



BRIDGEWATER TOWNSHIP
100 COMMONS WAY
BRIDGEWATER, NJ 08807

TEMPORARY OUTDOOR DINING PERMIT
Please Remit To: Christine Madrid
cmadrid@bridgewaternj.gov or hand deliver

BUSINESS: _____

ADDRESS: _____ BLOCK/LOT: _____ ZONE: _____

APPLICANT*: _____

*If Applicant is not property owner, provide signed letter of consent from property owner including contact information

EMAIL: _____ CELL PHONE: _____

DESCRIPTION OF PROPOSED OUTDOOR DINING OPERATIONS (INCLUDING SERVICE DATE AND HOURS):

PLEASE ATTACH A DIAGRAM THAT SHOWS:

- PROPOSED TABLE LAYOUT IN RELATION TO THE MAIN STRUCTURE
- ANY ACCESSORY STRUCTURES
- PARKING FACILITY
- MAIN POINTS OF EGRESS TO THE PROPERTY (INCLUDING ANY PROPOSED FIXTURE TO BE TEMPORARILY INSTALLED I.E SIGNAGE)

I UNDERSTAND THAT THIS APPLICATION IS FOR TEMPORARY RELIEF FROM TOWNSHIP ORDINANCES TO HELP SUPPORT BUSINESS OPERATIONS AND WILL REMAIN VALID AS LONG AS THE GOVERNOR'S EXECUTIVE ORDER #107 AND ALL ASSOCIATED EXECUTIVE ORDERS REMAIN IN EFFECT. APPROVAL OF THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM ANY REQUIREMENTS OF ANY OTHER REGULATORY AUTHORITIES INCLUDING THE DIVISION OF ALCOHOL AND BEVERAGE CONSUMPTION. THE APPLICANT IS BOUND BY REPRESENTATIONS MADE IN THIS APPLICATION. ANY CHANGES TO THIS PLAN WILL NEED TO BE RESUBMITTED AND FAILURE TO COMPLY WITH CONDITIONS OF ANY APPROVAL WILL RENDER THE APPROVAL INVALID.

APPLICANT SIGNATURE: _____ DATE: _____

PRINT NAME

BRIDGEWATER DEPARTMENT OF HEALTH DISCLAIMER:

IN ORDER TO COMPLY WITH APPLICABLE EXECUTIVE ORDERS, PLEASE ENSURE YOUR ESTABLISHMENT PRACTICES THE FOLLOWING GUIDELINES:

- TABLES MUST BE SPACED SIX FEET APART WITH NO MORE THAN EIGHT PERSONS PER TABLE
- SMOKING IS PROHIBITED IN ANY OUTDOOR AREAS DESIGNATED FOR FOOD/BEVERAGE CONSUMPTION
- SELF SERVICE OPTIONS (I.E. BUFFETS, SALAD BARS, ECT.) ARE NOT PERMITTED
- PHYSICAL BARRIERS MUST BE INSTALLED TO DIVIDE CUSTOMERS FROM WORKERS
- FLOOR MARKINGS AND SIGNS SHOULD BE USED TO PROMOTE SOCIAL DISTANCING
- EMPLOYEES MUST UNDERGO DAILY TEMPERATURE CHECKS AND COVID-19 SYMPTOM CHECKS AT THE EMPLOYER'S EXPENSE, THOSE EXHIBITING SYMPTOMS MUST BE SENT HOME
- FACE COVERINGS MUST BE PROVIDE BY THE EMPLOYER, AND WORN BY EMPLOYEES AT ALL TIMES, WITH EMPLOYER PROVIDED GLOVES REQUIRED WHEN BRINGING FOOD AND UTENSILS TO CUSTOMERS
- RESERVATIONS SHOULD BE ENCOURAGED, WITH PHONE NUMBERS PROVIDED FOR ANY NEEDED CONTACT TRACING
- PATRONS ARE RECOMMENDED TO WAIT IN THEIR CARS FOR THEIR TABLE, RATHER THAN CROWDING IN A WAITING AREA

FOR OFFICIAL USE ONLY:

REVIEWED BY:

TOWNSHIP ADMINISTRATOR: _____ DATE: _____

CHIEF OF POLICE: _____ DATE: _____

ZONING OFFICER: _____ DATE: _____

CONSTRUCTION OFFICIAL: _____ DATE: _____

HEALTH OFFICIAL: _____ DATE: _____

FIRE OFFICIAL: _____ DATE: _____

PROOF OF INSURANCE RECEIVED:

COMMENTS:

RESOLUTION

PROVIDING LOCAL ENFORCEMENT GUIDELINES FOR EXECUTIVE ORDER NO. 150 (MURPHY) AND SR-2020-10 (NJ ABC) CONCERNING OUTDOOR DINING, OUTDOOR RETAIL SALES, AND SPECIAL COVID-19 EXPANSION PERMIT LIQUOR LICENSES

WHEREAS, pursuant to Executive Order 103 (Murphy) as executed by the Governor of New Jersey on March 9, 2020, a Public Health Emergency and State of Emergency was declared pursuant to N.J.S.A. App. A:9-34 in response to the dangers posed by the Coronavirus Disease 2019 (“COVID-19”); et seq

