

**DECLARATION OF THE MAYOR OF THE TOWNSHIP OF WEST MILFORD
TO ALL RESIDENTS AND PERSONS WITHIN THE TOWNSHIP OF
WEST MILFORD NEW JERSEY AND TO ALL DEPARTMENTS OF THE
MUNICIPAL GOVERNMENT OF THE TOWNSHIP OF WEST MILFORD**

WHEREAS, on March 15, 2020, the Township of West Milford issued a Declaration of a Local State of Emergency within the Township; and

WHEREAS, the Governor, is considering the reopening of certain establishments including restaurants and retail stores; and

WHEREAS, the Township supports such reopening, once it is authorized, by providing for certain administrative relief in support of our local businesses; and

WHEREAS, during a State of Emergency, such necessary and immediate measures are delegated to the Mayor of the Township for the promulgation of such orders, rules and regulations as are necessary to meet the various challenges which have or may occur due to such an emergency; and

WHEREAS, pursuant to §15-7 of the Township Code, and the Township's form of government, the executive power of the municipality shall be exercised by the Mayor; and

WHEREAS, the Township currently does not permit outdoor dining unless it has been authorized by a formal application to the West Milford Township Planning Board or Zoning Board of Adjustment; and

WHEREAS, the Mayor and Governing Body desire to support the economic recovery of local restaurants by temporarily utilizing the temporary outdoor commercial sales event guidelines to enable restaurants to establish outdoor dining accommodations, as recommended by the Township Planner, so that restaurants are able to increase customer traffic while satisfying social distancing requirements; and

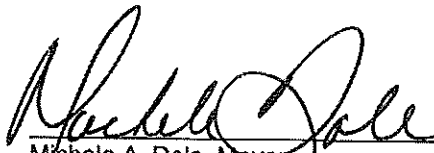
WHEREAS, the Township Planner, Township Attorney and the Township Administrator have reviewed the following proposed guidelines for permitting outdoor dining, subject to such activities being permitted by Executive Order by Governor Murphy and found the temporary guidelines satisfactory.

NOW, THEREFORE, effective immediately, upon authorization by way of an Executive Order by Governor Murphy to permit outdoor dining at restaurants, it is promulgated and declared that the following regulations shall be in addition to all other laws of the State of New Jersey and the Township of West Milford:

1. Pursuant to Section 420-6 of the Township Code, the administrative officer for oversight and enforcement related to the implementation and conduct of activities under this Declaration shall be the Township Administrator.
2. The West Milford Township Code, Section 500-36.1 "Temporary Outdoor Commercial Sales Event and Seasonal Farmers' Market Sales", shall remain in effect at all times herein; however, restaurants with the outdoor space and capacity to do so, may provide outdoor dining seating, provided the total number of seats and/or customers at any one time does not exceed the total permitted restaurant capacity, does not violate the standards for social distancing in effect pursuant to the Governor's Executive Orders, and does not impede pedestrian and traffic circulation or parking or the public right-of-way. The plan will be reviewed by the Township Administrator and Chief of Police to ensure that these changes do not impact the overall health, safety and welfare of the Township.
3. A permit shall be required, with application being made to the Township Administrator. Application for a permit pursuant to this Declaration must be accompanied by an informal layout and/or plan for the outdoor dining area, the number of seats proposed and the parking availability.

4. Restaurants operating under this Declaration must continue to follow the regulations established in Section 163 of the Code, all rules and regulations of the Health Department and Division of Alcoholic Beverage Control, all local ordinances regarding noise, availability of parking, and hours of operation, as well as all applicable local, state and federal laws. With respect to parking, the Township will review the number of seats, seating approved and available at the facility, the use of outdoor parking lot and the impact on health, safety and welfare of the patrons and residents of the Township. Any existing license holder who is permitted to serve alcoholic beverages on site, pursuant to SR2020-10, issued by the Division of Alcoholic Beverage Control, must make application through the POSSE ABC Online Licensing System ("POSSE") for a permit to expand licensed premises. No expansion of the service of alcohol, outdoors, unless already permitted, shall be permitted unless approved by the State Division of Alcoholic Beverage Control.
5. Restaurants may display one temporary sign to notify the public of dining options and any restrictions in place due to the COVID-19 public health emergency so long as the signage does not interfere with public safety.
6. This will be effective as long as the State of New Jersey, including the Governor's Office, permits outdoor dining at restaurants and food establishments, and shall remain in effect for ninety (90) days unless it is amended or vacated by the Township Council.
7. The Chief of Police and Township Administrator reserve the right to deny the Code modifications as set forth above or to put in place specific requirements or restrictions in order to protect the health, safety and welfare of the general public.
8. An appeal of a decision to deny or revoke a permit pursuant to this Resolution made be made to the Township Council

MICHELE A. DALE, hereby authorizes this administrative action as the Chief Executive Officer and Mayor of the Township of West Milford, a copy of which has been sent to the Township Council and Administration.



Michele A. Dale, Mayor
Township of West Milford

Dated: 6/10/2020