

TOWNSHIP OF CHESTERFIELD

RESOLUTION 2021-5-5

**RESOLUTION RENEWING THE AUTHORIZATION OF
TEMPORARY OUTDOOR DINING**

WHEREAS, the Township Committee of the Township of Chesterfield acknowledges that the State of New Jersey is facing unprecedented times as a result of the novel coronavirus (“COVID-19”); and

WHEREAS, on March 9, 2020, the Governor issued Executive Order 103, declaring a State of Emergency and Public Health Emergency throughout the State of New Jersey as a result of the COVID-19 coronavirus pandemic; and

WHEREAS, given the reduced risk of COVID-19 transmission outdoors, the Governor issued Executive Order 150 on June 3, 2020, permitting outdoor dining services at restaurants with or without a liquor license, beginning on June 15, 2020, with continued adherence to state and federal safeguarding guidelines; and

WHEREAS, Executive Order 150 acknowledged that many restaurants will not have sufficient outdoor space to service their patrons, and thus may seek to use additional space for outdoor dining services, including other areas of their property, such as parking lots and sidewalks; and

WHEREAS, Executive Order 150 permitted municipalities to use their existing authority to allow restaurants to expand their service footprint to outdoor areas, including but not limited to sidewalks, streets, or parks; and

WHEREAS, via a Special Ruling dated June 3, 2020, the Division of Alcoholic Beverage Control established a temporary permit, known as the COVID-19 Expansion of Premises Permit, to enable all licensees and permittees with on-premises retail consumption privileges to expand their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises until November 30, 2020; and

WHEREAS, in June of 2020 the Township passed Resolution 2020-6-4 temporarily permitting outdoor dining until November 30, 2020; and

WHEREAS, On February 5, 2021, Governor Murphy signed P.L.2021, c.15 which, among other things, expands opportunities for restaurants, bars, distilleries, and breweries to provide outdoor dining, in response to the COVID-19 public health emergency; and

WHEREAS, the law further establishes protocols for municipal review and approval for owners or operators of a restaurant, bar, distillery, or brewery to extend their business premises so that they are able to sell food and beverages in adjacent outdoor spaces, such as a parking lot, and on public sidewalks; and

WHEREAS, the law also mandates extension of the expiration date of all COVID-19 Expansion Permits issued by the Director of the Division of Alcoholic Beverage Control pursuant to the provisions of Special Ruling No. 2020-10 until November 30, 2022 or the date on which indoor dining resumes without capacity limitations pursuant to an executive order issued by the Governor, whichever is later; and

WHEREAS, that the applicant for any new COVID-19 Expansion Permit must receive municipal approval pursuant to subsection b. of section 2 of P.L.2021, c.15

before the COVID-19 Expansion Permit application may be considered by the Division of Alcoholic Beverage Control; and

WHEREAS, the Township Committee finds it necessary and appropriate to renew the process for temporarily allow outdoor dining located within the Township to comply with the new legislation, until November 30, 2022 or the date on which indoor dining resumes without capacity limitations pursuant to an executive order issued by the Governor, whichever is later.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, authorizes temporary outdoor dining for restaurants within the Township pending the appropriate application submissions to the Township Zoning Officer pursuant to new legislation; and

BE IT FURTHER RESOLVED Any temporary outdoor dining permitted within the Township shall be maintained, and operated in accordance with Executive Order 150, the State of New Jersey Department of Health Executive Directive 20-014, P.L.2021, c.15 and any other Rules and Regulations that may be required by various Township officials.

CHESTERFIELD TOWNSHIP COMMITTEE

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I, Caryn M. Hoyer, Clerk of the Township of Chesterfield in the County of Burlington and State of New Jersey do hereby certify the foregoing Resolution to be a true and accurate copy of the Resolution approved by the Township Committee at a duly advertised meeting held on May 13, 2021 at which a quorum was present.

Caryn Hoyer, RMC  
Township Clerk