

RESOLUTION 2016-

**RESOLUTION TEMPORARILY ALLOWING THE USE OF OUTDOOR EATING AREAS
DURING THE BELMAR & LAKE COMO ST. PATRICK'S DAY PARADE
FOR THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**

WHEREAS, businesses in the Borough of Belmar may obtain approval from the Planning Board or Zoning Board of Adjustment (“Board”) for an Outdoor Eating Area, Outdoor Dining Area, or Sidewalk Dining Area (“Outdoor Eating Areas”) pursuant to Ordinance Section 40-7.8(h) of the Belmar Development Regulations, and, if approval is granted, the Outdoor Eating Areas may only be utilized from April 1 to November 1 of each year, per 40-7.8(h)(11); and,

WHEREAS, businesses in the Borough of Belmar experience an exceptional demand for space during the Belmar & Lake Como St. Patrick's Day Parade (“Parade”), and have requested to use their approved Outdoor Eating Areas temporarily for the day of the Parade which, this year, is on Sunday, March 6, 2016 and,

WHEREAS, the Mayor and Council have allowed the use of approved Outdoor Eating Areas for the day of the Parade on an informal basis in the past and wish to allow the use of these areas this year by a written Resolution, to create uniform conditions and by the use of a written Resolution to ensure the businesses know what the conditions are; and

WHEREAS, the Mayor and Council wish to temporarily allow businesses to use approved Outdoor Eating Areas for the day of the Parade only under the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Belmar, County of Monmouth, New Jersey, that businesses may temporarily use approved Outdoor Eating Areas for the day of the Parade only under the following conditions:

1. The Outdoor Eating Area, Outdoor Dining Area, or Sidewalk Dining Area (“Outdoor Eating Areas”) must have received the appropriate approvals from the Belmar Planning Board or Zoning Board of Adjustment (“Board”).
2. The business must comply with all Board conditions on the use of the Outdoor Eating Area.
3. The business may not set-up their Outdoor Eating Areas before noon on Saturday, February 20, 2016 and the Outdoor Eating Areas shall be closed down and cleaned up not later than noon on Monday, March 7, 2016.
4. Businesses without a Liquor License shall not permit the consumption of alcoholic beverages by individuals bringing their own alcoholic beverages, known as “BYOB,” in the Outdoor Eating Area. These businesses shall provide sufficient staff to ensure no violations of this condition occurs, violations will result in the issuance of summonses.
5. Businesses with a current, valid Liquor License shall not permit the service or consumption of alcoholic beverages in the Outdoor Eating Areas. These businesses shall provide sufficient staff to ensure no violations of this condition occurs, violations will result in the issuance of summonses and/or Alcoholic Beverage Control charges.
6. Any business which violates these conditions and/or Board conditions on the use of the Outdoor Eating Area during the Parade, may upon Order of the Chief of Police or his designee, have their Outdoor Eating Area immediately shut down, and all persons shall vacate the Outdoor Eating Area.

offered the above resolution and moved its adoption. Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Brennan				
Mrs. Nicolay				
Mayor Doherty				

Adopted: