

## **CITY OF BORDENTOWN**

### **ORDINANCE 2020-06**

#### **AN ORDINANCE AMENDING CHAPTER 240 ENTITLED “STREETS AND SIDEWALKS” TO CREATE ARTICLE IV ENTITLED “SIDEWALK DINING PERMITS”**

**WHEREAS**, the Board of Commissioners of the City of Bordentown desires to permit the use of the public right of way for temporary dining accommodations to meet social distancing guidelines following the COVID-19 pandemic; and

**WHEREAS**, applications will be accepted and approved by agreement between the restaurant owners and City on a case-by-case basis at the discretion of the municipality, as reflected in and provided for in Resolution 2020-071.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Bordentown, County of Burlington, State of New Jersey, that Chapter 240 of the “Code of the City of Bordentown” entitled “STREETS AND SIDEWALKS,” be amended as follows:

#### **ARTICLE I: New Sections**

##### **IV. SIDEWALK DINING PERMITS**

§240-34 Creation of Temporary Permit. Any restaurant within the City may temporarily permit outdoor seating adjacent to their restaurant on the Public Right of Way upon approval of a submitted application by the Board of Commissioners.

§240-35. Application for Use of Public Right of Way. The application for use of public right of way must have the following:

- A. Name, Location and Specific Dimensions of the Public Right of Way to be used for seating (include a map or drawing that depicts the Public Right of Way to be used). If the Public Right of Way adjoins a County or State roadway, approval from that public entity must also be obtained, and provided, in writing with this application.
- B. Specify the number of tables and chairs to be placed in the Public Right of Way and include a diagram of the placement of the tables and chairs in the Public Right of Way.
- C. Specify the dates and hours which the tables and chairs will be placed in the Public Right of Way for use.
- D. If alcoholic beverages will be served
  - 1. The application must specify who will be serving the alcohol.
  - 2. A copy of the liquor license, the liquor liability policy of insurance, and an endorsement to the liquor liability policy of insurance which designates the municipality as an “additional insured” must be provided.
- E. Acknowledgement that the application has received a copy of the Bordentown City Temporary Use of Public Right of Way Agreement and agrees to execute and abide by and comply with the terms of the Agreement.

§240-36. Pedestrian Passage. Outdoor seating must be maintained in a way that still allows for pedestrian use and passage on the sidewalk.

§240-37. Application Submission. Each application must be submitted prior to the Board of Commissioners monthly meeting. Applications are evaluated on a case-by-case basis and approved at the discretion of the Board of Commissioners.

#### **ARTICLE II: REPEALER, SEVERABILITY, AND EFFECTIVE DATE**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the City Commissioners hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

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**First Reading:            May 11, 2020**  
**Adopted:                 June 8, 2020**

**CITY CLERK**

**COMMISSIONERS**