

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

ORDINANCE # 20-22

AN ORDINANCE PERMITTING LIMITED OUTDOOR BUSINESS OPERATIONS AS WELL AS EXERCISE CLASSES WITHIN CERTAIN MUNICIPAL PARKS AND AREAS ADJACENT TO THE FITNESS OR WELLNESS BUSINESS 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 and/or modify various portions of the Revised General Ordinances of the Township of Raritan, 1999, as heretofore supplemented and amended (hereinafter the “Township Code), by allowing (i) the outdoor sale of merchandise adjacent to retail and service establishments such as but not limited to a clothing boutique, florist shop, antique shop or other shops selling merchandise, or any tattoo parlors, hair salons, barber shops, shave shops, or nail salons conducting business outdoors, within non-residential zone districts (as limited hereby), and (ii) allowing certain municipal parks and areas adjacent to the fitness or wellness business to be open for fitness, exercise, yoga or martial arts classes (as limited hereby), during the period that Governor Murphy’s COVID-19 Executive Order #103 (and all associated Executive Orders,) remains in effect.

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 allow (i) the outdoor sale of merchandise adjacent to retail and service establishments such as but not limited to a clothing boutique, florist shop, antique shop or other shops selling merchandise or any tattoo parlors, hair salons, barber shops, shave shops, or nail salons conducting business outdoors within non-residential zone districts (as limited hereby), and (ii) certain municipal parks and other areas adjacent to the fitness or wellness business to be open for fitness, exercise, yoga or martial arts classes (as limited hereby), during the period that Governor Murphy’s COVID-19 Executive Order #103 (and all associated Executive Orders) remains in effect.

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 retail and service establishments such as but not limited to (i) clothing boutiques, florist shops, antique shops or other shops selling merchandise or any tattoo parlors, hair salons, barber shops, shave shops, or nail salons conducting business outdoors within non-residential zone districts, and (ii) fitness, exercise, yoga or martial arts classes within certain municipal parks and areas adjacent to the fitness or wellness business to be open for fitness, exercise, yoga or martial arts classes (as limited hereby), during the period that Governor Murphy's COVID-19 Executive Order #103 (and all associated Executive Orders) remains in effect, or November 1, 2020, whichever shall be the first to occur.

Section 3: Sale of Merchandise and Conduct of Certain Businesses Outdoors.

Notwithstanding anything to the contrary set forth in the Township Code (and particularly Chapter 16 thereof), the outdoor display, sale of merchandise and/or conduct of business by retail and service establishments such as but not limited to a clothing boutique, florist shop, antique shop or other shops selling merchandise within non-residential zone districts, or any tattoo parlors, hair salons, barber shops, shave shops, or nail salons conducting business outdoors, shall be permitted during the period that Governor Murphy's COVID-19 Executive Order #103 (and all associated Executive Orders) remains in effect. 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 tables, racks or other display fixtures. 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, racks, tents, or other display fixtures showing dimensions of such tables, racks or other display fixtures;
- B. A detailed narrative and plan of relevant information, describing method of sale and/or conduct of business, proposed outdoor hours of operation, use of PPE and proper social distancing, and method of litter control and trash handling for outdoor business operations;
- C. Photographs or diagrams of tables, racks, tents, and display fixtures to be utilized, showing style, design, materials, size and colors;
- D. A narrative as to how tables, racks, tents, or other display fixtures will be secured overnight;
- E. Proof of insurance in accordance with requirements of Section 5 of this Ordinance; 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 4: Outdoor Use of Municipal Parks and Areas Adjacent to the Fitness or Wellness Business for Certain Recreational and Leisure Uses.

Notwithstanding anything to the contrary contained in the Township Code (and particularly Chapter 16 thereof), and recognizing the need to support the Township's local fitness businesses (limited to fitness businesses, yoga studios, dance studios, and martial arts studios), the Township does hereby allow the use of municipal parks (identified on **Schedule A** to this Ordinance) as well as areas adjacent to the fitness or wellness business for group lessons or classes of no more than 100 persons or the limit set by the current Executive Order (including the instructor), subject to the following conditions:

- A. Fitness classes shall not consist of heavy weights, but solely of cardiovascular, yoga, Zumba, martial arts, and resistant exercises;
- B. Social distancing of at least six (6) feet must be maintained and there shall be no sharing of equipment, all of which must be cleaned after each use;
- C. The group lessons shall be limited to (i) those municipal parks set forth on **Schedule A** hereto (it being understood that the other municipal parks not listed on **Schedule A** shall be used solely for leisure, walking and hiking), and (ii) grass areas, parking areas and/or sidewalks adjacent to the fitness or wellness business ;
- D. Any fitness and wellness related businesses interested in using those municipal parks listed on **Schedule A** must complete and submit an application for a Zoning Permit to the Zoning Officer with the other requirements set forth herein;
- E. Any fitness and wellness related business interested in using grass areas, parking areas and/or sidewalks adjacent to the fitness or wellness related business shall secure a Zoning Permit from the Zoning Officer identifying:
 - 1. The area to be used for group lessons;
 - 2. Whether any tent or outdoor covering will be used; **provided, however, that under no circumstances shall tents or other outdoor coverings be allowed within any of the municipal parks identified on Schedule A hereto;**
 - 3. A consent letter from the landlord, if the business leases the space to conduct such group lessons;
 - 4. The nature and duration of such group lessons;

5. The time or times when such group lessons will occur;
6. The equipment to be used, if any, with such group lessons;
7. Proof of insurance in accordance with requirement of Section 8 herein;
8. Such other matters as the Zoning Officer, in his or her sound discretion shall require.

Section 5: Insurance Requirements.

Any Applicant under Sections 3 and 4 of this Ordinance must have liability insurance in effect at the time of application to the Zoning Officer. If the business operator under Section 3 hereof is not the property owner, then the property owner must likewise have insurance in effect at the time of application. With respect to (i) a business operator under Section 3 hereof or (ii) outdoor use of the municipal parks identified on **Schedule A**, and areas adjacent to the fitness or wellness business for fitness or wellness establishment intending to conduct group lessons, the Township of Raritan must be named as an additional insured on the business operator's policy as well as on the property owner's policy with limits of liability required as follows: (i) a minimum of \$500,000 combined single limit bodily injury and property damage, or (ii) a split limit of \$500,000 bodily injury liability and \$100,000 property damage liability.

Section 6: Amendatory Zoning Permits; Fees Waived.

- A. An amendatory Zoning Permit is permitted, but changes to the approved plan shall not be permitted without receiving approval of an amended Zoning Permit.
- B. There shall be no fee required for making any application herein. For the avoidance of doubt, all fees are hereby waived while this Ordinance remains in effect.

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 8. Effective Date.

This Ordinance shall take effect upon the final passage and publication as required by law. 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: June 30, 2020

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**



Lisa Fania, RMC
Township Clerk



Jeff Kuhl
Mayor

SCHEDULE "A"

LIST OF MUNICIPAL PARKS FOR FITNESS, EXERCISE, YOGA OR MARTIAL ARTS CLASSES

1. Minebrook Park
2. Blackwell Park
3. Lenape Park.