



**TOWNSHIP OF HILLSIDE
NEW JERSEY**

OUTDOOR CAFÉ LICENSE APPLICATION CHECK LIST

Dear Business Owner:

To ensure a timely processing of your application please make sure you provide the following documents when submitting your application:

1. 3 sets of the proposed layout plan. Proposed layout plan should be scaled drawings clearly illustrating the number, type of materials, color and location of all tables, chairs, umbrellas or other furnishings or fixtures intended to be located in the outdoor café. The scaled drawings should all illustrate the following:
 - (a) The location of any doors leading from the eating establishment to the outdoor café. No such doors may be obstructed in any manner.
 - (b) The number of feet and location of unobstructed space permitting free passages of pedestrian traffic around or through each outdoor café.
 - (c) The location of the place where any food or drink is intended to be prepared.
 - (d) An illustration of the enclosure or protective barrier separating the eating and serving area of each outdoor café from the pedestrian traffic.
 - (e) The location of all fire hydrants, parking meters, utility poles, benches, handicap ramps, street furniture, trees and any other fixtures permanently located on the sidewalk in front of the eating establishment or within ten (10) feet thereof on either or any side.
 - (f) The type and location of any proposed outdoor lighting and fixtures.
2. **Indemnification and Hold Harmless Clause** (attached) – provide statement agreeing to indemnify and hold harmless the Township of Hillside and its agents, officers, servants, representatives or employees from any or all claims, damages, judgments costs or expenses, including attorney fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor café for which permit is issued.

3. **Liability Insurance** – insurance policy shall name the Township of Hillside, Hillside and Liberty Avenues, Hillside, New Jersey 07205 and its agents, officers, servants, representatives and employees as additional insured with respect to the operation and maintenance of the outdoor café in the following amounts:
 - (a) Bodily Injury: \$500,000/person & \$500,000/accident
 - (b) Property Damage: \$500,000/person & \$500,000/accident
4. Letter of Consent from Owner, if other than applicant.
5. Copy of registered trade name or corporate, business or fictitious name of intended business.
6. Two separate checks or money orders payable to the Township of Hillside in the following amounts: \$100 - application fee and \$50 - annual license fee.

Sincerely,

Hope M. Smith

Hope M. Smith

Business Administrator/Zoning Officer

Date:



License #

OUTDOOR CAFÉ LICENSE APPLICATION

Permit Application

\$100 Application Fee \$50 Annual License Fee

As per Chapter 220 of the Local Ordinance (copy attached) the following Sections I-V shall be completed by the applicant and approved by the Township of Hillside prior to all outdoor dining.

I. Property Information:

Business Name:		
Address:		
Phone:	Block:	Lot:

II. Property Owner Information:

Name:	
Address:	
Telephone (H):	Cell:
Owner's Consent Signature:	

III. Business Owner Information - name, address and phone number of each individual, owner and partner

Name:	
Address:	
Telephone (H):	Cell:

Name:	
Address:	
Telephone (H):	Cell:

Name:	
Address:	
Telephone (H):	Cell:

Name:	
Address:	
Telephone (H):	Cell:

IV. Applicant Information:

Name:	Email:
Address:	Cell:
Telephone: (H)	

V. Description of Outdoor Dining/Retail:

--

VI. Checklist for Outdoor Café Permit Application:

1. Begin and End Date of Outdoor Dining	
2. Hours of Operation	
3. Applicant has obtained a COVID-19 Expansion Permit to allow licenses to expand the sale and service of alcoholic beverages onto areas adjacent to or contiguous with the licensed premises. A copy of the Expansion Permit shall be attached to this application if applicable.	<input type="checkbox"/> Yes <input type="checkbox"/> No Permit No: _____ <input type="checkbox"/> N/A
4. Will any part of the proposed temporary dining area be located within a public right of way?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. The following items must be submitted with this application: A. Survey or plot plan showing location, size and number of tables and seating area B. Diagram of outdoor seating arrangements with measurements. C. If applicable, temporary lighting plan. D. If to be located within a parking lot or sidewalk, temporary public safety plan.	

Specific COVID-19 Operation Conditions of this permit

By submitting its certification below, the applicant acknowledges the following:

1. Applicant has received the Governor's Executive Order #150 (E.O. 150) and Executive Directive 20-014 (E.D. 20-014) from the NJ Department of Health;
2. In addition to all the requirements of applicable law for retail dining establishments, the applicant has the legal obligation to comply with all applicable directives required by E.O. 150 and E.D. 20-014 as a condition of its receipt of this permit to operate outdoor dining services;
3. Applicant understands and accepts the fact that its failure to fully comply with all of the requirements of E.O. 150 or E.D. 20-014 shall result in the Township's summarily revoking or suspending this permit until full compliance is deemed to have been achieved by the Township Health Department.
4. Applicant's failure to comply with each and every aspect of the approved/permitted plan for outdoor dining, shall subject the applicant to the Township's revocation or suspension of this permit until full compliance has been deemed to have been achieved by the Zoning Officer, the Township Fire Official, or the Township Health Inspector.

