

**SPONSORED BY:
SECONDED BY:**

**CITY OF HOBOKEN
ORDINANCE NO.:**

**AMENDING HOBOKEN MUNICIPAL CODE CHAPTER 168A - STREETS
AND SIDEWALKS SUPPLEMENTAL AND CHAPTER 68A –
ALCOHOLIC BEVERAGES, TEMPORARY PROVISIONS IN ORDER TO
EXTEND ALL RELEVANT DATES FOR OUTDOOR OCCUPANCY AND
OUTDOOR CONSUMPTION OF ALCOHOL AT SIDEWALK CAFES,
STREATERIES AND PARKLETS THROUGH 2021.**

WHEREAS, small businesses and restaurants in the City of Hoboken have suffered tremendously as a result of the COVID-19 Pandemic, New Jersey’s State of Emergency and Executive Orders at the local and state level that effectively closed businesses in March due to health and public safety concerns; and,

WHEREAS, via his Executive Order 150, effective June 15th, 2020, Governor Murphy lifted certain operating restrictions allowing outdoor dining at “food and beverage establishments” and the opening of non-essential retail businesses at 50% occupancy; and

WHEREAS, via Executive Order 157 on June 26th, 2020, Governor Murphy continued to lift operating restrictions, allowing indoor dining HOWEVER three days later, citing increasing health and safety concerns, he issued Executive Order 158, rescinding any plans to allow indoor dining; and

WHEREAS, this body, on June 3rd, 2020, in response to the challenges that local businesses were facing due to operating and occupancy restrictions, and with the expected changes included in Executive Order 150, approved by unanimous vote two pieces of legislation allowing Hoboken businesses to expand their footprint and increase their occupancy outside using sidewalks and streets (section 168A of Hoboken Municipal Code) and allowing alcohol consumption in these expanded locations (section 68A of Hoboken Municipal Code); and

WHEREAS, with these ordinances we have seen many local businesses expand their footprint via outdoor cafes, strEATERIES, and Parklets which has both provided economic support for Hoboken businesses as well as a desired restoration of an important social amenity to Hoboken residents and visitors, while also taking into consideration the safety needs of the current pandemic; and

WHEREAS, these ordinances originally concluded in 2020 but also contemplated the possibility of the City Council moving to extend the programs; and

WHEREAS, as of this writing, small businesses and restaurants in the City of Hoboken continue to struggle with the many occupancy and other limitations imposed by the Governor of New Jersey relating to this pandemic and Governor Murphy further stated on August 11th that it remains too risky to permit indoor dining with no mention of when restoration of indoor commercial activities will occur; and

WHEREAS, a number of business have requested that the City Council extend the city’s business expansion program given it’s success to date and do so sooner rather than later so that businesses can make operational plans for the coming months; and

WHEREAS, the City Council recognizes that procedures will need to be fine tuned concerning, among others, snow removal and what needs to occur to ensure safety in the event of a snow storm; and

WHEREAS, the City Council also acknowledges that plans are underway but not yet finalized to create cold weather parameters that will make outdoor dining and retail effective in the colder months in the event Governor Murphy does not restore indoor shopping and dining; and

WHEREAS, the City Council nonetheless wants to move forward today to give our Hoboken businesses the confidence they are looking for that they will be able to continue with their expanded outdoor occupancy by extending all relevant dates of the programs through the end of 2021.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: Chapter 168A – Streets and Sidewalks Supplemental is amended as follows (if not expressly mentioned, all other sections remain unchanged).

§168A-2. Term of Applicability and Expiration of Provisions.

B. This ordinance shall expire on December 31, ~~2021~~²⁰ unless extended by amending ordinance approved by the City Council and the Mayor of the City of Hoboken.

§168A-4. Sidewalk Cafes.

A. Application; Approval; Fees.

3. Fees for the 2021 sidewalk café license period, beginning January 1, 2021 and ending December 31, 2021 are hereby waived.

