

EXPLANATORY STATEMENT: This Ordinance extends the effective period of Ordinance 25-2020, which authorizes restaurants to establish and operate approved temporary dining areas during the COVID-19 pandemic.

4-2021

**TOWNSHIP OF BERKELEY HEIGHTS
ORDINANCE NO. 2020-__**

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, extending the effective period of Ordinance 25- 2020, which authorizes restaurants to establish and operate approved temporary dining areas during the COVID-19 pandemic.

WHEREAS, consistent with directives and guidance from the Governor’s Office and Centers for Disease Control and Prevention (CDC) regarding restaurant operations during the COVID-19 pandemic, the Township Council for the Township of Berkeley Heights (“Township”) adopted Ordinance 8- 2020-on June 9, 2020, permitting restaurants to seek approval to establish and operate temporary outdoor dining areas and Ordinance 25-2020 extending the effective period; and

WHEREAS, following the adoption of Ordinance 8-2020, and Ordinance 25-2020, the Township has worked with restaurants with respect to the establishment and operation of temporary outdoor dining areas during the COVID-19 pandemic, in order to ensure that all such dining areas are operated safely and in accordance with all applicable rules, directives, and guidance; and

WHEREAS, although the effective period of Ordinance 25-2020 is currently set to expire on April 1, 2021, the Township Council believes that it would be in the best interest of the Township to extend the effective period through December 1, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Township Council for the Township of Berkeley Heights as follows:

SECTION I – AMENDMENT

Ordinance 25-2020, adopted on October 27, 2020, is hereby amended only at Section XIII (Expiration Date) to delete the expiration date of “on April 1, 2021” and replace it with “after December 1, 2021”.

SECTION II – REPEAL

This Ordinance is not meant to repeal any provisions of the Code, and all ordinances, portions of ordinances and provisions of the Township Code which are inconsistent or in conflict with the provisions of this Ordinance are temporarily suspended only for the purpose and duration set forth in this Ordinance and only to the extent of such inconsistency or conflict.

SECTION III – SEVERABILITY

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged invalid and shall not be

deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION IV – PRESENTATION

This Ordinance shall be presented for the Mayor’s approval and signature, which approval shall be granted or denied within ten days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either an approval or objection to same within ten days after presentation, then this Ordinance shall be deemed approved.

SECTION V - EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication according to law.

INTRODUCED the 16th day of March, 2021.

ADOPTED the 6th day of April, 2021.

By: 
Angie Devanney, Mayor

ATTEST:


Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2021

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, extending the effective period of Ordinance 25- 2020, which authorizes restaurants to establish and operate approved temporary dining areas during the COVID-19 pandemic

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on **March 16, 2021** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **April 6, 2021** at **7:00** p.m. or as soon thereafter, as practical, via Zoom: <http://zoom.us/s/3575747364>, if you need to enter a meeting ID it is: **357-574-7364**. At which time and place all persons interested therein or affected thereby, will be given an opportunity to be heard concerning the same. Alternatively, you may submit written comments in advance of the meeting either via electronic mail (to: aminkoff@bhtwp.com) or by written letter (to: Township Clerk, 29 Park Avenue, Berkeley Heights, NJ 07922), including commenter's full name and address, which must be received by the Township Clerk by 4:00 P.M. on the date of the Zoom meeting. During the week prior to, and up to the time of Public Hearing, copies of said Ordinance will be available by contacting the Municipal Clerk via email, aminkoff@bhtwp.com, or by calling 908-464-2700, and at the website www.berkeleyheights.gov, for the members of the general public who shall request the same.

**Ana Minkoff
Township Clerk**

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON MARCH 16, 2021:**

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, extending the effective period of Ordinance 25- 2020, which authorizes restaurants to establish and operate approved temporary dining areas during the COVID-19 pandemic

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on April 6, 2021.

**Ana Minkoff,
Township Clerk
Township of Berkeley Heights**