

ORDINANCE #2020-14

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON TEMPORARILY RELAXING CERTAIN REQUIREMENTS PERTAINING TO SIDEWALK CAFES AND OUTDOOR DINING AREAS, PARKING AND STANDING, AND PEDESTRIAN AND VEHICULAR CIRCULATION TO FACILITATE COMPLIANCE WITH COVID-19 RESTRICTIONS, AND PROHIBITING UNATTENDED VEHICLES IN MUNICIPALLY-DESIGNATED CURBSIDE PICK-UP ZONES

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 (“COVID-19”), Governor Murphy issued Executive Order No. 103 (2020) on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, the Public Health Emergency declared in Executive Order No. 103 (2020) has since been twice extended, and continues to exist today; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, Governor Murphy issued a series of Executive Orders pursuant to his authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19; and

WHEREAS, as the rate of reported new cases of COVID-19 in New Jersey has begun to decrease and the total number of individuals being admitted to hospitals for COVID-19 is dropping, the State has now eased a number of the restrictions that were put in place to limit person-to-person contact, and is allowing various categories of uses to resume subject to strict social distancing measures; and

WHEREAS, as various businesses in Princeton begin to reopen as authorized by the various executive orders issued by the State, it is clear that accommodations will need to be made to enable said businesses to comply with the social distancing and infection control measures required of them in the various executive orders; and

WHEREAS, it is difficult if not impossible to foresee when and how the State will continue to ease restrictions, or to predict all of the myriad issues that will need to be solved locally as merchants and residents strive to adapt; and

WHEREAS, Princeton’s staff and officials need to be in a position to react quickly to evolving circumstances; and

WHEREAS, in recognition of the unprecedented challenges caused by the COVID-19 pandemic, the Mayor and Council find that it is the best interests of Princeton’s residents and

business owners to temporarily relax or suspend certain requirements presently set forth in Princeton's ordinances, and to establish a more streamlined process by which staff and officials can react and addresses issues as they arise; and

WHEREAS, to ensure that the various powers and authorizations granted in this ordinance do not become permanent by inaction, the ordinance must include a "sunset" provision; and

WHEREAS, at the same time, it is unknown how long these measures will need to remain in place, so the ordinance must also include a mechanism whereby its provisions can be extended as needed;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of Princeton as follows:

1. Preamble. The findings set forth in the preamble to this ordinance are hereby incorporated as if fully restated.

2. COVID-19 Compliance Committee. There is hereby established an ad hoc committee to be known as the "COVID-19 Compliance Committee," whose purpose shall be to identify issues related to or arising out of the various requirements and limitations imposed by Governor Murphy and/or the State legislature or administrative agencies, to recommend solutions to the Mayor and Council for their approval by resolution or ordinance as appropriate, and to grant certain administrative approvals in accordance with sections 3 and 4 of this ordinance. The members of the committee shall comprise the Administrator, the Chief of Police (or his designee), the Municipal Engineer (or her designee), the Zoning Officer, the Health Officer (or his designee), the Fire Official (or his designee), and the Municipal Planner. No approval shall be issued by the committee without prior confirmation from the Municipal Attorney that the approval is consistent with the terms and conditions of this ordinance.

3. Sidewalk cafes.

a. During the effective period of this ordinance, the provisions of chapter 29 of the "Code of the Borough of Princeton, 1974" (Borough Code) are hereby relaxed to allow the area occupied by a sidewalk café as defined in section 29-1 of the Borough Code to be temporarily expanded into the portion(s) of the sidewalk abutting neighboring buildings, but only with the prior written consent of the owner or operator of said neighboring building(s) and subject to the review and approval of the Zoning Officer and the COVID-19 Compliance Committee.

b. The application and licensing fees set forth in sections 29-2 and 29-3 are hereby waived.

c. All other terms and conditions of chapter 29 shall remain in effect.

4. Outdoor dining areas other than sidewalk cafes and other expansions of retail food establishments. During the effective period of this ordinance only, and notwithstanding any provisions to the contrary in Princeton's land use regulations, the following shall be permitted,

subject to the review and approval of the Zoning Officer and the COVID-19 Compliance Committee:

a. Any retail food establishment with an existing outdoor dining area may temporarily expand the footprint of said area, and any existing retail food establishment may temporarily relocate a portion of its tables and seats into adjacent outdoor spaces or adjacent vacant indoor spaces without the need for site plan approval or additional off-street parking, provided there is no increase in the establishment's overall number of tables/seats. No off-street parking spaces shall be removed to accommodate outdoor dining if in the opinion of the Compliance Committee, doing so will be contrary to public health and safety.

b. No outdoor dining area shall be expanded onto publicly-owned property without first obtaining the approval of the Mayor and Council, which approval may be granted by resolution provided (1) the authorization is temporary, (2) there is no increase in the establishment's overall number of tables/seats, (3) the expansion is needed to comply with applicable social distancing or other COVID-19 related requirements imposed by the State, and (4) the public property in question is not subject to Green Acres regulations. In granting any such approval, the Mayor and Council shall impose any additional limitations or requirements as may be deemed prudent and necessary, including insurance coverage and liability releases.

c. Any otherwise applicable fees are hereby waived.

5. Sidewalks, streets, parking, and loading zones. During the effective period of this ordinance, and notwithstanding any provisions to the contrary in Princeton's motor vehicle and parking regulations, the Mayor and Council by resolution shall be authorized to close all or parts of sidewalks, close all or parts of streets, suspend or alter parking regulations, block off parking spaces and loading areas, and/or reserve or re-designate parking spaces and loading areas as may be needed to enable all legitimate right-of-way users, retail businesses and retail food establishments to comply with any COVID-19 related requirements and limitations imposed by the State, including safe distancing recommendations and requirements for curbside pick-up.

6. Unattended vehicles in designated curbside pick-up areas prohibited. During the effective period of this ordinance, it shall be a violation of Princeton's motor vehicle laws set forth in sections 19-18 and 19-19 of the "Code of the Borough of Princeton, New Jersey 1974" for anyone to leave a vehicle unattended in a municipally-designated curbside pick-up zone that is identified as such through proper signage or other means.

7. Effective date; sunset provision; extension by resolution. This ordinance shall take effect immediately upon its passage and publication and as otherwise provided for by law. The ordinance shall terminate and become void on the 120th day after its effective date, except that the Mayor and Council by resolution may extend the authorizations granted herein for one additional 60-day period.

8. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Princeton or Code of the Township of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

9. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Delores Williams, RMC, Clerk

Hon. Liz Lempert, Mayor

Ordinance Introduced: June 1, 2020

Ordinance Adopted: June 15, 2020

NEWSPAPER PUBLICATIONS:

First Insertion: June 5, 2020

Final Insertion: June 19, 2020

STATEMENT OF PURPOSE: The purpose of this ordinance is to enable the Mayor and Council as well as specific municipal officials to react quickly to evolving circumstances related to the COVID-19 pandemic and to enable local businesses to reopen in compliance with State executive orders and other requirements, by temporarily relaxing or suspending certain requirements presently set forth in Princeton's ordinances related to sidewalk cafes, outdoor dining, and motor vehicles, and by establishing a process for staff and officials to efficiently implement additional measures as changing circumstances may warrant.