

ORDINANCE NO 23-05

**AN ORDINANCE AMENDING
SECTION 130-4 OF THE CITY CODE
TO REMOVE LICENSE RENEWAL
FEES FOR SIDEWALK CAFES AND
TO EXTEND DATES AND HOURS OF
PERMITTED OPERATION**

WHEREAS, Chapter 130 of the City Code of the City of South Amboy provides that sidewalk cafes and restaurants may be established within the B-2 Zone and for businesses along Broadway between Main Street and Bordentown Avenue, and further provides that no person shall establish, maintain, own or operate a sidewalk cafe or restaurant nor serve food, liquor or other beverages on any public street, sidewalk or alleyway without first having obtained a license from the Clerk of the City of South Amboy; and

WHEREAS, §130-2 of the City's code sets forth the process by which a qualified business or person can apply for a sidewalk cafe license, which process includes investigation of the application by the Chief of Police together with the Zoning Officer and Construction Official followed by examination of the application by the Governing Body, which may approve or deny the application; and

WHEREAS, §130-4 of the code requires that any person having submitted a successful application must pay an annual licensing fee ranging from \$75.00 to \$250.00; and

WHEREAS, in response to the COVID-19 crisis, Executive Order No. 150, issued by Governor Philip Murphy on June 3, 2020, permitted food and beverage establishments to offer in-person service in outdoor areas; and

WHEREAS, in response to the COVID-19 crisis, Executive Order No. 157, issued by Governor Murphy on July 2, 2020 permitted restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," to offer in-person service at outdoor areas, subject to specified limitations; and

WHEREAS, guidelines interpreting and implementing these Executive Orders have made clear that any affected business must still obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor locations; and

WHEREAS, by letter dated June 9, 2020 Mayor Fred Henry advised local businesses of the opportunities for safely reopening and operating outdoor cafe services, and inviting applications for outdoor dining, subject to review by the Chief of Police, the Zoning Officer and the Construction Official; and

WHEREAS, the Executive Orders issued by Governor Murphy in response to the COVID-19 crisis are no longer in effect; and

WHEREAS, the South Amboy City Council believes that expanded outdoor dining opportunities resulting from the Executive Orders discussed above have been beneficial for affected businesses and for the residents of South Amboy and visitors to the City and desires to encourage responsible outdoor dining within the City;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the City of South Amboy, State of New Jersey that Section **130-1** of the City Code be repealed in its entirety and replaced with:

§130-1 License Required

Subject to the requirements of this chapter, sidewalk cafes and restaurants may be established within the City of South Amboy but no person or entity shall establish, maintain, own or operate a sidewalk cafe or restaurant nor serve food, liquor or other beverages on any public street, sidewalk or alleyway without first having obtained a license from the Clerk of the City of South Amboy;

AND BE IT FURTHER ORDAINED by the Mayor and the Council of the City of South Amboy, State of New Jersey that Section **130-4** of the City Code be repealed in its entirety and replaced with:

§130-4 Application Fee

Any person submitting an application for a sidewalk cafe or restaurant shall submit an application fee in the amount of \$50 with said application. There shall thereafter be an annual licensing fee in the amount of \$50, which fee shall be paid to the City Clerk on or before April 1 of each year. Any license renewal fee paid under **§130-4** prior to August 1, 2023 for the calendar year 2023 shall be accepted as timely;

AND BE IT FURTHER ORDAINED by the Mayor and the Council of the City of South Amboy, State of New Jersey that Section **130-5** of the City Code be repealed in its entirety and replaced with:

§130-5 Conditions of Operation

No sidewalk café shall be operated at a time and under such conditions as may pose a risk to patrons, employees, or the general public. No operation shall be permitted during any time when the presence of ice, sludge, accumulations of mud or dirt, or any other dangerous condition exists. All licensees shall cease operating the licensed sidewalk cafe at or before 10:00 p.m.

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This ordinance shall take effect after final passage and publication as provided by law.

Date Introduced on First Reading: June 21, 2023

Date First Published: June 26 ,2023

Date Approved on Final Reading: July 19, 2023

Date of Final Publication: July 24, 2023

