



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 22-067**

### **RESOLUTION EXTENDING THE REVISED EMERGENCY TEMPORARY APPROVAL PROCESS FOR OUTDOOR DINING AND/OR BUSINESS OPERATIONS DUE TO THE COVID-19 PANDEMIC**

**WHEREAS**, by Resolution 21-77 adopted on March 17, 2021, the Borough of Highlands approved the revised emergency temporary approval process for outdoor dining and/or business operations due to the COVID-19 pandemic; and

**WHEREAS**, by Resolution 20-145 adopted on June 3, 2020, the Borough of Highlands approved the creation and administration of an emergency temporary approval process for outdoor dining and/or business operations due to the COVID-19 pandemic; and

**WHEREAS**, the Borough of Highlands wishes to extend all previous temporary approvals until November 30, 2022; and

**WHEREAS**, the Borough of Highlands wishes to update said approval process for outdoor dining for restaurants with an active mercantile license that do not currently have approved outdoor dining, or wish to expand already approved outdoor dining; and

**WHEREAS**, restaurants continue to 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 has provided opportunities to quickly and easily expand to outdoor dining space to promote compliance with the Governor's orders and guidance by the Centers for Disease Control and State of New Jersey and Monmouth County Health Departments.

**NOW, THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Highlands that all previous approvals for temporary outdoor dining and/or business operations are hereby extended until November 30, 2022; and

**BE IT FURTHER RESOLVED**, by the governing body of the Borough of Highlands that the following process must be followed for approval for temporary outdoor dining and/or business operations due to the COVID-19 pandemic, through November 30, 2022, as follows:

1. The governing body authorizes the OEM Coordinator and Deputy OEM Coordinator 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 Executive Orders imposed upon those businesses.

2. The process for the abbreviated application will result in an approval by the OEM Coordinator of a temporary and emergency 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 OEM Coordinator and/or Deputy OEM Coordinator shall consult with the Police Chief, Fire Marshal and Health Department when applicable to ensure consistency with his/her determination of safety.

4. The Borough Clerk is authorized, upon consultation with the Police Chief, Fire Marshal, and Health Department when applicable to approve expansion of premises applications through the State's system when consistent with current regulations and orders of the ABC.

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 OEM Coordinator and Deputy OEM Coordinator of the outdoor seating with measurements.
- b. The business and patrons shall comply with all applicable social distancing requirements.
- c. Outdoor dining 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 provisions, subject to the conditions above, to become effective upon adoption of this Resolution and expiring on November 30, 2022.

**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 Health Department.
3. Borough Fire Marshall.
4. Borough OEM Coordinator

Motion to Approve R 22-067

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES					X	
CHELAK			X			
MELNYK		X	X			
OLSZEWSKI			X			
BROULLON			X			

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

DATE OF VOTE: February 16, 2022

  
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 Nancy Tran, Acting Municipal Clerk  
 Borough of Highlands