

ORDINANCE #865

BOROUGH OF FRENCHTOWN

HUNTERDON COUNTY, NEW JERSEY

**AN ORDINANCE TO AMENDED ORDINANCE #852 TO EXTEND PERMITS FOR TEMPORARY
OUTDOOR DINING FOR FOOD ESTABLISHMENTS. CLUBS, LODGES AND/OR FRATERNAL
ORGANIZATION AND OUTDOOR DISPLAYS OF MERCHANDISE DURING THE COVID-19
PANDEMIC**

WHEREAS, as a result of the Executive Order #103, on March 9, 2020, Governor Murphy issued a State of Emergency due to the COVID-19 pandemic (the "COVID-19 Pandemic"); and

WHEREAS, numerous Executive Orders have been issued by the Governor since that time to deal with a myriad of economic and social issues affecting New Jersey residents due to the COVID-19 pandemic; and

WHEREAS, the Mayor and Council adopted Ordinance #852 to permit temporary outdoor dining to assist local food establishments, clubs, lodges, and/or fraternal organizations in reopening and operating in these unique times; and

WHEREAS, the Mayor and Council adopted Ordinance #852 to also permit temporary outdoor display of merchandise to assist local retailers in reopening and complying with the reduced occupancy limitations established by the State; and

WHEREAS, the Mayor and Council desires to extend the deadline for these temporary uses to December 31, 2021; and

WHEREAS, all other terms and conditions set forth in Ordinance #852, Section 1, subsection 5 and Section 2, subsection 6 remain in full force and effect except the duration in Item (f) of both sections is amended to December 31, 2021.

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

1. Section 1, Article III "General Requirements", Section 301 "Exceptions, Modifications and Supplementary Regulations", Subsection O "Temporary Uses" subsection 5, Temporary outdoor dining, item (f) "duration" is amended as follows:

The temporary outdoor dining permit shall be valid December 31, 2021. However, if there are still State-mandated limitations on indoor dining after three months, the Mayor and Council may, by ordinance, extend temporary outdoor dining permits for an additional specified time period.

2. Section 2. Article III “General Requirements”, Section 301 “Exceptions, Modifications and Supplementary Regulations”, Subsection O “Temporary Uses” , subsection 6, Temporary outdoor display of merchandises, Item (f), “duration” is amended as follows:

The temporary outdoor merchandise display permit shall be valid until December 31, 2021. However, if there are still State-mandated limitations on indoor retail after three months, the Mayor and Council may, by ordinance, extend temporary outdoor merchandise display permits for an additional specified time period.

Section 3. If any article, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Frenchtown, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Land Use Ordinance of the Borough of Frenchtown are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Frenchtown for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:

BOROUGH OF FRENCHTOWN

Brenda S. Shepherd, RMC,
Borough Clerk

The Honorable Brad Myhre, Mayor