

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

RESOLUTION

**INTERPRETING RESOLUTION 130-20 REGARDING SITE PLAN PROCEDURES
DURING PUBLIC HEALTH EMERGENCY AND AMENDING RESOLUTION 150-20
REGARDING IMPLEMENTATION OF THE PROVISIONS OF ORDINANCE 1808
RELATIVE TO CONSUMPTION OF ALCOHOLIC BEVERAGES IN OPENED
CONTAINERS WHILE UPON PUBLIC PROPERTY**

WHEREAS, by Resolution 130-20, adopted April 21, 2020, Council relaxed various site plan approval procedures relative to the placement of tables in outdoor areas adjacent to restaurants and other establishments which serve food on an eat-in and/or take-out basis; and

WHEREAS, Resolution 130-20 conditioned actual utilization of an outdoor dining site plan that has been approved pursuant to the relaxed site plan procedures of Resolution 130-20 on the State of New Jersey relaxing the provisions of Executive Order 107 that pertain to the operation of restaurants and bars; and

WHEREAS, paragraph 2(a)(i) of Resolution 130-20 was amended by Resolution 148-20, adopted May 19, 2020; and

WHEREAS, by the adoption of Ordinance 1808, Council amended §326-2 of the Code of the City of North Wildwood to include the following language: "...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 [Emphasis added];" and

WHEREAS, by Resolution 150-20, adopted May 19, 2020, Council deemed it appropriate to suspend the restrictions contained in §326-2 during the current COVID-19 public health emergency so as to permit the use of areas of the public right-of-way to allow for the consumption of alcoholic beverages, under certain conditions; and

WHEREAS, by reason of various interpretations that have been ascribed to the provisions of Executive Order 107 and subsequent Executive Orders and Administrative Orders that have signed into effect by the Governor and the State Director of Emergency Management that bear upon Resolution 130-20, as amended, and upon Resolution 150-20, and by reason of such further Executive Orders and Administrative Order that may be adopted subsequent to the adoption of this Resolution, Council deems it appropriate to expressly interpret Resolution 130-20, as amended, in relation to Ordinance 1808 and to amend Resolution 150 in order to account for uncertain and continually changing 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. Similarly, all of the statements that were set forth in the preambles of Resolutions 130-20, 148-20 and 150-20 are repeated and are incorporated herein and are made a part of this Resolution by this reference thereto.
2. For the purposes of Ordinance 1808, the adoption of Resolution 130-20 is deemed to be the relaxation by Council of the 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 has been issued that is required in conjunction with there being in effect in North Wildwood a declared state of emergency, state of public health emergency or local disaster emergency as a