C. General Provision.

3. The following shall apply through the end of 2021: Partitions, planters, tables, chairs and related sidewalk café equipment may remain on the sidewalk overnight **during the months of April** through September ~~30, 2020~~ provided it is broken down and properly secured against weather conditions, high winds, vagrancy and other mischief. ~~From~~ **For the months** October ~~1, 2020 and~~ through **March** ~~the end of the year~~ all equipment shall be removed overnight.

5. Bistro lights will be permitted ~~through September 30, 2020~~ provided: they are at least 7 feet above sidewalk grade, the amount of lighting does not create significant light intrusion affecting pedestrian or vehicular traffic or neighborhood residences, and all lights are turned off when the business is closed.

§168A-5. StrEATERIES.

B. General Requirements; Design Standards.

2. Streateries shall be **allowed throughout the entire year. The City of Hoboken reserves the right to issue temporary operating restrictions, as necessary, but for no longer than 48 hours except the amount of time can be longer in instances of public health or safety concerns as referenced in this section, paragraph D herein.** ~~for seasonal use beginning April 15, weather permitting, and ending October 15, of each year. The seasonal~~ ~~The City Council can end date may be extended by resolution of the City council on the advice of the Director of Environmental Services, the Chief of Police and the Office of Emergency Management.~~

C. Application; Approval; Fees.

4. The application shall be accompanied by an application fee of \$100. [*This fee shall be waived through for the balance of calendar year 202120*]

§168A-6. Parklets.

B. General Requirements; Design Standards.

2. Parklets shall be **allowed throughout the entire year. The City of Hoboken reserves the right to issue temporary operating restrictions, as necessary, but for no longer than 48 hours except the amount of time can be longer in instances of public health or safety concerns as referenced in this section, paragraph D herein.** ~~for seasonal use beginning April 15, weather permitting, and ending October 15, of each year. The seasonal end date may be extended by resolution of the City Council on the advice of the Director of Environmental Services, the Chief of Police and the Office of Emergency Management. Parklets must be removed in their entirety from October 16 to April 14~~ **To facilitate snow removal, the City of Hoboken may require permitholders of Parklets to remove snow directly adjacent to the Parklet; under no circumstances can any snow that accumulates on the interior of the Parklet be removed and transferred to the street.**

C. Application; Approval; Fees.

5. The application shall be accompanied by an application fee of \$250 payable to City of Hoboken. [*This fee shall be waived through for the balance of calendar year 202120*]

SECTION TWO: Chapter 68A – Alcoholic Beverages, Temporary Provisions is hereby amended as follows (if not expressly mentioned, all other sections remain unchanged).

Chapter 68A Alcoholic Beverages; Temporary Provisions

§ 68A-2. Term of Applicability and Expiration of Provisions.

- B. This ordinance shall expire on December 31, 202120 unless extended by amending ordinance approved by the City Council and the Mayor of the City of Hoboken.

§ 68A-5. Consumption in Public.

A. Chapter 68, Alcoholic Beverages, of the municipal code of the City of Hoboken prohibits the drinking or consumption of any alcoholic beverage on a public street, highway, avenue, alley or road of the municipality, or upon any public grounds, parks, sidewalks, marine basins or in any automobile, vehicle or in any other means of transportation on said public street, highway, alley, avenue, sidewalk, park or marine basin. This provisions shall stand, except that, for the period of calendar year ~~2020~~ beginning May 23, 2020 and ending ~~September 30~~ December 31, 2021, alcoholic beverages may be consumed in sidewalk cafes, designated parklets and streateries.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION SIX: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Meeting Date: August 19, 2020

Approved as to Legal Form:

] Vetoed by the Mayor for the following reasons:

Brian Aloia, Esq. Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of _____ Yeas to _____ Nays
On the ___ day of _____, 2020

-or-

Approved by the Mayor
On the ___ day of _____, 2020

✓ Vote Record - CC - Ordinance 20-385						
			Yes/Aye	No/Nay	Abstain/Alternate	Absent
		Phil Cohen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Mike DeFusco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 1st Reading		James Doyle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 2nd Reading		Vanessa Falco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled		Tiffanie Fisher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted		Emily Jabbour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Failed		Ruben Ramos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Michael Russo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Jennifer Giattino	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>