

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-168

RESOLUTION AMENDING RESOLUTION 2020-121 PROVIDING FOR THE ISSUANCE OF  
TEMPORARY PERMITS TO ALLOW OUTDOOR DINING

**WHEREAS**, on February 3, 2020, New Jersey’s Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

**WHEREAS**, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

**WHEREAS**, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

**WHEREAS**, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several “social distancing” regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment-based businesses, and imposing restrictions on scope of service and hours of operation for other non- essential retail, recreational, restaurants/bars and entertainment businesses; and

**WHEREAS**, on March 21, 2020, Governor Murphy issued Executive Order 107, which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey residents to stay at home with specific limited exceptions, prohibiting gatherings of any size, closing all non-essential retail businesses and identifying essential businesses permitted to continue to operate subject to specific limitations, and reiterating and strengthening social distancing requirements when in public; and

**WHEREAS**, Executive Order 107 specifically provided that “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;” and

**WHEREAS**, after consultation with officials from the Department of Health (“DOH”), Governor Murphy announced a multi-stage New Jersey’s Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

**WHEREAS**, the several executive orders have been issued by the Governor to implement the State's reopening process, relaxing restrictions on certain businesses, including the authorization of curbside pickup at retail establishments, the resumption of non-essential construction, and the allowance of a number of lower-risk outdoor activities; and

**WHEREAS**, on June 3, 2020, Governor Murphy issued Executive Order 150 that, subject to municipal approval, permits restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," to offer in-person service at outdoor areas effective June 15, 2020, provided that the establishment complies with certain requirements contained in Executive Order 150; and

**WHEREAS**, on June 3, 2020, the New Jersey State Department of Health (DOH) issued Executive Directive No. 20-014, which provides COVID-19 protocols for food or beverage establishments offering service in outdoor areas pursuant to Executive Order No. 150; and

**WHEREAS**, to facilitate the re-opening of bars and restaurant in a manner that maintains social distancing, the Division of Alcoholic Beverage Control (ABC) created a new permit to address the anticipated need of bars and restaurants holding ABC licenses to liberally expand their premises to allow reasonable seating capacity while observing social distancing guidelines consistent with the mandates in the Governor's Executive Orders; and

**WHEREAS**, in recognition of the economic repercussions suffered by various local businesses as a result of the Covid-19 health emergency, the Borough believes that, to promote the economic viability of local businesses in these extraordinarily difficult times, it is necessary to permit retail food establishments to reasonably expand their available space in order to open, subject to compliance with Executive Order 150 and the DOH Directive 20-014 and, if applicable, the ABC's special permit for outdoor service, in a manner that will maintain social distancing requirements while, at the same time, making it economically feasible for such businesses to re-open; and

**WHEREAS**, the Mayor and Council, by adoption of Resolution 2020-121, have allowed a temporarily permit for outdoor dining at local retail food establishments; and

**WHEREAS**, the Mayor and Council, by adoption of Resolution 2020-121, reserved the right to amend, terminate, or repeal this Resolution 2020-121 and/or any permits or approvals granted thereunder at any point in time, if it determines that it is in the best interest of the health, safety and welfare of the Borough and its residents; and

**WHEREAS**, the Mayor and Council have determined it is in the best interest of the Borough to extend the hours of operation to permitted establishments to allow for an additional hour of service until 10:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey as follows:

1. The aforesaid recitals are incorporated herein as if set forth at length;
2. Establishments holding a Temporary Outdoor Dining Permit may not serve outdoor dining customers after 10:00 PM
3. All other terms for a Temporary Outdoor Dining Permit, as set forth in Resolution 2020-121, are incorporated herein as if set forth at length, except that an establishment holding a Temporary Outdoor Dining Permit may not serve outdoor dining customers after 10:00 PM

**BE IT FURTHER RESOLVED** that the aforesaid amendment to hours of service is applicable to all Temporary Outdoor Dining Permittees, and the Borough Clerk is hereby directed to advise current permittees of this amendment.