WHEREAS, pursuant to Executive Orders 104 (Murphy) as executed by the Governor of New Jersey and March 16, 2020, and under the emergency powers granted thereto pursuant to N.J.S.A. App. A:9-34 et seq, limited all restaurant, dining establishment, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to food delivery and/or take out services only, thus prohibiting on-premises consumption of food or beverages; and

WHEREAS, pursuant to Executive Orders 107 (Murphy) as executed by the Governor of New Jersey on March 19, 2020, and under the emergency powers granted thereto pursuant to N.J.S.A. App. A:9-34 et seq, limited all non-essential “brick-and-mortar” retail businesses to close; and

WHEREAS, pursuant to Executive Order 150 (Murphy) as executed by the Governor of New Jersey of June 3, 2020, certain provisions of E.O. 104 and E.O. 107 have been duly lifted by the aforementioned authority; namely, 1) effective 6:00 am on Monday, June 15, 2020, 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 offer in-person service at outdoor areas, provided that the establishment complies” with the requirements of E.O. 150 and 2) effective 6:00 am on Monday, June 15, 2020, the “brick-and-mortar” premises of non-essential businesses that were closed to the public by E.O. 107 can reopen to the public under the same conditions currently applicable to essential retail businesses pursuant to Executive Order No. 122 (Murphy); and

WHEREAS, E.O. No. 150 permits municipalities to “use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas;” and

WHEREAS, in conjunction with the power vested in municipalities pursuant to E.O. No. 150, N.J.S.A. 40:48-2 and N.J.S.A. 40:69A-30 grant a municipality broad power to enact “ordinances, regulations, rules and by-laws” as it may deem necessary and proper for the good government therein; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Bridgewater, County of Somerset, State of New Jersey, pursuant to the authority granted in N.J.S.A. 40:48-2 and N.J.S.A. 40:69A-30 and in E.O. No. 105, that following provisions shall be effective in the Township of Bridgewater as of 6:00 am on June 15, 2020:

Section I. Outdoor Dining

- 1) Notwithstanding any condition of approval Part 8 (Site Plan) of Chapter 126 (Land Use) of the Municipal Code of the Township of Bridgewater, including any ancillary agreement (developer's agreement or other instrument) executed under that Chapter, and notwithstanding any regulation related to "Accessory Uses or Structures" or "Conditional Use" as defined in Section 126-2 of the aforementioned Municipal Code, any restaurant, dining establishment, food court, or bar, as contemplated in E.O. No. 150 and regardless of the establishment's possession of a liquor license ("Qualifying Establishment"), may apply to the Township of Bridgewater for a Temporary Outdoor Dining Permit.
- 2) A Qualifying Establishment shall apply to the Township Administrator or his designee for a Temporary Outdoor Dining Permit on a form to be provided by the Township. The Township shall, at its sole discretion, create and distribute an application to all interested Qualifying Establishments, and require such information as the Township deems appropriate, including but not limited to:
 - a. Name of Qualifying Establishment and the legal entity in control thereof;
 - b. Name and contact information for the individual responsible for managing the Qualifying Establishment, including valid mobile phone number and email address;
 - c. Proposed service date and hours for outdoor dining; and
 - d. A diagram that shows the proposed table layout in relation to the main structure, any accessory structures, parking facility, and main points of ingress and egress to the property and including any proposed fixture to be temporarily installed (including signage);
- 3) The Township Administrator, or his designee, shall evaluate each application on its merits and approve said applications based on 1) the sufficiency of the information provided to the Township and 2) the suitability of the Qualifying Establishment for the proposed layout of the temporary outdoor dining site.
- 4) The Township Administrator, or his designee, may impose whatever condition he deems appropriate upon the issuance of a Temporary Outdoor Dining Permit; however, the following conditions shall be universal to all permits to be issued by the Township:
 - a. The approval by the Bridgewater Township Chief of Police, or his designee, as to the safety of the layout proposed by the Qualifying Establishment;
 - b. The approval by Bridgewater Township Superintendent of Code Enforcement for any applicable subcode that may be implicated or required based upon the review and evaluation of Qualifying Establishment's application.
 - c. All pedestrian walkways shall be kept clear of any impediment, including but not limited to tables and chairs. Said walkways shall be clearly and unambiguously marked.
 - d. All vehicular traffic lanes, as well as points of vehicle ingress and egress, shall be kept clear of any impediment, including but not limited to tables and chairs. Said lanes and points of ingress and egress shall be clearly and unambiguously marked.
 - e. Any exterior fixture, including but not limited to tables, chairs, umbrellas, awnings, and other appurtenance allowed pursuant to the Temporary Outdoor Dining Permit shall be brought inside at the end of each business day, unless specifically exempted from said requirement in the Temporary Outdoor Dining Permit.

