

**R2020-100**

**RESOLUTION OF THE BOROUGH OF MAGNOLIA APPROVING AND AUTHORIZING APPLICATIONS FOR ALL FOOD OR BEVERAGE ESTABLISHMENTS TO EXPAND THEIR FOOTPRINT TO OUTDOOR DINING AREAS PURSUANT TO EXECUTIVE ORDER 150 AND GRANTING THE ENDORSEMENT AND APPROVAL FOR ANY LICENSEES OR PERMITEES WITH AN RETAIL CONSUMPTION LICENSE TO APPLY FOR AN A COVID-19 EXPANSION OF PREMISES PERMIT FROM THE NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

**WHEREAS**, given the reduced risks of COVID-19 transmission outdoors, The Honorable Philip D. Murphy, Governor of the State of New Jersey, issued Executive Order 150 on June 3, 2020, allowing restaurants, bars, and other food or beverage establishments to provide in-person service at areas designated for food and/or beverage consumption ("outdoor dining") in accordance with health guidelines on June 15, 2020; and

**WHEREAS**, Executive Order 150 acknowledged that many restaurants or bars 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, shared spaces, sidewalks, streets, and parks; and

**WHEREAS**, Executive Order 150 further acknowledged that municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces, but must do so in a way that comports with public safety and in an equitable manner among restaurants or bars who may feasibly seek to use such spaces; and

**WHEREAS**, Executive Order 150 allows municipalities to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks; and

**WHEREAS**, in an effort to mitigate financial hardship and to alleviate some of the tremendous financial burden caused as a result of COVID-19 on food and beverage establishments within the Borough, Mayor and Council of the Borough of Magnolia desires to utilize the authority as outlined in Executive Order 150 to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and amongst municipally-governed areas as authorized, including but not limited to sidewalks, streets, or parks, where appropriate; and

**WHEREAS**, via a Special Ruling dated June 3, 2020, the Director of the Division of Alcoholic Beverage Control (the "Division") has determined it necessary to create a temporary permit, known as the COVID-19 Expansion of Premises Permit ("COVID-19 Expansion Permit"), and to enable all licensees and permittees with on-premises retail consumption privilege to apply for the COVID-19 Expansion Permit to allow for the expansion of their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises; and

**WHEREAS**, the Division requires any application submitted by any licensee or permittee with on-premises retail consumption for the COVID-19 Expansion Permit to have the express endorsement or approval by the appropriate governing body officials, prior to the Division's approval of the application and issuance of the COVID-19 Expansion Permit; and

**WHEREAS**, in an effort to further mitigate financial hardship and provide certain businesses relief from COVID-19 on holders of on-premises retail consumption licenses and/or permits within the Borough, and to reduce any potential delay associated with the approval of

such applications for a COVID-19 Expansion Permit by the Division, Mayor and Council of the Borough of Magnolia desires to grant any and all endorsements and approvals that may be needed for all applications from licensees or permittees with on-premises retail consumption privileges who are permitted to apply for the COVID-19 Expansion Permit pursuant to the Division's June 3, 2020, Special Ruling within the Borough at this time.

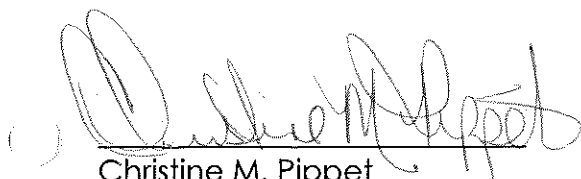
**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Magnolia, County of Camden and State of New Jersey, that:

1. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.
2. Upon submission by a food or beverage establishment or retail establishment within the Borough of a written application and plot plan detailing the proposed expansion of their footprint to outdoor areas, which shall include, at minimum, a detailing of the location to be utilized, the number of tables and seating capacity of the outdoor dining space which complies with all existing health guidelines and regulations, and establishes that the plan comports with public safety and is equitable among restaurants or bars who may be seeking the same, the Zoning Officer of the Borough of Magnolia is authorized to issue a temporary zoning permit authorizing the expansion of the establishment's footprint to outdoor areas, which may include areas both within the establishment's property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks. Any and all application or permit fees for any temporary use in this application are hereby waived to the extent permitted by law.
3. Any temporary zoning permit issued in accordance with Section 2 of this resolution shall be effective for a period of 120 days from June 15, 2020, the effective date of Executive Order 150 permitting outdoor dining and non-essential retail operation.
4. Mayor and Council of the Borough of Magnolia hereby provides any and all endorsements, approvals and express permission, as may be necessary, for any licensees or permittees with on-premises retail consumption privileges to seek a COVID-19 Expansion Permit pursuant to the New Jersey Division of Alcoholic Beverage Control's June 3, 2020, under the Special Ruling within the Borough.
5. This resolution shall take effect immediately.

Adopted: June 18, 2020



BettyAnn Cowling-Carson, Mayor  
Borough of Magnolia



Christine M. Pippet  
Acting Borough Clerk  
Borough of Magnolia