to Executive Order No. 125 (2020) and offer takeout or delivery service only.

Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 must impose the following requirements on employees: Require employees to wash and/or sanitize their hands when entering the food or beverage establishment;

Conduct daily health checks (e.g. temperature screening and/or symptom checking) of employees safely and respectfully, and in accordance with any applicable privacy laws and regulations;

Require employees with symptoms of COVID-19 (fever, cough, or shortness of breath) be sent home;

Require all employees to wear face coverings, except where doing so would inhibit the individual's health, and require employees to wear gloves when in contact with customers and when handing prepared foods or serving food, utensils, and other items to customers;

Provide all employees with face coverings and gloves;

Provide employees break time for repeated handwashing throughout the workday; and

Provide sanitization materials, such as hand sanitizer and sanitizing wipes to staff.

Food or beverage establishments offering service at outside areas pursuant to Executive Order No. 150 must institute the following policies with respect to customers:

Inform customers that safety measures such as social distancing, wearing face coverings when they are away from their table and unable to social distance or when they are inside the indoor portion of the premises of the food or beverage establishment (unless the customer has a medical reason for not doing so or is a child under two years of age), and hygiene practices must be adhered to while in the food or beverage establishment;

Encourage reservations for greater control of customer traffic/volume;

Require customers to provide a phone number if making a reservation to facilitate contact tracing;

Recommend customers wait in their cars or away from the food or beverage establishment while waiting for a table if outdoor wait area cannot accommodate social distancing;
Alert customers via calls/texts to limit touching and use of shared objects such as pagers/buzzers;
Encourage the use of digital menus;

Decline entry to the indoor portion of the establishment to a customer who is not wearing a face covering, unless the customer has a medical reason for not doing so or is a child under two years of age; and provide a hand sanitizer station for customers.

All restaurants wishing to serve alcoholic beverages on-site for consumption in the outdoor dining areas must apply through the ABC for a COVID-19 Expansion of Premises Permit.

Restaurants and retail establishments may erect open air tents or canopies over seating areas, so long as social distancing requirements are maintained.

This Resolution shall be effective on June 15, 2020 in accordance with Executive Order 150.

Approvals issued pursuant to this Resolution shall be valid for 60 days from the date of issuance. Renewal requests must be submitted to the Administrator at least 10 days prior to expiration.

This Resolution shall remain in effect for the duration of time in which Executive Order 150 remains in effect unless this Resolution is otherwise amended or vacated by the Board of Aldermen.

Temporary outdoor dining plans in accordance with this Resolution shall require the approval of the Town Administrator or designated official. Temporary outdoor retail sales plans shall require the approval of the Town Administrator or designated official.

The Township Administrator reserves the right to deny the modification of the rules or put in place specific requirements or restrictions in order to protect the health, safety and welfare of the general public. Appeals of such requirements may be filed with the Board of Aldermen.

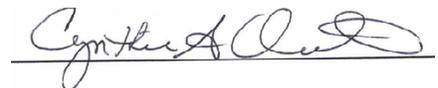
This Resolution does not permit the construction of or alteration to any building or structure. No changes may be made that alter the existing character of any building or structure.

This Resolution applies only to establishments already approved to operate as a restaurant or as a retail establishment as of this Resolution's date of adoption.

Except for the relaxation of requirements as specifically authorized by this Resolution, all provisions of the Town code, including Zoning, remain in full effect, including but not limited to hours of operation, litter control plan, dishes and utensil requirements, sufficiency of construction of tables and chairs.

BE IT FURTHER RESOLVED that the Town Administrator with the advice and consent of the Town Attorney may waive other sections of Chapter 254 and may enact other regulations as appropriate to maintain order, enhance public safety and to help Town restaurants and eateries that are economically impacted by the COVID-19 Global Health Pandemic.

I, Cynthia A. Oravits, Clerk of the Town of Boonton, County of Morris, and State of New Jersey, hereby certifies this to be a true copy of a resolution adopted by the Mayor and Board of Aldermen of the Town of Boonton on June 15, 2020

A handwritten signature in cursive script, reading "Cynthia A. Oravits", written over a horizontal line.

Cynthia A. Oravits, RMC
Town Clerk