

BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 20-157

RESOLUTION TEMPORARILY DESIGNATING PORTIONS OF BROAD STREET AND MONMOUTH STREET AS PEDESTRIAN MALLS AT CERTAIN TIMES AND RELAXING ENFORCEMENT OF CHAPTER 219: "ALCOHOLIC BEVERAGES" & CHAPTER 430: "LICENSES AND PERMITS" & CHAPTER 478: "PARKS AND RECREATION" & CHAPTER 562: "SIDEWALK CAFES AND RESTAURANTS" & CHAPTER 590: "SOLID WASTE" & CHAPTER 596: "SPECIAL IMPROVEMENT DISTRICT" & CHAPTER 603: "STREET BANNERS" & CHAPTER 608: "STREETS AND SIDEWALKS" & CHAPTER 680: "VEHICLES AND TRAFFIC" TO PROVIDE LOCAL BUSINESSES WITHIN THE BOROUGH WITH EXPANDED CAPACITY AND ADDITIONAL SPACE TO PRACTICE PROPER SOCIAL DISTANCING AS THEY RE-OPEN DURING THE CONTINUING COVID-19 CRISIS

WHEREAS, the Governor of the State of New Jersey has issued Executive Orders imposing restrictions upon the operation of businesses within the entire State of New Jersey during the COVID-19 pandemic crisis; and

WHEREAS, the Mayor and Emergency Management Coordinator of the Borough of Red Bank have likewise proclaimed that a local state of emergency, as thereafter amended, exists within the Borough of Red Bank (the "Borough") in response to the COVID-19 crisis; and

WHEREAS, although the COVID-19 pandemic crisis and state of emergency continues at present, Federal, State, County and other authorities are beginning to lift certain restrictions, and discuss the possibility of lifting other restrictions in the near future; and

WHEREAS, pursuant to the Governor's Executive Order No. 150, as of June 15, 2020, *inter alia*, restaurants are permitted to re-open with outdoor dining and non-essential retail businesses are permitted to re-open with indoor capacity of 50% with outdoor operations consistent with all public health guidelines and directives; and

WHEREAS, with the re-opening of businesses within the State of New Jersey, the Borough's Mayor and Council believe it prudent for the Borough to assist Red Bank businesses in re-opening and to provide maximum opportunities for social distancing as said businesses do so for the safety and general welfare of Borough residents; and

WHEREAS, the Borough finds that the temporary relaxation and modification of certain regulations within the Borough, simultaneously and in accordance with the Governor's lifting of state-wide restrictions and the guidelines arising therefrom, will provide businesses with expanded space to operate for the protection of business owners, employees, customers, and Borough residents during what is likely to be an uncertain time;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank as follows:

(1) Nothing herein shall be construed or interpreted inconsistently with or in violation of any Executive Order issued by the Governor of the State of New Jersey, or any other law, rule, regulation, guideline, directive, or notice from any authority to which the Borough is subject or would otherwise be bound or guided. To the extent that any provision or term of this Resolution is inconsistent with any other lawful authority, this Resolution shall be construed as though such provision or term did not exist. The unenforceability of any such provision or term shall not render any other provision of this Resolution unenforceable.

(2) After consultation with Red Bank RiverCenter ("RiverCenter") and neighboring businesses, the Mayor & Council hereby declare that from [INSERT DATE] until [INSERT DATE]:

(a) Broad Street (from Front Street to Wallace Street) shall be closed to vehicular traffic from 2:00PM every Thursday until 11:00PM every Saturday, for the purposes of

creating a pedestrian mall during such time period.

- (b) Monmouth Street (from Broad Street to Maple Avenue) shall be closed to vehicular traffic from 8:00AM to until 11:00PM every Sunday, for the purposes of creating a pedestrian mall during such time period.
- (c) Upon application and approval from the Borough pursuant to the permit process set forth in paragraph 8 hereinbelow, business shall be permitted to operate upon Borough streets, sidewalks, and/or rights-of-way, provided that the Borough will provide priority to businesses located in proximity to the pedestrian mall(s).

(3) The Mayor & Council hereby declare that businesses within the Borough may temporarily expand their existing operations through the use of outdoor space(s), including, but not limited to, backyards, sideyards, parking lots, and patios, to provide additional space for proper social distancing during the re-opening of said businesses.

(4) The Mayor & Council hereby declare that businesses within the Borough may temporarily expand their existing operations through the cooperative use or combination(s) of their existing space and operations for purposes that enhance social distancing, including, but not limited to, one business allowing another to use unneeded space on its premises or two businesses cooperating to dedicate pick-up and drop-off space for customers.

