

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* June 11, 2020 (continued
on behalf of the Board of Commissioners *meeting of June 4, 2020)*

Seconded by: _____ *No.* 135-20

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a public health state of emergency arising from the dangers of the COVID-19 pandemic health crisis; and

WHEREAS, on March 18, 2020, the Township of Nutley declared as well as a local emergency consistent with Executive Order 103: and

WHEREAS, on March 16 and 21, 2020, Governor Murphy issued Executive Orders 104 and 107 which limited all restaurants, dining establishments and food courts, with or without a liquor license, all bars and other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 cases in New Jersey and in the Township of Nutley, the State of New Jersey has relaxed certain restrictions related to restaurants, bar and food establishments by allowing outdoor dining as long as businesses comply with COVID-19 guidelines; and

WHEREAS, the New Jersey Department of Health Executive Directive 20-014 and the Department of Law and Public Safety Division of Alcoholic Beverage Control, SR 2020-10 have issued compliance guidance which must be followed by restaurants, bars and dining establishments which enables them to conduct business with customers: and

WHEREAS, the Mayor established a business reopening committee to be proactive in helping business reopen; and

WHEREAS, the Board of Commissioners is desirous of supporting business reopening efforts consistent with orders herein which will necessitate temporarily relaxing certain provisions contained in Chapter 700.41 the Zoning Code of the Township of Nutley through November 30, 2020, as may be modified by the State of New Jersey; and

WHEREAS, the Board of Commissioners in support of business reopening efforts and in recognition of the financial hardship our local businesses have sustained as a result of the Pandemic crisis are willing allow restaurants to utilize our public parking lots and public walkways for outdoor dining on a limited basis; and

NOW THEREFORE BE IT RESOLVED that the **TOWNSHIP OF NUTLEY** in the County of Essex, State of New Jersey does hereby temporarily authorize and approve the following:

1. Chapter 700.41 is modified to allow both contiguous and non-contiguous outdoor seating consistent with State executive orders as long as the business owner provide evidence of a legal right to use non-contiguous property for their business.
2. Chapter 700.91 which requires, certain cases, onsite parking is modified to allow the use of parking lots for outdoor seating as long as safety requirements of the Nutley Code Enforcement and Police Department are met.
3. Chapter 700.41-F(5)(b)7 application fee of \$100.00 is waived for 2020.
4. Requests to use public property can be made through the single application process established by the Code Enforcement office and does not require a separate approval of the Board of Commissioners.
5. None of the above relieve business owners of the obligation to be compliant with the sanitary and social distancing requirements set out by the State of New Jersey.
6. All businesses requesting an outdoor dining permit and or alcoholic beverage permit must continue to provide bodily injury and property damages insurance coverage consistent with our ordinance naming the Township of Nutley and/or County of Essex as a covered party.
7. All businesses requesting an outdoor dining permit and/or alcoholic beverage permit must continue to sign an indemnification/hold harmless agreement with the Township of Nutley and/or County of Essex which also includes their agreement to comply with COVID-19 sanitary and social distancing requirements

. . .

I, _____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Eleni Pettas

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held

_____ June 11, 2020

<i>Record of Vote</i>	<i>Commissioner John V. Kelly, III</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Mauro G. Tucci</i>
<i>Yes</i>					
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					