

BOROUGH OF HILLSDALE
RESOLUTION 20112

**RESOLUTION TO TEMPORARILY MODIFY AND SUSPEND THE
APPLICATION OF PORTIONS OF ORDINANCE CHAPTER 212
AS REGARDS “OUTDOOR CAFES”**

WHEREAS, the Borough Code of the Borough of Hillsdale contains Chapter 212 with regard to “Outdoor Dining” which governs the use of exterior spaces, including the public sidewalks, for the service of food and drink by adjoining restaurants; and

WHEREAS, due to the current COVID-19 Pandemic, restaurants are currently limited to “take out” service and are not permitted to use interior seating for the service of food; and

WHEREAS, the Governing Body desires to permit local restaurants the greatest possible opportunities to engage in food service and serve residents and non-residents alike while Executive Order 107 is in effect in its present format or modified; and

WHEREAS, the Governing Body desires to enhance and expedite the opportunities of local restaurants to provide Outdoor Dining without the need for strict compliance with Chapter 212, during a limited time frame, to provide for assistance in the Dining Establishments’, and the community’s, recovery from the effects of the COVID-19 Pandemic.

NOW THEREFORE BE IT RESOLVED as follows:

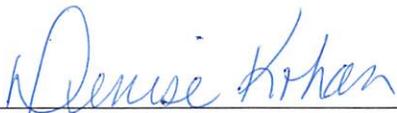
1. The following sections of Chapter 212 shall be suspended and not enforced through the conclusion of this year’s outdoor dining season, defined by Ordinance as October 31, 2020.
 - a. Section 212-3; Section 212-4; 212-5; Section 212-6; Section 212-7
2. In lieu of the enforcement of said ordinances, the Construction Code Official or Zoning Officer shall be vested with the sound discretion to provide an Outdoor Dining License to any requestor who meets the definition of “Outdoor Café” as provided in the Ordinance and can provide for the safe location of seating that maintains adequate public thoroughfares and safe passage.
3. All other sections of Chapter 212 remain in full force and effect, except as modified as follows:
 - a. Section 212-2 (Definitions) shall be modified to provide that an “Outdoor Café” may, in addition to locations specified by the Ordinance, shall include the ability to conduct an Outdoor Café at “such other locations as designated by the Governing Body”.
 - b. Section 212-17 (Impeding Pedestrian Traffic; emergencies) shall be modified so that the “right to modify, suspend or revoke any license” shall be permitted on 24 hours’ notice.
4. Establishments that have a liquor license may serve alcohol at outdoor seating in connection with applicable law or Executive Order.
5. Nothing herein shall serve to permit the violation of any Executive Order.

6. Nothing herein shall contravene obligations to provide for “social distancing” or other operate outside the terms of mandatory or generally accepted medical advice.

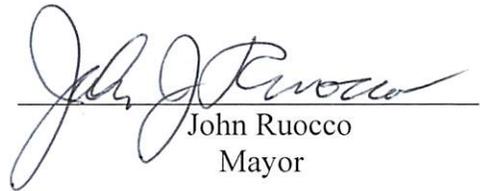
Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony	X		X				
Escobar, John			X				
Horvath, Zoltan			X				
Lundy, Abby		X	X				
Pizzella, Frank			X				
Trochimiuk, Janetta			X				
Ruocco, John							

Adopted: June 2, 2020

Attest:



Denise Kohan
Municipal Clerk



John Ruocco
Mayor