

TOWNSHIP OF MAPLEWOOD



RESOLUTION NO. 124-20

**RESOLUTION
TO
MODIFY THE PROVISIONS
OF
CHAPTER 239
OF THE CODE
OF THE
TOWNSHIP OF MAPLEWOOD
ENTITLED
"STREETS AND SIDEWALKS"**

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 239 of the Code of the Township of Maplewood entitled "Streets and Sidewalks" are modified as indicated;

**Article III Obstructions In Streets
239-28 Permit required.**

A. "Public right-of-way" shall mean, for this section, all dedicated streets, allies or common means of communication, travel or drainage and an area 10 feet from the street curb measured to the adjacent property.

B. No person shall encumber or obstruct or shall authorize the encumbering or obstructing of any street, highway, alley, public right-of-way (as herein defined), alley or other place in the Township by erecting, depositing, placing or leaving or suffering to be erected, deposited, placed or left therein any building materials, stone, dirt, refuse, ashes, vehicles, structures, obstructions or any articles, materials or things, whatsoever, without first having obtained the written permission of the Township.

C. Notwithstanding the foregoing, a local retail business may display merchandise and provide services on the sidewalk immediately in front of its retail establishment. A business may only display items and provide services which are sold within the respective business. Such items and services may only be provided on the sidewalk during regular business hours and shall be removed overnight. Fees for such use of the sidewalk shall be waived. A permit shall be valid for up to 120 days and may be renewed. A minimum of four feet of unobstructed paved surface shall be available at all times for pedestrian traffic.

D Notwithstanding the foregoing, the Township may authorize the creation of parklets, which are temporary converted parking spaces on a street or parking lot into distinctively designed public areas for dining.

E. Notwithstanding the foregoing, temporary sports equipment may be placed within the grass median strip adjacent to the curb of the resident or homeowner placing the temporary sports equipment on a temporary basis from March 21 to December 31 of each year. Any temporary sports equipment left in the right-of-way, other than as permitted herein, shall be removed, at the owner's expense, by the Township, after a warning notice has been issued of the infraction.

F. Under no circumstances may the use or positioning of the temporary sports equipment impede the flow of vehicular or pedestrian traffic or emergency Township operations.

All other provisions of Chapter 239 shall remain in effect.

1. 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
2. This Resolution shall terminate on December 31, 2020, at which time all provisions of Chapter 239, 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

