

ROCKAWAY TOWNSHIP MORRIS COUNTY, NEW JERSEY

R-20-100

RESOLUTION IMPLEMENTING THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER 150 REGARDING THE TEMPORARY, CONDITIONAL RE-OPENING OF RETAIL ESTABLISHMENTS IN ROCKAWAY TOWNSHIP PURSUANT TO TOWNSHIP PERMITTING REQUIREMENTS

WHEREAS, the Governor of the State of New Jersey has declared a state of emergency to exist as a result of the spread of the Covid 19 virus in New Jersey; and

WHEREAS, in an effort to inhibit the transmission of the virus the Governor has previously issued executive orders prohibiting the operation of what he has identified as non-essential businesses, which included retail sales establishments selling food and other goods; and

WHEREAS, on June 3, 2020 the Governor issued Executive Order 150 (hereinafter "E.O. 150" (which is attached hereto and made a part hereof by reference) which states that given the reduced risks of COVID-19 transmission outdoors, the State can begin to allow restaurants, bars, and other food or beverage establishments to provide in-person service at areas designated for food and/or beverage consumption ("outdoor dining") in accordance with CDC and DOH safeguards, while recognizing that indoor dining still poses a higher risk of transmission at this time than outdoor dining; and

WHEREAS, E.O. 150 indicates that in order to continue to attempt to limit the spread of COVID-19 and thus to protect public health, retail establishments can only open to the public to offer **outdoor** dining where such food and/or beverage consumption is conducted in a way that ensures critical Statewide health standards are met; and

WHEREAS, consistent with E.O. 150, on June 3, 2020, the New Jersey Department of Health, issued Executive Directive 20-0140 (hereinafter "E.D. 20-0140" which is attached hereto and made a part hereof by reference) which provides the specific health practices which are required to be followed by retail dining establishments wishing to conduct business outdoors; and

WHEREAS, consistent with E.O. 150, on June 3, 2020, the Department of Public Safety, Division of Alcoholic Beverage Control issued SR 2020-10 (hereinafter "ABC 2020-10" which is attached hereto and made a part hereof by reference) "Establishing Temporary COVID 19 Permits to Expand Licensed Premises"; and

WHEREAS, E.O. 150 specifically recognizes that municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety, and

WHEREAS, the Administration has prepared temporary permit applications (a copy of which is attached hereto and made a part hereof by reference), for which retail dining establishments may apply, free of cost, said applications requiring the submission of the specific boundaries and operation parameters respecting each business's proposed expanded service footprint outdoors; and

WHEREAS, in an attempt to assist in the financial recovery of Rockway Township businesses, the Mayor and Council desire to re-open retail dining services in Rockaway Township consistent with the provisions of E.O. 150, E.D. 20-0140, ABC 2020-10, via the Township's issuance of permits which will ensure that the re-opening will comport with public safety.

Now therefore be it resolved by the Township Council of the Township of Rockaway, County of Morris and State of New Jersey as follows:

1. Contingent upon their full compliance with E.O. 150, E.D. 20-0140 and upon their first having obtained a temporary permit from the Township to do so, retail dining establishments may re-open and provide services within the physical boundaries and in accordance with the conditions approved by a permit issued by the Township.

2. Contingent upon their full compliance with E.O. 150, E.D. 20-0140, upon their first having obtained an ABC 2020-10 Temporary COVID-19 Permit to Expand Licensed Premises, and upon their first having received a temporary permit from the Township to do so, State/Township liquor licenses may conduct alcohol beverage services within the physical boundaries and in accordance with the conditions approved by a permit issued by the Township.

3. Failure of any retail dining establishment to comply with any of the foregoing conditions may result in the revocation of the temporary permit issued by the Township.

4. No authority to operate retail establishments outdoors shall take effect before June 15, 2020.

5. All temporary permits which may be issued by the Township of Rockaway hereby, shall terminate upon the termination of the applicable terms and conditions of E.O. 150 or upon further formal action of this Council, whichever comes first.

6. To the extent that any Local Ordinance (except for police ordinances governing the consumption of alcohol in public places) may be construed as containing language which conflicts with E.O 150, E.D. 20-1040, ABC 2020-10 or with any Township Permit which may be issued to retail dining establishments, they are hereby suspended.

7. The Mayor and all members of the Administration are hereby authorized to take all actions necessary to effectuate the purpose of this Resolution.

I HEREBY CERTIFY the above to be a true copy of a Resolution Adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on June 10, 2020


Christina Clipperton, Township Clerk