

TOWNSHIP OF MAPLEWOOD



RESOLUTION NO. 120-20

**RESOLUTION
TO
MODIFY CERTAIN PROVISIONS
OF
CHAPTER 187
OF THE CODE
OF THE
TOWNSHIP OF MAPLEWOOD
ENTITLED
“OUTDOOR DINING”**

WHEREAS, the pandemic known as COVID-19 has impacted the economy in the United States, the State of New Jersey and the Township of Maplewood, necessitating a declaration of a State of Emergency in New Jersey and the Township of Maplewood; and

WHEREAS, Governor Phillip Murphy has issued Executive Orders closing and/or modifying certain businesses within the State of New Jersey and the Township of Maplewood; and

WHEREAS, the Governor is beginning to allow businesses to reopen under certain circumstances and conditions; and

WHEREAS, the Township of Maplewood wishes to provide assistance to these businesses as they reopen.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey pursuant to its emergent powers during this State of Emergency that:

1. The following provisions of Chapter 187 of the Code of the

Township of Maplewood entitled “Outdoor Dining” are modified as indicated;

Article I Outdoor Cafes

187-2. Definitions; word usage

B. As used in this chapter, the following shall have the meanings indicated:

OUTDOOR CAFE

An eating establishment where food or other refreshments are served upon the public right-of-way; namely the sidewalks immediately in front of or within 100 feet in both directions of the primary entrance to any restaurant, cafe or place of business where food and/or other refreshments are served, or in a public plaza immediately adjacent to or within 100 feet in both directions of the primary entrance any restaurant, cafe or place of business where food and/or other refreshments are served, or in the case of a restaurant, cafe or place of business where food and/or other refreshments are served located on a corner, any sidewalk abutting the establishment but not encroaching upon a residential area. Said outdoor area shall be limited in use only for patrons of the eating establishment. No seating provided in said outdoor cafe shall be used for the seating requirements of the Fast-Food Ordinance.

187-5 Eligibility standards.

No license shall be issued hereunder unless the licensee shall demonstrate that a minimum of four feet of unobstructed paved surface will be available at all times for pedestrian traffic and that dining tables will be spaced at least six feet apart measured from backs of dining chairs. Eating establishments are encouraged and may share an outdoor café with adjacent or nearby eating establishments. No food or drink served at outdoor cafes shall be prepared or stored other than in the interior of the eating establishments.

187-6 Application for licensing.

Application for the license required hereunder shall be made to the Township Clerk and be signed by the applicant(s). The application shall be in such form and shall contain the following information:

A. The full name, address and telephone number of each individual, owner, partner or executive of each eating establishment using the outdoor cafe.

B. A copy of the trade, corporate, business or fictitious name upon which each applicant intends to do business pursuant to this chapter.

C. The address or addresses where the applicant(s) intends to establish or operate an outdoor cafe.

D. The full name(s) and address(es) of the person(s) owning the property upon which the outdoor cafe is to be located, if other than the applicant, together with the owner's or owners' and adjacent business owners' consent to the outdoor cafe and, if applicable, the owner's or owners' consent to the serving or permitting of alcoholic beverages at the outdoor cafe.

E. Three sets of a proposed layout plan drawn to scale (but not

necessarily by a professional) of the proposed design and location of the outdoor cafe, including the location of all appurtenances, demonstrating that the pedestrian traffic will not be impeded and that dining tables will be spaced at least six feet apart measured from backs of dining chairs. The drawings shall also illustrate the following:

(1) The location of any doors leading from the eating establishment to the outdoor cafe. No such doors may be obstructed in any manner.

(2) The number of feet permitting free passage of pedestrian traffic around or through each outdoor cafe.

(3) A minimum of 10 square feet per seat in the outdoor café shall be required. The seating density applies to the bulk area available and excludes the area bound by the pedestrian walkway outward toward the curb.

F. All outdoor café licenses shall expire on December 31 of the calendar year in which the license is issued.

187-14 Responsibilities of licensee.

A. Each licensee is responsible for keeping the area of the outdoor cafe and the adjacent walks, plazas and streets free and clear of any debris or litter occasioned by the cafe. Areas must be kept clean at all times.

B. The licensee shall place a trash receptacle within the area of the outdoor cafe to allow patrons to properly dispose of debris or litter. Township trash receptacles may not be used by patrons of the outdoor cafe.

C. No vending machines of any kind are permitted on the exterior of any building operating an outdoor cafe.

D. Limited signage shall be permitted in the area of the outdoor café with the approval of the respective Special Improvement District Management Corporation or in areas outside the Special Improvement Districts with approval of the Township Director of Community Development.

E. All furniture, apparatus, decorations and appurtenances and any other items used in connection with the operation of such outdoor cafe shall be stored in a safe and secure manner inside or immediately in front of the licensee's eating establishment.

F. All licensees participating in outdoor dining or patio dining be and are hereby required to maintain all sidewalks in or about the area of the outdoor dining or patio dining, including power washing the sidewalks at the end of each outdoor dining or patio dining season.

Article II Patio Dining

187-20 Purpose; sponsorship by SIDS.

A. The purpose is to establish a procedure and authorize rules and regulations for patio dining space, as herein defined, in the Maplewood Village and Springfield Avenue Special Improvement Districts of the Township.

B. Patio dining space may only be sponsored by the Township's Special Improvement District Management Corporations (SIDS) but the SIDS may solicit co-sponsorships for patio dining space. Patio dining space is limited to two evenings per week in a publicly owned parking lot but patio dining space is not limited to the number of

evenings in Ricalton Square and Yale Corner. Patio dining spaces are designed for patrons to bring their own food and drink, although the SIDS may arrange for food trucks. The SIDS shall immediately address any public nuisance issues that impact the health, safety and welfare of the community.

187-25 Responsibilities of SIDS.

A. Each SID is responsible for keeping the area of the patio dining space and the adjacent walks, plazas and streets free and clear of any debris or litter occasioned by the patio dining. Areas must be kept clean at all times.

B. The SID shall place a trash receptacle within the area of the patio dining space to allow patrons to properly dispose of debris or litter.

C. Within 60 minutes after the closing of the patio dining in a publicly owned parking lot, the operator shall have all furniture, apparatus, decorations and appurtenances and any other items used in connection with the operation removed. The operator shall not be required to remove furniture, apparatus, decorations and appurtenances and any other items used in connection with the operation in Ricalton Square and Yale Corner.

All other provisions of Chapter 187 shall remain in effect.

2. This Resolution shall take effect upon Governor Murphy's modifying his prior Executive Orders to allow business to operate consistent with the provisions of this Resolution; and
3. This Resolution shall terminate on December 31, 2020, at which time all provisions of Chapter 187, as originally adopted, shall be reinstated.

I, Elizabeth J. Fritzen, Township Clerk of the Township of Maplewood, in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, at a regular meeting of said Committee held on May 19, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Township of Maplewood in the County of Essex and State of New Jersey, on this 19th day of May 2020.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk