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TOWNSHIP CLERK
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TOWNSHIP ATTORNEY
BRIAN J. ALOIA, ESQ.

VERONA COMMUNITY CENTER
880 BLOOMFIELD AVENUE
VERONA, NEW JERSEY 07044

MUNICIPAL BUILDING
600 BLOOMFIELD AVENUE
VERONA, NEW JERSEY 07044

(973) 239-3220
WWW.VERONANJ.ORG

DEPARTMENT OF PUBLIC WORKS
10 COMMERCE COURT
VERONA, NEW JERSEY 07044

Township of Verona Engineering and Zoning Department

**2021 Updated Regulations and Guidance
For Outside Dining in Verona**

To: Verona Restaurant Owners.

On February 5th 2021 Governor Murphy signed bill Number S- 3340 into law. This bill expands the opportunities for restaurants and bars to provide outdoor dining in response to COVID-10 public health emergency.

Notwithstanding the provisions of any law to the contrary, during the period that the bill is in effect, the owner or operator of a restaurant, bar, distillery, or brewery may use outdoor spaces which they own or lease and which are located either on, or adjacent to, their business premises, as an extension of their business premises for the purpose of conducting sales of food and liquor.

Definitions from S-3340

“Public sidewalk” means a sidewalk on the locally or county owned public right-of-way which is adjacent to the business premises, or a portion thereof.

“Outdoor space” means a patio or deck, whether covered or uncovered, a yard, a walkway, or a parking lot, or a portion of any such space, that is located on or adjacent to the business premises, which space is owned, leased, or otherwise in the lawful control of the owner or operator of the business premises.

Some Important Dates:

- State of New Jersey – Office of the Governor Executive Order No. 150, 163 (Original outdoor dining order. Expired October 31st. 2020.)
- State of New Jersey – Office of the Governor Executive Order No. 194 (Extension of outdoor dining permits utilizing tents, enclosures, bubbles until March 31st. 2021.)
- Senate Bill Number S-3340 (Signed into law on February 5th 2021.)

The following regulations remain unchanged and shall be enforced.

- Township of Verona Resolution No. 2020-119
- NJ Dept. of Health Executive Directive No. 20-014 – COVID-19 Protocols for Food or Beverage Establishments Offering Service in Outdoor Areas Pursuant to Executive Order 150.
- SR 2020-10 (Temporary COVID-19 Permit to Expand Liquor License)

Zoning Permit Required:

The owner or operator of a restaurant, bar, distillery, or brewery desiring to utilize outdoor spaces as an extension of their businesses shall file an application with the municipal zoning officer that includes: (1) a plan, sketch, picture, or drawing that depicts the design, dimensional boundaries, and placement of tents, canopies, umbrellas, tables, chairs, and other fixtures of the outdoor spaces; and (2) a plan for the control of litter, the removal and storage of garbage, and the cleaning of fixtures and grounds.

Zoning-Engineering Regulations:

- No standing patrons will be permitted; everyone must be seated to be served.
- All on premise alcohol service must be done by wait staff to seated patrons.
- Capacity for any outside dining area or expansion will be limited to no more than the indoor capacity of the associated business and will be strictly limited by the number of seats identified in their previously submitted and approved outdoor dining layout.
- No instrumentalist(s), live, recorded or outdoor music shall be permitted in any outdoor dining area which is being permitted as part of this temporary permit for outdoor dining or any outdoor patio dining area which was given prior approval by the Township of Verona's land use boards, unless the such use was granted approval as part of the conditions of that approval.
- No outdoor seating area shall be located within any designated fire lane, vehicular circulation aisle or parking space, except when a temporary outdoor seating area may be permitted within the parking area on the lot if it was determined by township officials that there is no public health, welfare, and safety concerns related to such location. A site inspection will be required by the township or may be requested by the applicant in order to determine whether a parking area or a portion thereof may be utilized for the purposes of the location of such temporary outdoor seating.
- If the outdoor seating is located directly in front of the applicant's retail food establishment, the applicant shall demonstrate that a minimum of four (4) feet of unobstructed paved surface will be available for pedestrian traffic around and through the outdoor seating area measured from the perimeter of the proposed outdoor seating area to the wall or curb of walkway.
- Each permittee is responsible for keeping the area of the outdoor seating and the adjacent areas free and clear of any debris or litter occasioned by the outdoor seating. Areas shall be cleaned as needed and at the time that business is closed and at the beginning of each business day.

- Tents shall be permitted however their size and minimum requirement of openings shall be governed by the rules and regulations set forth by the Township Building, Fire and Health Dept.
TENTS MUST BE REMOVED NO LATER THAN NOVEMBER 30th 2021.
- Portable/Patio style heaters shall be permitted. Use shall be governed by the rules and regulations set forth by the Township Building, Fire Department.

Building Department Regulations:

For tents or canopies under the Uniform Construction Code 5:23-2.14 subsection (ii) a construction permit is not required if **ALL** of the conditions below are met:

- The tent, tensioned membrane structure, or canopy is 140 feet or less in any dimension and 16,800 square feet or less in area whether it is one unit or is composed of multiple units;
- The tent, tensioned membrane structure, or canopy remains in place or will remain in place for fewer than 180 days;
- **The tent, tensioned membrane structure, or canopy is used or occupied ONLY BETWEEN APRIL 1 AND NOVEMBER 30;**
- The tent, tensioned membrane structure, or canopy does not have a permanent anchoring system or foundation;
- The tent, tensioned membrane structure, or canopy does not contain platforms or bleachers greater than 11 feet high.

Fire Prevention Bureau Regulations:

TENT & APPURTENANCES (PERMIT MAY BE REQUIRED)

- Flame Propagation Performance Certification required
- Heaters prohibited under tent
- Cooking prohibited
- Smoking prohibited (signage)
- Candles or open flame prohibited under tent
- Electrical lighting – direct or outdoor rated cords to GFI
- Vehicle barriers may be required
- 2A-10BC fire extinguisher required under tent

HEATERS

- Heaters prohibited under tent except for an electric space heater
- Patio/mushroom heaters (Propane) –
- Must be minimum of five feet horizontally from all structures and overhangs
- Maintain a minimum clearance of three feet vertically and two feet horizontally from combustibles
- Maintain a clearance of twenty feet from all tents and canopies, do not block egress ways.
- “Bullet” type heaters prohibited – must be vertical type

- Electric space heater permitted – plugged directly into a GFI outlet with an outdoor rated cord
- Generator prohibited under tent

GAS TABLES/FIREPLACES

- Prohibited under tents, canopies and pergolas

For Office Use Only

Zoning/Engineering Dept. Approval:

Inspection on _____ Comments: _____

Name Date

Building Dept. Approval:

Inspection on _____ Comments: _____

Name Date

Fire Prevention Bureau. Approval:

Inspection on _____ Comments: _____

Name Date

Department of Health Approval:

Inspection on _____ Comments: _____

Name Date