(5) The Mayor & Council hereby declare that businesses within the Borough may temporarily expand their existing operations into existing or adjacent indoor space(s) that may be vacant or otherwise prohibited from such use(s) for non-life hazard and non-safety reasons under the Borough Code.

(6) The Mayor & Council hereby declare that the Borough shall temporarily make certain Borough-owned outdoor spaces available to businesses to utilize, including, but not limited to, educational or enrichment programs, recreational groups, health and wellness classes, and children's camps, for purposes that enhance social distancing for said activities.

(7) The Mayor & Council hereby declare that the Borough shall temporarily permit businesses to display additional signage and advertisements in furtherance of the purposes set forth hereinabove.

(8) Any Borough business may seek approval for the use(s) and/or operation(s) described hereinabove by submitting to the Borough Clerk an Application for a Temporary Outdoor Business Extension Permit, which Application is attached to this Resolution as Exhibit A.

- (a) Any Borough business submitting an Application for any use(s) and/or operation(s) described in paragraphs 2 through 6 of this Resolution shall comply with all Temporary Outdoor Business Extension Regulations, which are hereby made a part of this Resolution and the Application.
- (b) All Applications made under authority of this Resolution shall be reviewed by the Borough Administrator, in consultation with the Fire Marshal, Construction Official, and Chief of Police.
- (c) Any Applications seeking approval for or relating to operations within the Borough's Special Improvement District shall also be reviewed by RiverCenter.
- (d) All Applications shall be accompanied by an executed Indemnity and Hold Harmless Agreement, which is attached to this Resolution as Exhibit B, and at least \$1,000,000 in satisfactory insurance coverage naming the Borough as an additional insured to qualify for a Permit under the authority of this Resolution.
- (e) The initial decision on all applications made under authority of this Resolution shall

be determined by the Borough Administrator, after the aforementioned review with Borough officials, and when applicable, RiverCenter.

- (f) Any applicant initially denied a permit by the Borough Administrator for any reason(s) not related to fire, construction, criminal, or motor vehicle codes and/or any other law, rule, regulation, guideline, directive, or notice from any authority to which the Borough is subject or otherwise bound shall have the right to file an appeal to the Mayor & Council within five (5) business days of receiving the initial determination from the Borough Administrator, which appeal shall be heard at the next scheduled meeting of the Mayor & Council.
- (g) The Borough Administrator and Chief of Police are hereby granted the concurrent power to revoke any permit issued under the authority of this Resolution in their sole discretion, subject to appeal directly to the Mayor & Council within five (5) business days of revocation, which appeal shall be heard at the next scheduled meeting of the Mayor & Council.

(9) The Mayor and Council hereby instruct and direct the Borough Administrator, Zoning Officer, Fire Marshal, Construction Official, and Chief of Police to interpret and construe any and all applicable provisions and conditions of Chapter 219: "Alcoholic Beverages" and Chapter 430: "Licenses and Permits" and Chapter 478: "Parks and Recreation" and Chapter 562: "Sidewalk Cafes and Restaurants" and Chapter 590: "Solid Waste" and Chapter 596: "Special Improvement District" and Chapter 603: "Street Banners" and Chapter 608: "Streets and Sidewalks" and Chapter 680: "Vehicles and Traffic" to further the purposes set forth in this Resolution, provided that nothing herein shall be construed to limit the aforementioned Officers' lawful jurisdiction(s) or interfere with the aforementioned Officers' duties and responsibilities according to law.

(10) This Resolution shall take effect immediately, provided, however, that no permits shall be issued and no modified business operations shall commence hereunder until such time(s) and as authorized by Federal, State, County and other applicable authorities.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Borough Administrator, Zoning Officer, Construction Official, Fire Official, Chief of Police, RiverCenter, and as many Red Bank businesses as is feasible for the Borough Clerk.

| | Motion | Yes | No | Abstain | Absent |
|------------------------|--------|-----|----|---------|--------|
| Councilman Yassin | Second | X | | | |
| Councilwoman Triggiano | Motion | X | | | |
| Councilman Ballard | | X | | | |
| Councilman Yngstrom | | X | | | |
| Councilman Zipprich | | X | | | |
| Councilwoman Horgan | | X | | | |

Dated: June 17, 2020

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on June 17, 2020.

Pamela Borghi

Pamela Borghi, Municipal Clerk