

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2020-175

Council Meeting Date: 08-17-2020

Date Adopted: 08-17-2020

TITLE: RESOLUTION AUTHORIZING OUTDOOR MUSIC AT DINING ESTABLISHMENTS.

Councilperson Cumiskey submitted the following resolution, which was duly seconded by Councilperson Matsikoudis.

WHEREAS, the Borough authorized outdoor dining in an effort to assist our business community during the pandemic known as COVID-19, and;

WHEREAS, the Borough wishes to allow outdoor music at restaurants and has determined that the following requirements shall apply:

1. Permission from the landlord, if you are a tenant - is required. Submit a letter or other document.
2. Music shall cease by 10 PM, regardless of day of week.
3. A single performer is permitted.
 - a. For example, a guitarist who sings. A single amplification system is permitted at a reasonable volume and must conform to our noise ordinance.
4. The musician should be at least 10 feet from any patrons.
5. Restaurateurs are expected to be considerate of their neighbors and maintain a reasonable volume for the music.
6. If there are two restaurants in close proximity to one another, the music should be maintained at a level so both restaurants' patrons can enjoy the music from their dining venue.
7. Permission for outdoor music will expire with the sunset of the outdoor dining provisions of Resolution 2020-139.
8. Social distancing and crowd size limitations remain in effect. Patrons waiting for tables shall not be permitted to gather. Masks and social distancing are required, except while eating.
9. Violations of Executive Orders relating to social distancing, crowd size or wearing of masks may result in revocation of permission associated with outdoor dining and/or live music.

WHEREAS, the attached application for outdoor music shall be completed and sent to the borough offices, and;

WHEREAS, permission for outdoor dining will expire with the sunset of the outdoor dining provisions as set forth in Resolution 2020-139.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey as follows:

Outdoor music at restaurants shall be permitted conditioned upon the foregoing requirements being followed and in effect;

The Borough Construction Official or his designee are hereby granted the authority and discretion to approve outdoor music plans in conjunction with outdoor dining;

This Resolution shall take effect immediately.

APPROVED, this 17th day of August, 2020.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUMISKEY	X			
DESARNO	X			
GEOFFROY	X			
MATSIKLOUDIS	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 17th day of August, 2020.

Wendi B. Barry, Borough Clerk