

**TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY**

ORDINANCE # 20-19

**AN ORDINANCE PERMITTING OUTDOOR TABLES, CHAIRS, UMBRELLAS,
TENTS AND BENCHES FOR FOOD ESTABLISHMENTS, RESTAURANTS AND BARS
DURING THE COVID-19 PANDEMIC**

WHEREAS, as a result of Executive Order #103, on March 9, 2020, Governor Murphy issued a State of Emergency due to the COVID-19 pandemic (the “COVID-19 Pandemic”); and

WHEREAS, numerous Executive Orders have been issued by the Governor since that time to deal with a myriad of economic and social issues affecting New Jersey residents due to the COVID-19 pandemic; and

WHEREAS, the Township Committee desires to waive Section 16.64.010.B.1 of the Township Land Development Code which provides that “all uses shall be conducted within a building or structure, unless otherwise permitted” during the period that Governor Murphy’s COVID-19 Executive Order #103 (and all associated Executive Orders) remains in effect, by allowing outdoor tables, chairs, umbrellas, tents and benches for food establishments, restaurants and bars.

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

Section 1: Purpose of Ordinance.

The purpose of this Ordinance is to permit daytime and evening outdoor dining on private property and sidewalks adjacent to local food establishments, restaurants and bars for the enjoyment of patrons without disturbing the immediate neighborhood or pedestrian traffic during the time that Governor Murphy’s Executive Orders relative to the COVID-19 Pandemic remain in effect. It is intended to permit the tasteful, aesthetic use of tables, chairs, umbrellas, tents and benches on adjacent property and sidewalks of local food establishments, restaurants and bars under the direction and approval of the Zoning Officer. It is the intention of the Township Committee to monitor and review the use of these facilities after the adoption of this Ordinance to determine its full impact upon the Township and the enjoyment of its citizens.

Section 2: Applicability.

This ordinance applies to all food establishments, restaurants and bars in the Township of Raritan.

Section 3: Permitted Installations.

- A. Outdoor tables, chairs, umbrellas, tents and benches shall be permitted within the property commonly owned and adjacent to the food establishment, restaurant or bar and service thereto for the patrons provided:
1. The layout of tables, chairs, umbrellas, tents and benches does not in any way interfere with pedestrian or vehicular safety or with necessary access for fire-fighting equipment and ambulances or personnel. Nothing in this Ordinance shall preclude the use of a portion of the parking lot for all or a portion of such tables, chairs, umbrellas, tents and benches, provided the Zoning Officer is satisfied that public safety will not be impaired or affected.
 2. The layout shall not cause irreparable damage to existing landscaping.
 3. Unless approved in advance by the Division of Alcohol and Beverage Control with respect to a licensed premises, no alcoholic beverages of any kind shall be served or consumed in conjunction with the outdoor dining. With respect to a non-licensed premises, patrons of an unlicensed restaurant may be permitted by the ownership of the restaurant to bring only wine and beer for consumption at such outdoor tables.
 4. The highest standards of cleanliness and proper social distancing (until further Executive Order of the Governor) of the outdoor area shall be maintained at all times, including frequent litter removal, within and around and beyond the subject property, and the use of personal protective equipment (“PPE”) by patrons and employees of the establishment (until further Executive Order of the Governor). A plan for litter removal, trash handling and overall cleanliness and maintenance must be submitted together with the application.
 5. The hours for outdoor service shall be between 7:00 a.m. and 11:00 p.m. All tables, chairs, umbrellas, tents and benches shall be properly secured at the end of the evening.
 6. No outdoor music or public address system shall be permitted.
 7. No outside lighting shall be permitted except small individual table lighting that is self-powered.
 8. Outdoor seating shall not be permitted if it will interfere in any way with the peace and quiet of nearby residences, as determined by the Zoning Officer in his or her sound discretion.
 9. Low barriers of a temporary nature (such as bollards) shall be placed at the edge of the seating area during business hours in order to protect the outdoor patrons from interference with vehicle movements within parking areas or adjacent to streets of the establishment.

10. No outside cooking of any kind shall be permitted.

11. The number of chairs to be placed outdoors shall not exceed twenty-five (25%) percent of the total number of seats within the establishment.

Section 4: Approval of Plan by Zoning Department.

Any establishment for which this Ordinance is applicable must make application to the Zoning Officer by way of a Zoning Permit prior to setting up any outside services, tables, umbrellas, tents, chairs or benches. The application shall be on prescribed forms and shall be filled out completely and submitted to the Zoning Officer with the following attachments and exhibits:

- A. Scaled layout of tables, chairs, tents and low barriers if proposed (such as bollards), showing dimensions of tables, chairs, tents and overall area;
- B. A detailed narrative and plan of relevant information, describing method of service, proposed hours of service outdoors, use of PPE and proper social distancing, and method of litter control and trash handling for outdoor service;
- C. Photographs or diagrams of tables, chairs, tents, etc. to be utilized, showing style, design, materials, size and colors;
- D. A narrative as to how tables, chairs, umbrellas, tents and/or benches will be secured overnight;
- E. Proof of insurance in accordance with requirements of Section 5; and
- F. Written consent of the landlord in the event the applicant is a tenant of such establishment.

The Zoning Officer may approve each Zoning Permit application as submitted or may approve the Zoning Permit application with amendments and conditions or may disapprove such application. It is expressly understood that the Zoning Officer shall have the right and power to waive one or more of the above-referenced Zoning Permit application requirements, as determined in his or her sound discretion. Appeal of any disapproval, conditional or amended approval of a Zoning Permit may be made to the Township Committee.

Section 5: Insurance Requirement.

Any Applicant must have liability insurance in effect at the time of the Zoning Permit application. If the restaurant operator is not the property owner, then the property owner must likewise have insurance in effect at the time of application by the restaurant operator. The Township of Raritan must be named as an additional insured on the operator's policy as well as on the property owner's policy. The limits of liability required are a minimum of \$500,000 combined single limit bodily injury and property damage or a split limit of \$500,000 bodily injury liability and \$100,000 property damage liability.

Section 6: Miscellaneous Provisions.

- A. Applicable establishments as set forth in Section 3 are permitted to place chairs or benches for patrons awaiting seating, so long as a Zoning Permit application as set forth above is submitted and all other parameters of this Ordinance are satisfied.
- B. It is solely the responsibility of the proprietor of the establishment to obtain Board of Health approval, if necessary, from the County Department of Health.
- C. An amendatory Zoning Permit application is permitted but changes to the approved plan shall not be permitted without receiving approval of an amended Zoning Permit application.
- D. There shall be no fee required for making application herein.

Section 7. Validity of Ordinance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason deemed to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Effective Date.

This Ordinance shall take effect upon the last to occur of (i) final passage and publication as required by law, or (ii) the date the Governor (or an authorized State agency) issues a directive or Executive Order allowing food establishments, restaurants and bars to consume food and/or drink on-premises. This Ordinance shall automatically have no further legal force or effect (without further action of the Township Committee) on November 1, 2020, unless this Ordinance is further extended by Resolution of the Township Committee.

DATE ADOPTED: May 19, 2020

DATE AMENDED NUNC PRO TUNC: June 2, 2020

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**



Lisa Fania, RMC
Township Clerk



Jeff Kuhl
Mayor