

February 8, 2023

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**RESOLUTION 2023-70**

**RESOLUTION CONTINUING TEMPORARY RELAXATION OF ENFORCEMENT OF PROVISIONS OF THE BOROUGH CODE TO PROVIDE LOCAL BUSINESSES WITHIN THE BOROUGH WITH EXPANDED CAPACITY AND ADDITIONAL SPACE TO PRACTICE PROPER SOCIAL DISTANCING DURING THE COVID-19 CRISIS THROUGH NOVEMBER 30, 2024, TO COMPORT WITH NEW P.L. 2022, C. 85, SIGNED INTO STATE LAW BY GOVERNOR MURPHY ON AUGUST 3, 2022**

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**WHEREAS**, with the re-opening of businesses within the State of New Jersey after the COVID-19 state of emergency, the State and its agencies modified certain business regulations and restrictions to assist in re-opening and to provide opportunities for social distancing; and

**WHEREAS**, particularly relating to the relaxation of regulations regarding outdoor food and beverage service, the State's Alcoholic Beverage Commission issued Special Ruling No. 2020-10 and the New Jersey Legislature enacted P.L. 2021 c. 15, which further relaxed outdoor food and beverage service regulations until November 30, 2022; and

**WHEREAS**, the Mayor and Council of the Borough of Bradley Beach (the "Borough") likewise found it prudent to assist Borough businesses after the COVID-19 state of emergency in the best interests of Borough residents; and

**WHEREAS**, by Resolution No. 2020-146, dated June 9, 2020, the Borough temporarily relaxed and modified certain regulations within the Borough, simultaneously and in accordance with the State's actions, to provide businesses with expanded space to operate for the protection of business owners, employees, customers, and Borough residents; and

**WHEREAS**, by Resolution No. 2020-221, dated September 8, 2020, the Borough extended said temporary measures until November 30, 2020; and

**WHEREAS**, by Resolution No. 2020-275, dated November 24, 2020, the Borough extended said temporary measures until March 31, 2021; and

**WHEREAS**, by Resolution No. 2021-91, dated March 9, 2021, the Borough extended said temporary measures until November 30, 2022 to comport with the dates contained in the State's passage of P.L. 2021 c. 15; and

**WHEREAS**, the Legislature has passed, and Governor Murphy signed P.L. 2022 c. 85 into State Law on August 3, 2022, which new law further extends the State’s Alcoholic Beverage Commission Special Ruling No. 2020-10 and continues relaxed restrictions on food and beverage service until November 30, 2024; and

**WHEREAS**, nothing herein shall be construed or interpreted inconsistently with or in violation of any Executive Order issued by the Governor of the State of New Jersey, or any other law, rule, regulation, guideline, directive, or notice from any authority to which the Borough is subject or would otherwise be bound or guided;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Bradley Beach that all terms, conditions, provisions, and administration of the mandates contained in Borough Resolution Nos. 2020-146 and 2020-221 and 2020-275 and 2021-91 shall be continued until November 30, 2024; and

**BE IT FURTHER RESOLVED** that the Borough Administrator, Zoning Officer, Construction Official, Fire Official, and Chief of Police are hereby authorized and empowered to the extent of their legal authority to carry out the objectives of this Resolution; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to the Borough Administrator, Zoning Officer, Construction Official, Fire Official, Chief of Police, and as many Bradley Beach businesses as is feasible for the Borough Administrator.

Seconded by Councilperson \_\_\_\_\_ and adopted upon the following vote:

	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Ms. DeMarco				
Ms. DeNoble				
Mr. Gubitosi				
Mr. Weber				
Mayor Fox				

**CERTIFICATION**

I, Erica Kostyz, Borough Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the February 8, 2023 meeting.

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Erica Kostyz  
Municipal Clerk