



# TOWNSHIP OF MORRIS

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CATHLEEN AMELIO, RMC  
TOWNSHIP CLERK  
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## RESOLUTION NO. 110-20

### **RE: OUTDOOR DINING PERMITTED AT LICENSED RESTAURANTS**

WHEREAS, in response to the COVID-19 global pandemic, on March 16, 2020, Governor Phillip D. Murphy issued Executive Order 104, which limited all restaurants and dining establishments, bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only, meaning that they could not allow on-premises consumption of food or beverages; and

WHEREAS, the State of New Jersey has recognized a decrease of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey; and

WHEREAS, in response to the decreased instances of COVID-19 in New Jersey, and in recognition of the reduced risk of COVID-19 transmission outdoors, Governor Murphy issued Executive Order 150, which permits to open to the public to offer outdoor dining where such food and/or beverage consumption is conducted pursuant to the safeguards, conditions, and restrictions set forth in Executive Order 150; and

WHEREAS, on June 3, 2020, Judith Persichelli, Commissioner of the State of New Jersey Department of Health, issued Executive Directive No. 20-014, which provided additional clarification and guidance concerning the circumstances and conditions under which restaurants and bars can conduct outdoor dining; and

WHEREAS, also on June 3, 2020, James B. Graziano, Acting Director of the State of New Jersey Division of Alcoholic Beverage Control, issued Special Ruling 2020-10, establishing a temporary Covid-19 permit to expand the licensed premises on which licensed premises can serve and sell alcoholic beverages, and

WHEREAS, Executive Order 150 acknowledges that municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property or potentially into shared space in a way that comports with public safety; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Morris, State of New Jersey, as follows:

- 1) All restaurants and bars within the Township of Morris are permitted to offer outdoor dining and beverage services, in a manner consistent with Executive Order, 150, Executive Directive No. 20-014, and Special Ruling 2020-10 (all of which are attached hereto, as well as any subsequent Executive Order, Executive Directive, Special Ruling, or other executive or legislative action taken by the State of New Jersey, its agencies, or its officials, and subject to the additional safeguards, conditions, and restrictions set forth herein.
- 2) The conduct of outdoor dining shall be subject to the following standards, terms, and conditions:
  - a. Outdoor seating areas can be located upon public sidewalks where adequate provision is made for the pedestrian public, on relatively level grass areas, and in parking areas.
  - b. Outdoor seating will not require the filing or approval of a site plan or variance application;



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### RESOLUTION NO. 110-20(CONTINUED)

#### **RE: OUTDOOR DINING PERMITTED AT LICENSED RESTAURANTS**

- c. A Temporary Outdoor Seating Permit must be obtained prior to the creation or operation of any outdoor seating. A drawing of the proposed outdoor seating area must accompany the Temporary Outdoor Seating Permit Application. This drawing shall show the location and size of all proposed tables and chairs and distances to other tables and chairs and distances from all other structures such as a host podium and serving stations.
  - d. The Township of Morris will waive the filing fee for a Temporary Outdoor Seating Permit Application and shall expedite its review of all such applications.
  - e. No performance bond or engineering inspection fees will be required in connection with a Temporary Outdoor Seating Permit.
  - f. If a parking area is to be utilized for outdoor dining, at least one parking stall shall be reserved for automobile parking for every three seats provided for outdoor dining. In addition, all entrances and exits to the parking area as well as the drive aisle(s) accessing these reserved parking spaces shall remain unencumbered. The parking area shall be physically separated from the dining area by conspicuously-placed bollards, temporary fencing, or the equivalent thereof.
  - g. If a sidewalk is to be utilized for outdoor dining, no more than half the width of the sidewalk shall be so encumbered, and in no event shall less than six-feet of sidewalk width be unencumbered.
  - h. Temporary lighting will be required if an outdoor seating area is proposed to be utilized after dusk. Such lighting shall be extinguished upon closing each day.
  - i. All outdoor seating areas must be closed by 10:00p.m.
  - j. The Township's Zoning Officer, Health Officer, Fire Chief and Chief of Police 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 the Township's ordinances and master plan. Further, the Township's Zoning Officer and Chief of Police may revoke any Temporary Outdoor Seating Permit upon a finding that outdoor dining is not being conducted in accordance with any State law, rule, regulation, or guidance, or in accordance with this Resolution.
- 3) Temporary outdoor dining, as set forth herein, shall be permitted beginning at 6:00a.m. on June 15, 2020 and until the Governor of the State of New Jersey rescinds or replaces the restrictions pertaining to restaurants and bars to serve patrons within their places of business.
  - 4) This resolution shall take effect immediately.

I, Cathleen Amelio, Township Clerk of the Township of Morris, Morris County, New Jersey do hereby certify that the forgoing is a true copy of a resolution adopted by the Governing Body at a duly authorized meeting held on June 5, 2020.

*Cathleen Amelio*

Cathleen Amelio, Township Clerk  
Township of Morris, Morris County  
State of New Jersey