CERTIFICATION:

I certify that I have personally examined and am familiar with all of the information contained in this permit application including any attachments. I further certify that if any of the information or statements that I have supplied are willfully false, inaccurate, or incomplete that I am subject to punishment.

Signature of Applicant

Date

FOR OFFICIAL USE ONLY		
Department Review	Approvals	Comments
<div> <div></div> <div>Zoning Official</div> <div>Date</div> </div>	<div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>	
<div> <div></div> <div>Health Officer/Inspector</div> <div>Date</div> </div>	<div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>	
<div> <div></div> <div>Dept of Public Works</div> <div>Date</div> </div>	<div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>	
<div> <div></div> <div>Construction Official</div> <div>Date</div> </div>	<div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>	
<div> <div></div> <div>Police Department</div> <div>Date</div> </div>	<div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>	
<div> <div></div> <div>Fire Department</div> <div>Date</div> </div>	<div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>	

*Township of Hillside, NJ
Tuesday, December 15, 2015*

Chapter 220. Outdoor Cafes

[HISTORY: Adopted by the Township Council of the Township of Hillside 11-12-2003. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 108.

Land use — See Ch. 188.

Noise — See Ch. 217.

Streets and sidewalks — See Ch. 265.

Retail food establishments — See Ch. 326.

§ 220-1. Purpose.

The purpose of this chapter is to establish a procedure and authorize rule and regulations thereunder for the issuance of permits for outdoor cafes in the Township of Hillside.

§ 220-2. Definitions.

For the purpose of this chapter, the following words shall have the meanings respectively described in this section:

OUTDOOR CAFE

Any eating establishment where food and other refreshments are served upon the public right-of-way, namely the sidewalks immediately in front of any restaurant, cafe, cafeteria or place of business where food and/or other refreshments are served, or where permitted on private property pursuant to Chapter 188, Land Use, § 188-22.

SIDEWALK

That area of the public right-of-way reserved for pedestrian traffic from the curb to the front line of the building housing an eating establishment.

§ 220-3. Permit required.

It shall be unlawful for any person, firm, partnership, corporation, association or organization of any kind (hereinafter collectively referred to as "person") to create, establish, operate, maintain or otherwise be engaged in the business of conducting an outdoor cafe upon the sidewalks of the Township of Hillside, or on private property, unless such person shall hold a currently valid permit issued pursuant to the terms of this chapter.

§ 220-4. Requirements for issuance of permit.

No permit shall be issued hereunder unless the permittee shall demonstrate that a minimum of five feet of unobstructed paved surface will be available for pedestrian traffic around or through such outdoor cafe and that such outdoor cafe is directly in front of an eating establishment as herein above defined.

No food or drinks served at such outdoor cafe shall be prepared or stored other than in the interior of the eating establishment. The term "directly in front of" shall confine the cafe to the area represented by an extension of each side of the store occupied by the eating establishment projected directly to the curbline immediately in front thereof. Tables are to be restricted to a maximum of 15 and no more than four chairs per table.

§ 220-5. Application for permit.

Application for the permit required hereunder shall be made to the Construction Code Official and shall be signed by the applicant. The application shall contain the following information:

- A. The name, residence, address and telephone number of each individual, owner and partner; or if a domestic corporation, the names, residence addresses and telephone numbers of the directors and officers owning a ten-percent or greater interest in the corporation and the chief operating executive of the corporation; and if a nondomestic corporation, the name, residence address and telephone number of the managing officer for service of process within the State of New Jersey and a copy of the qualification of said nondomestic corporation to conduct business in the State of New Jersey.
- B. A copy of the trade name or corporate, business or fictitious name upon which the applicant intends to do business pursuant to this chapter.
- C. The address and description of each place where the applicant intends to establish or operate an outdoor cafe.
- D. The name and address of the person owning the premises, if other than the applicant, and the consent of the owner of the premises to the application.
- E. Proposed layout plan.
 - (1) Three sets of a proposed layout plan containing scaled drawings clearly illustrating the number, type of materials, color and location of all tables, chairs, umbrellas or other furnishings or fixtures intended to be located in the outdoor cafe shall be submitted. The perimeter of the outdoor cafe shall be defined and set off by a portable-type enclosure, which may include live plantings. The enclosure shall define the perimeter of the area to be used as an outdoor cafe and shall separate it from the pedestrians traversing the adjacent sidewalk. Awnings or outdoor umbrellas extending over the enclosure are permitted.
 - (2) The scaled drawings shall also illustrate the following:
 - (a) The location of any doors leading from the eating establishment to the outdoor cafe. No such doors may be obstructed in any manner.
 - (b) The number of feet and location of unobstructed space permitting free passages of pedestrian traffic around or through each outdoor cafe.
 - (c) The location of the place where any food or drink is intended to be prepared.
 - (d) An illustration of the enclosure or protective barrier separating the eating and serving area of each outdoor cafe from pedestrian traffic.
 - (e) The location of all fire hydrants, parking meters, utility poles, benches, handicap ramps, street furniture, trees and any other fixtures permanently located on the sidewalk in front of the eating establishment or within 10 feet thereof on either or any side.
 - (f) The type and location of any proposed outdoor lighting and fixtures.

