

CRANBURY TOWNSHIP ORDINANCE 05-20-08

ORDINANCE ESTABLISHING A TEMPORARY PROCESS FOR PERMITTING OUTDOOR DINING

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, on March 16, 2020, the Governor issued Executive Order 104, limiting the scope of service and hours of operation for restaurants and certain retail establishments to balance the need to allow individuals to access food and other essential materials with the need to limit unnecessary person-to-person contact; and

WHEREAS, on March 21, 2020, the Governor issued Executive Order 107, further limiting the scope of service for restaurants as follows:

All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses. If alcoholic beverages are to be sold from a restaurant, dining establishment or bar with a liquor license, such sales shall be limited to original containers sold from the principal public barroom. The on-premises consumption of alcohol is prohibited. All retail sales of alcoholic beverages by limited brewery licensees, restricted brewery licensees, plenary and farm winery licensees (and associated salesrooms), craft distillery licensees and cidery and meadery licensees must be in original containers and must be sold through customer pick up and/or delivered by licensees in accordance with their existing licenses.

WHEREAS, Executive Order 107 recognized that the Centers for Disease Control and Prevention ("CDC") has advised that social mitigation strategies for combating COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, and ordered further steps to mitigate community spread of COVID-19; and

WHEREAS, on March 21, 2020, the Governor issued Executive Order 108, invalidating any municipal restriction that in any way will or might conflict with any of the provisions of Executive Order 107; and

WHEREAS, if and when the Governor relaxes the limitation on scope of service and hours of operation for restaurants, those restaurants will likely be required to meet health-related social distancing guidelines; and

WHEREAS, restaurants in Cranbury Township may desire to offer outdoor dining as a way to meet those social distancing guidelines; and

WHEREAS, the Township Committee would like to establish a process for licensing outdoor dining during the State of Emergency and Public Health Emergency that is expeditious and efficient, while continuing to protect the public health, safety and welfare of the community; and

WHEREAS, outdoor dining is currently regulated through Cranbury Township Code Chapter 106, which establishes the requirements for an Outdoor Dining License, and Chapter 150-39, which permits outdoor dining as an accessory use in certain zones, provided the restaurant meets the requirements of the section which include, among other things, site plan approval; and

WHEREAS, the Municipal Land Use Law prohibits interim zoning ordinances except “in cases where the municipality demonstrates on the basis of a written opinion of a qualified health professional that a clear imminent danger to the health of the inhabitants of the municipality exists, and in no case shall the...interim ordinance exceed a six-month term” (NJSA 40:55D-90b); and

WHEREAS, the Governor’s State of Emergency and Public Health Emergency recognize that the spread of COVID-19 presents a clear imminent threat to the health of all residents of the State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, as follows:

Section 1. For the duration of the Governor’s State of Emergency and Public Health Emergency, but for no longer than a period of six months from the effective date of this Ordinance, the requirements of Cranbury Township Code Chapter 106, “Outdoor Dining License,” are temporarily modified as follows:

Section 106-2 Outdoor Dining License Required: Term: Annual Renewal

E. In the case of an application for a renewal license only, if the outdoor dining use or layout is to be modified, the applicant shall first prepare and submit a new plan to the Township Zoning Officer, who shall ~~determine whether such modification requires amended site plan approval from the applicable land use board~~ distribute the new plan to the Chief of Police and the Municipal Health Officer for their review, and approve the plan provided it protects the public health, safety and welfare of the municipality and otherwise complies with the requirements of Chapter 106.

Section 106-3 Application Process

A. Application for an initial outdoor dining license or a renewal license shall be made to the Township Clerk.

B. The application shall be accompanied by the following:

(1) (Reserved)

(2) ~~In the case of an initial application only, the resolution of approval from the appropriate land use board of the site plan for the outdoor dining use.~~

(3) ~~In the case of a renewal application only, a signed certification from the applicant that all conditions of the site plan approval continue to be met.~~

(4) Insurance certificate as set forth in § 106-6 below.

(5) Proof that the applicant holds a valid occupational license for a business establishment.

C. The Township Clerk shall approve or disapprove the application within 15 calendar days following its submission.

Section 2. For the duration of the Governor's State of Emergency and Public Health Emergency, but for no longer than a period of six months from the effective date of this Ordinance, the requirements of Cranbury Township Code Chapter 150-39, "Outdoor Dining Areas," are suspended.

Section 3. If any portion of this Ordinance is deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

Section 4. This Ordinance shall be effective immediately upon adoption and publication in accordance with law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on May 26, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the meeting room of Town Hall, 23-A North Main Street, in the Township of Cranbury on June 8, 2020 at 7:00 P.M., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same .

DEBRA A. RUBIN, RMC
MUNICIPAL CLERK

Date Introduced:

Date Advertised:

Date Adopted: