



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**Resolution 20-145**

**A RESOLUTION APPROVING THE CREATION AND ADMINISTRATION OF AN  
EMERGENCY TEMPORARY APPROVAL PROCESS FOR OUTDOOR DINING  
AND/OR BUSINESS OPERATIONS DUE TO THE COVID-19 PANDEMIC**

**WHEREAS**, the State of New Jersey, through Executive Orders regarding the COVID-19 Pandemic has forced the closure of and otherwise restricted eating establishments; and

**WHEREAS**, it is anticipated that in the near future, the State will begin to relax these restrictions, allowing restaurants to operate at either limited capacity, outdoors only or a combination of both; and

**WHEREAS**, it is anticipated that restaurants would be required to follow social distancing guidelines, including ensuring that patrons remain appropriate distances while dining, limiting restaurant capacity to a certain percentage of allowable patrons, allowing outdoor dining among other possible changes in operations; and

**WHEREAS**, the Borough of Highlands recognizes that restaurants and businesses are critical to the vibrancy of the Borough and to ensure that our local restaurants remain successful, the governing body desires to provide opportunities to quickly and easily expand to outdoor dining space to promote compliance with the Governor's orders; and

**WHEREAS**, the governing body has determined that this Resolution is an appropriate emergency measure and that it shall take effect on the earliest date permitted by the Governor, currently scheduled for June 15, 2020; it is imperative to provide assistance to the Borough's small businesses to help them continue their operations under the orders of the Governor and to maintain public safety while doing so.

**NOW, THEREFORE BE IT RESOLVED**, that the governing body of the Borough of Highlands does hereby offer the following in support of continuing and expanding business operations within the Borough:

1. The governing body authorizes the Zoning Officer to implement an abbreviated and emergency application process to allow businesses, at no cost, to quickly, safely and efficiently utilize outdoor areas to conduct operations consistent with the anticipated relaxation of the Executive Orders imposed upon those businesses.

2. The process for the abbreviated application will result in an approval, once an Executive Order is signed by Governor Murphy, by the Zoning Officer of a temporary and emergency zoning permission to conduct the required operations outdoors, in parking areas, grassed areas and drives,

so long as they are consistent with the safety of the public and all patrons, and any promulgated executive order.

3. The Zoning Officer shall consult with the Borough Engineer, Borough Administrator, Police Chief, Fire Marshal and Health Department to ensure consistency with his/her determination of safety.

4. In anticipation regarding actions of the State Alcoholic Beverage Commission to provide an abbreviated process for the expansion of licensed premises to both contiguous and non-contiguous areas in order to expand the consumption areas to these expanded areas, the Borough Clerk is authorized, upon consultation with the Police Chief, Zoning Officer, Health Department and Fire Marshal to approve such expansion of premises applications through the State's system, should the State promulgate the appropriate rules.

5. The following guidelines must be followed by all applicants who apply for outdoor dining and/or business operations:

- a. Submission of a completed application form (to be provided on the Borough website) and diagram to the Zoning Officer of the outdoor seating with measurements.
- b. The business and patrons shall comply with all applicable social distancing requirements.
- c. Outdoor dining and/or business operations must cease at 9pm from Sunday through Thursday, and 10pm on Friday and Saturday.
- d. If seating will be utilized after dark, temporary lighting is required to be furnished by the applicant/licensee if the existing lighting is inadequate.
- e. If the seating is located within a parking lot, safety bollards or similar protection must be provided, all handicapped parking spaces must be maintained, and sufficient general parking must remain.
- f. It is the responsibility of the applicant to verify that its liquor license permits the serving of alcoholic beverages in the proposed outdoor premises, and if not, to receive approval for said premises from the Division of Alcoholic Beverage Control prior to service of alcoholic beverages.
- g. If the outdoor dining is proposed within the public rights of way or public property, including sidewalks, streets and municipal parking lots, the Borough of Highlands must be named as an additional insured on the applicant's liability insurance policy in an amount which contains liability limits of at least \$1 million per occurrence and the applicant must enter an indemnification agreement holding the Borough harmless from any accidents or injuries that occur on the premises. Additionally, all such applications within the public rights of way or public property must preserve sufficient access to comply with the requirements of the Americans with Disabilities Act.

- h. Applications including open-air tents or tables with umbrellas shall be considered as long as all other requirements are met.
- i. The Borough shall consider applications seeking outdoor seating on nearby property not owned by the applicant as long as the applicant submits a written agreement between the applicant and the property owner to allow such use on the property in question.
- j. All proposed outdoor dining and/or business operations must not impede emergency access in any way.

**BE IT FURTHER RESOLVED** that the governing body of the Borough of Highlands does hereby affirm its approval of the outdoor dining, subject to the conditions above, to become effective on June 15, 2020.

**BE IT FURTHER RESOLVED** that in order to encourage outdoor dining and/or business activities, permit parking requirements on Shore Drive are hereby suspended for the duration of the State of Emergency.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution, certified by the Borough Clerk, to be a true copy, to be forwarded to each of the following:

- 1. Borough Chief of Police.
- 2. Borough Zoning Officer.
- 3. Borough Health Department.
- 4. Borough Fire Marshal.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL		X	X			
MAZZOLA			X			
RYAN	X		X			
VALKOS			X			
BROULLON			X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 3, 2020



Matthew Conlon, RMC, Municipal Clerk