**BE IT FURTHER RESOLVED** that, notwithstanding anything herein to the contrary, the Borough hereby reserves the right to further amend, terminate, or repeal this Resolution and/or any permits or approvals granted hereunder at any point in time, if it determines that it is in the best interest of the health, safety and welfare of the Borough and its residents, and accordingly no property rights are granted to any persons or entities by virtue of this Resolution and/or permits or approvals hereunder, and any persons or entities electing to pursue economic relief through application and issuance of a Temporary Outdoor Dining Permit in accordance with the provisions of this Resolution and Resolution 2020-121 are hereby given notice that the expenditure of any funds or the incurrence of any costs by such persons or entities in reliance upon this Resolution and any permit or approval hereunder shall be at their sole and exclusive risk, cost and expense; and

**BE IT FURTHER RESOLVED** that, except as otherwise provided herein, all existing Establishments must comply with any and all federal, state, county, and local laws and regulations, including any and all existing Land Use and general ordinances governing the operation of the Establishments; and

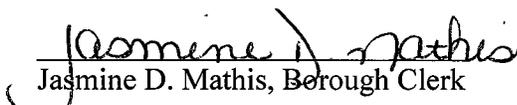
**BE IT FURTHER RESOLVED** that notwithstanding anything herein contained to the contrary, the Mayor and Council may rescind this Resolution, and all approvals or permits issued hereunder, by further Resolution; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

Approved:

  
Mayor Robert P. Fazen

Attest:

  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: August 25, 2020



# BOROUGH OF BOUND BROOK

## DEPARTMENT OF CODE ENFORCEMENT

230 Hamilton St. Bound Brook, NJ 08805  
Phone: (732) 356-083 Fax: (732) 560-9136

UCC Building Zoning Housing Property Maintenance Health Fire

### COVID-19 TEMPORARY OUTDOOR DINING/RETAIL

Special Zoning Permit Application  
NO Fee is required

As per Resolution R-2020-121 and in accordance with the Governor's Executive Order No. 150, the following application shall be completed by the applicant and approved by the borough of Bound Brook prior to all temporary outdoor dining services. **You MUST read Resolution R-2020-121 before applying for this permit.**

#### Property Information:

Business Name:		
Address:		
Block:	Lot:	Zone:

#### Property Owner Information:

Name:	
Address:	
Telephone (H):	Cell:
Owner's Consent Signature:	

#### Applicant Information:

Name:	Email:
Address:	Cell:
Telephone: (H)	

**Checklist for Zoning Permit Application. The following must be documented AND submitted with this application for consideration. (This is information detailed in resolution 2020-121):**

- Survey showing location of tables and chairs (patrons must be seated 6 feet apart)
- If tables on sidewalk – showing 6 foot pedestrian walkway
- Overall square footage of outdoor dining area
- Indoor seating capacity
- Outdoor seating capacity
- Hours of Operation (not to exceed 9PM)
- Litter Control Plan (See point 4. (e) in resolution for additional details/requirements)
- Hold Harmless COI (See point 4. (i) in resolution for additional details/requirements)
- ABC issued Special Permit (See point 4. (g) in resolution for additional details/requirements)
- Written permission of adjacent property owner for use of property (See point 4, (b) in resolution)

**IMPORTANT NOTES:**

I certify that I have personally examined and are familiar with all the information submitted in this document including any attachments and that; I attest that all information, statements and answers are true, accurate, and complete.

I further acknowledge that I will be held responsible to comply with the applicable Governor’s Executive Orders, including but not limited to Executive Order No. 150 and No. 122, the State of NJ Department of Health Executive Directive No. 20-014 COVID-19 Protocols for Food and Beverage Establishments Offering Service in Outdoor Areas Pursuant to Executive Order No. 150, and the State of NJ Department of Law and Public Safety Division of Alcoholic and Beverage Control Special Ruling Establishing Temporary COVID 19 Permit to Expand License Premises (SR 2020-10), as well as applicable Local, State and Federal regulations.

I further acknowledge that I have read resolution 2020-121 in its entirety and I will comply with all aspects of the Resolution

I further acknowledge that submitted plan must be approved by Administration, Code Enforcement, Office of Emergency Management, Health, Fire and the Bound Brook Police Department. Furthermore I acknowledge that this permit can be revoked for violating Local, State and Federal regulations

I further acknowledged to:

- Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;
- Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;
- Satisfy all standards issued by the New Jersey Department of Health;
- Ensure that tables seating individual groups are six feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions;
- Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;
- Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age;
- Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages

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Signature of Applicant

Date

**FOR OFFICE USE ONLY**

<b>Administration</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____
<b>Department of Code Enforcement</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____
<b>Office of Emergency Management</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____
<b>Health department</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____
<b>Fire</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____
<b>Bound Brook Police Department</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____

**Reasons for Denial**