

**CITY OF NORTH WILDWOOD
COUNTY OF CAPE MAY, NEW JERSEY**

RESOLUTION

**IMPLEMENTING THE PROVISIONS OF ORDINANCE 1808
REGARDING ALCOHOLIC BEVERAGES UNDER §326-2 OF THE CITY
CODE**

WHEREAS, On March 21, 2020, Governor Murphy issued Executive Order 107, which specifically regulated the continued operation of Bars/Restaurants and provides, in part, that “All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;” and

WHEREAS, in the anticipation that the regulations, prohibitions and social distancing requirements within the Governor’s Executive Orders being relaxed and/or modified in the coming weeks or months, potentially permitting the aforementioned business establishments to operate at reduced capacities, the governing body of the City of North Wildwood, by Resolution 130-20, adopted April 21, 2020, found it to be appropriate to temporarily relax the procedures associated with site plan review and approval in order to permit retail food and beverage service establishments to locate tables out-of-doors, in the City right-of-way and/or in other locations on site, subject to the requirements and restrictions set forth Resolution 130-20, until the State of New Jersey rescinds Executive Order 107 and/or eliminates social distancing requirements; and

WHEREAS, §326-2 of the Code of the City of North Wildwood, in part provides: “It shall be unlawful to consume alcoholic beverages or to carry or possess alcoholic beverages in opened containers upon the streets, highways, sidewalks, public property or other public places or in automobiles or other vehicles parked upon the streets, highways, public property or public places, including parking lots...;” and

WHEREAS, Council, by adoption of Ordinance 1808, has amended §326-2 to include the following: “...at any time during which there is in effect within the City of North Wildwood a declared state of emergency, state of public health emergency or local disaster emergency and City Council has relaxed zoning and site plan regulations concerning outdoor seating for the service of food by establishments to which a valid mercantile license for the service of food on an eat-in or take-out basis is in effect, the restrictions contained in this section may be suspended, in whole or in part, or otherwise modified by Resolution of Council upon the advice of the Director of Public Safety and the North Wildwood Emergency Management Coordinator;” and

WHEREAS, Council deems it appropriate to suspend the restrictions contained in §326-2 during the current COVID-19 public health emergency to permit the use of areas of the public right-of-way to allow for the consumption of alcoholic beverages, under certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of North Wildwood, in the County of Cape May and State of New Jersey as follows:

1. All of the statements of the preamble are repeated and are incorporated herein by this reference thereto as though the same were set forth at length.
2. Tables and chairs in the public right-of-way adjacent to a bar/restaurant may be used for the consumption of alcohol that has been purchased via take-out service from that bar/restaurant only; under no circumstances do the provisions of this resolution permit the carrying or transportation of alcoholic beverages to any other area, other than those alcoholic beverages which have been purchased via take-out service for home consumption on the purchaser’s private property.
3. The provisions of this resolution shall be effective until rescinded by Resolution of City Council.

