

ORDINANCE NO. 6 -2020

AN ORDINANCE PROVIDING FOR THE PARTIAL AMENDMENT OF CHAPTER 1, "GENERAL PROVISIONS" OF THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972" WITH A NEW SECTION 1-11 ENTITLED "TEMPORARY EMERGENCY RELIEF PROVISIONS."

WHEREAS, the Borough is empowered to make, amend, repeal and enforce its ordinances pursuant to N.J.S.A. 40:48-1 et seq., including but not limited to broad police powers pursuant to N.J..S.A. 40:48-2 to make, amend, repeal and enforce any other ordinances, regulations, rules and bylaws not contrary to law, which the Borough deems necessary and proper for the good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of the Borough and its residents; and

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has continued to issue guidelines to contain and prevent the spread of COVID-19; and

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey issued Executive Order No. 103, which declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by COVID-19, and the Governor has issued additional Executive Orders extending the declarations of a Public Health Emergency and State of Emergency for the State of New Jersey; and

WHEREAS, the Governor has issued additional Executive Orders intended to protect the public health against the hazards created by COVID-19, while addressing the economic impact of the virus; and

WHEREAS, the spread of COVID-19 has and will continue to seriously impact the health and welfare of all people, including the residents of the State and the Borough of Morris Plains; and

WHEREAS, the issuance of Executive Orders by the Governor and recommendations of the CDC have occurred frequently and without the opportunity for municipalities to respond, react, adopt and adapt to same through the regular statutory ordinance adoption process set forth in N.J.S.A. 40:49-2; and

WHEREAS, the extended period of the declaration of Public Health Emergency and State of Emergency resulting from COVID-19 demonstrates that it is necessary and appropriate for the Mayor and Borough Council to adopt an ordinance to allow for such prompt municipal action by way of resolutions of limited duration to provide for temporary relief from the requirements of certain existing ordinances of the Borough of Morris Plains, as appropriate in their sole discretion, during periods when a Public Health Emergency and State of Emergency exists in the State of New Jersey; and

WHEREAS, the Mayor and Borough Council wish to take prompt municipal action consistent with and to enhance future Executive Orders issued by the Governor and CDC recommendations to protect against the public health hazard of COVID-19 and simultaneously protect and maintain the health, safety and economic welfare of residents of the Borough of Morris Plains and visitors to the State and the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Chapter 1, “General Provisions” of the Revised Ordinances of the Borough of Morris Plains, New Jersey, 1972” (“Revised Ordinances”) is hereby amended, supplemented and revised with the addition of Section 1-11 entitled “Emergency Relief Provisions” which shall read in its entirety as follows:

1-11. Temporary Emergency Relief Provisions.

(a) Purpose. The COVID-19 pandemic has resulted in a fluid and ever-changing landscape of orders, regulations, directives and recommendations issued by the state and federal government agencies designed to protect the public health and safety of the residents of the United States and this State from this contagious, and at times fatal, respiratory disease. The purpose of this section is to provide the Borough with the flexibility to quickly react to, adopt and adapt to the multitude of orders, regulations, directives and recommendations issued by the local, county, state and federal governments during COVID-19 or any future declaration of a disaster, emergency, public health emergency and/or state of emergency in furtherance of the public health and welfare of the Borough’s residents, businesses and visitors by creating a mechanism by which the Mayor and Borough Council may more quickly act by resolution to provide temporary emergency relief from the provisions of local ordinances, policies, programs and initiatives.

(b) The Mayor and Borough Council may implement temporary policies, programs, and initiatives, and in their sole discretion, may provide temporary relief from certain provisions of the Revised Ordinances in order to quickly react to, adopt and/or adapt to temporary orders, regulations, directives and recommendations of the local, county, state and/or federal governments during a declaration of a disaster, emergency, public health emergency and/or state of emergency to protect the health, safety, and economic welfare of the Borough residents, businesses and visitors. By way of example, and not limitation, the governing body may authorize and permit temporary deviations

from approved site plans, or permit outdoor dining to enhance social distancing during COVID-19. Any such resolution shall not conflict with any existing Executive Order issued by the Governor of the State of New Jersey and shall be for a limited duration to be set forth in the resolution.

Section 2:

All other provisions of the aforesaid Chapter 1, General Provision, of the Revised Ordinances shall be unaffected and are hereby continued.

Section 3:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinances.

Section 5:

This Ordinance shall take effect after final passage and publication in accordance with law.

Introduced: June 4, 2020

Adopted: June 18, 2020

/s/ Jason Karr