

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 28-2020**

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN  
AMENDING ORDINANCE 16-2020 TO EXTEND THE DURATION OF  
TEMPORARY OUTDOOR DINING PERMITS  
DURING THE COVID-19 STATE OF EMERGENCY**

**WHEREAS**, in response to the COVID-19 Pandemic, Governor Murphy has issued executive orders which declared a State of Emergency and Public Health Emergency within the State of New Jersey, and that have imposed restrictions imposing social distancing requirements and limiting gatherings of people; and

**WHEREAS**, Executive Order 150 authorized restaurants and other food and beverage establishments: to provide in-person service at areas designated for food and/or beverage consumption (outdoor dining) in accordance with CDC and DOH safeguards, but not indoor dining since that poses a higher risk of transmission; and

**WHEREAS**, Executive Order 150 further provided that: many restaurants ... will not have sufficient outdoor space to serve their patrons, and thus may seek to use additional space for outdoor food and/or beverage consumption, including other areas of their property, such as parking lots, and shared spaces, such as sidewalks, streets, and parks; and

**WHEREAS**, the Township of Moorestown adopted Ordinance No. 16-2020 to authorize restaurants to expand their footprint to outdoor areas during the COVID-19 State of Emergency consistent with Executive Order 150; and

**WHEREAS**, section 6 of the Ordinance provided that a Temporary Outdoor Dining Permit would: remain valid until the earlier of the 12/1/2020 or the issuance of an Executive Order removing restrictions on the number of patrons permitted inside a restaurant or food and beverage establishment.; and

**WHEREAS**, the COVID Pandemic has persisted, and nationwide the number of individuals testing positive for the virus has recently set new records, making it unlikely that restrictions will end any time in the near future; and

**WHEREAS**, food and beverage establishments have indicated they would like to continue to provide outdoor dining beyond December 1, 2020; and

**WHEREAS**, the Township Council would like to modify the existing Ordinance to address conditions that arise during cold weather, and to extend the permitted duration of Temporary Outdoor Dining Permits in an effort to allow food and beverage establishments to enable them to continue to provide outdoor dining.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey as follows:

**Section 1.** Section 5 of Ordinance 16-2020 entitled **Standards for Permits** is amended by revising subsection e. as follows:

e. A tent, awning or umbrellas may be utilized within an outdoor dining area but shall not restrict pedestrian access. All tents to be utilized between December 1 and March 31 shall receive all necessary construction and fire permits.

**Section 2.** Section 6 of Ordinance 16-2020 entitled **General Permit Conditions** is amended by revising subsection a. as follows:

a. Permits shall be valid upon issuance, and shall remain valid until the ~~earlier of 12/1/2020~~ the issuance of an Executive Order ~~removing restrictions on the number of patrons permitted inside a restaurant or food and beverage establishment.~~ permitting unrestricted indoor dining or the amendment or repeal of this Ordinance.

**Section 3.** Any Temporary Outdoor Dining Permit issued prior to the introduction of this ordinance shall be deemed to remain in full force and effect, and its duration shall be extended consistent with Section 2 of this ordinance, subject to compliance with the revision set forth in Section 1 above.

**Section 4.** Except as modified herein, Ordinance 16-2020 remains in full force and effect

**Section 5. Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon adoption.

**Section 7. Short Title.** This Ordinance shall be known as Ordinance 28-2020.

#### CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 28-2020 which was introduced and adopted on first reading on November 9, 2020 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on November 30, 2020.

VOTE:	
GILLESPIE	YES
DONNELLY	YES
LOCATELL	YES
NAPOLITANO	YES
PETRIELLO	YES

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Patricia L. Hunt, RMC  
Township Clerk