- f. The Qualifying Establishment shall abide by the provisions of all Executive Orders of the Governor of New Jersey and all valid and applicable COVID-19 transmission mitigation measures whatsoever their source, and specifically the provisions of E.O. No. 150 as it relates directly to Qualifying Establishments.
 - g. The Qualifying Establishment shall abide by Executive Directive No. 20-014 of the Department of Health of the State of New Jersey and all relevant federal, state, and local public health statutes, regulations, rules, and ordinances.
 - h. Where applicable, the Qualifying Establishment shall abide by Special Ruling 2020-10 of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey.
 - i. A valid Certificate of Liability Insurance with the Township of Bridgewater as the holder indemnifying the foregoing against all claims and losses resulting from any incident or occurrence related to the issuance of a Temporary Outdoor Dining Permit.
- 5) Upon the determination of the Township Administrator, or his designee, a Temporary Outdoor Dining Permit issued by the Township of Bridgewater shall be revocable if it is determined that the Qualifying Establishment has violated any condition attached to the aforementioned permit or for any other reason permitted by law.
 - 6) All Temporary Outdoor Dining Permits shall be valid until November 30, 2020. However, notwithstanding the provisions of Paragraph 5 of this section, the Township may, if conditions warrant, set an expiration date for all Temporary Outdoor Dining Permits for a date prior to November 30, 2020 by resolution of the Township Council and with reasonable notice to the permit holders.

Section II. COVID-19 Expansion Permit Liquor Licenses

- 1) All licensees and permittees holding valid licenses or permits from the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey shall be entitled to apply for and receive a COVID-19 Expansion of Premises Permit in a manner consistent with Special Ruling 2020-10 of the Division of Alcoholic Beverage Control (“SR-2020-10”).
- 2) Insofar as any provision of Chapter 52 of the Municipal Code of the Township of Bridgewater may be inconsistent with SR-2020-10 of the Division of Alcoholic Beverage Control, SR-2020-10 shall take precedence for the duration of the COVID-19 Expansion Permitting time period.
- 3) Consistent with SR-2020-10, all regulations of the Township of Bridgewater concerning hours, proximity to neighbors, structures, and other issues of local concern shall be valid and enforceable by the Township.
- 4) Consistent with the “Review Procedure” of SR-2020-10, the Township shall receive applications transmitted by the Division of Alcoholic Beverage Control. The Township Council, as administrative authority pursuant to Section 52-2, shall consider each application received by the Division of Alcoholic Beverage Control as soon as practicable.
- 5) Consistent with SR-2020-10, all COVID-19 Expansion of Premises Permit shall expire on November 30, 2020, or at any other date determined by the Division of Alcoholic Beverage Control or other appropriate authority.

Section III. Outdoor Retail Sales

- 1) Notwithstanding any condition of approval Part 8 (Site Plan) of Chapter 126 (Land Use) of the Municipal Code of the Township of Bridgewater, including any ancillary agreement (developer's agreement or other instrument) executed under that Chapter, and notwithstanding any regulation related to "Accessory Uses or Structures" or "Conditional Use" as defined in Section 126-2 of the aforementioned Municipal Code, any "brick and mortar" retail premises ("Qualifying Establishment") may apply to the Township of Bridgewater for a Temporary Outdoor Retail Sales Permit.
- 2) A Qualifying Establishment shall apply to the Township Administrator or his designee for a Temporary Outdoor Retail Sales Permit on a form to be provided by the Township. The Township shall, at its sole discretion, create and distribute an application to all interested Qualifying Establishments, and require such information as the Township deems appropriate, including but not limited to:
 - a. Name of Qualifying Establishment and the legal entity in control thereof;
 - b. Name and contact information for the individual responsible for managing the Qualifying Establishment, including valid mobile phone number and email address;
 - c. Proposed service date and hours for outdoor dining; and
 - d. A diagram that shows the proposed retail sale area layout in relation to the main structure, any accessory structures, parking facility, and main points of ingress and egress to the property and including any proposed fixture to be temporarily installed (including signage);
- 3) The Township Administrator, or his designee, shall evaluate each application on its merits and approve said applications based on 1) the sufficiency of the information provided to the Township and 2) the suitability of the Qualifying Establishment for the proposed layout of the temporary outdoor retail site.
- 4) The Township Administrator, or his designee, may impose whatever condition he deems appropriate upon the issuance of a Temporary Outdoor Retail Sales Permit; however, including but not limited to those enumerated in Paragraph 4 of Section I of this Resolution, where those conditions may be applicable to retail sales.
- 5) Upon the determination of the Township Administrator, or his designee, a Temporary Outdoor Retail Sales Permit issued by the Township of Bridgewater shall be revocable if it is determined that the Qualifying Establishment has violated any condition attached to the aforementioned permit or for any other reason permitted by law.
- 6) All Temporary Outdoor Retail Sales Permits shall be valid until November 30, 2020. However, notwithstanding the provisions of Paragraph 5 of this section, the Township may, if conditions warrant, set an expiration date for all Temporary Outdoor Retail Sales Permits for a date prior to November 30, 2020 by resolution of the Township Council and with reasonable notice to the permit holders.

BE IT FURTHER RESOLVED that, the Township Council of the Township of Bridgewater may, at its sole, amend, alter, or rescind any provision of this resolution in a manner consistent with the law.