F. An application fee of \$100 (per season) to be paid by the applicant.

G. An application fee of \$50 (per season) to be paid by the applicant.

§ 220-6. Application review.

The Construction Code Official will review the application for completeness and compliance with the terms of this chapter. If the application is complete, the Construction Code Official will act upon the same within 10 business days of the submittal of the application or within 10 business days after the application becomes complete. If the application is not complete, the Construction Code Official will so notify the applicant within 10 business days of the submission and specifically detail the areas in which the application lacks compliance with the requirements of this chapter.

§ 220-7. Issuance of permit.

If the application complies with the chapter, the Construction Code Official shall issue a permit strictly subject to the terms and conditions of this chapter.

§ 220-8. Nontransferability of permit.

The permit is personal to the applicant, and any change or transfer of ownership of the outdoor cafe shall terminate the permit and shall require new application and a new permit in conformance with all of the requirements of this chapter.

§ 220-9. Inspections.

Acceptance of the permit by the applicant shall operate as a consent to the health, fire, police and building officials of the Township to inspect the outdoor cafe for continued compliance with the terms and conditions of this chapter and any federal, state, county or local law, ordinance or regulation affecting the same.

§ 220-10. Indemnification and hold-harmless clause.

No permit required by this chapter shall be granted to any person to operate an outdoor cafe until such person shall have filed with the Construction Code Official a statement agreeing to indemnify and hold harmless the Township of Hillside and its agents, servants, representatives or employees from any or all claims, damages, judgments costs or expenses, including attorney fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor cafe for which the permit is issued.

§ 220-11. Liability insurance required.

A. No permit required by this chapter shall be granted to any person to operate an outdoor cafe until such person shall have first filed with the Construction Code Official a comprehensive general liability policy issued to such person by a public liability insurance company authorized to do business in the State of New Jersey affording the coverages set forth below in the amounts specified. Such insurance policy shall name the Township of Hillside, Hillside and Liberty Avenues, Hillside, New Jersey 07205, and its agents, officers, servants, representatives and employees, as

additional insured with respect to the operation and maintenance of the outdoor cafe in the following amounts:

- (1) For bodily injury:
 - (a) Each person: \$500,000.
 - (b) Each accident: \$500,000.
- (2) For property damage:
 - (a) Each person: \$500,000.
 - (b) Each accident: \$500,000.

- B. The insurance coverage required by this section shall at all times be maintained for the full amount. The policy of insurance required by this section to be filed with the Construction Code Official shall contain a clause obligating the company issuing the same to give not less than 30 days' written notice to the Township Clerk before cancellation or amendments of any of the terms thereof. Notice of cancellation shall not relieve the company issuing such policy of liability for any injury or claim arising before the cancellation becomes effective. The cancellation of any such policy shall have the immediate effect of suspending the permit of such person to operate the outdoor cafe covered thereby until a new policy complying with the provisions of this section is filed with the Construction Code Official and a letter in writing confirming the new effective date of the permit is issued by the Construction Code Official.

§ 220-12. Insurance policy stipulations.

Every insurance policy required hereunder shall contain a provision for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insured shall not be affected by the insolvency or the bankruptcy of the insured and that until the policy is canceled the insurance company will not be relieved from liability on account of nonpayment of premium or of any act or omission by the named insured. Such policy of insurance shall be further conditioned for the payment of any and all judgments up to the limits of such policy.

§ 220-13. Revocation or suspension of permit.

Any permit issued hereunder is issued solely as a revocable permit, which shall be subject to revocation or suspension by the Construction Code Official for failure of any permittee to comply with this chapter or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. Any permit issued hereunder is issued upon the express understanding that the permittee obtains no property right thereunder nor any interest in the continuation of said permit.

§ 220-14. Operation following permit suspension prohibited.

It shall be unlawful for any person to operate an outdoor cafe after the suspension or termination of the applicable permit.

§ 220-15. Permittee responsible for cleanliness of area.

Each permittee is responsible for keeping the area of the outdoor cafe and the adjacent walks and streets free and clear of any debris or litter occasioned by the cafe. Areas must be cleaned as needed and at the time that business is closed and at the beginning of each business day, but not later than 9:00 a.m.

§ 220-16. Vending machines prohibited.

No vending machines, food serving stations or bars of any kind are permitted on the exterior of any building operating an outdoor cafe.

§ 220-17. Signs.

No signs shall be permitted in the area of the outdoor cafe.

§ 220-18. Notice of suspension or revocation of permit.

In addition to the powers of suspension or revocation as set forth above, the Township reserves the right to modify, suspend or revoke any permit on 10 days' written notice if the Township determines that pedestrian traffic is, in fact, impeded or made unsafe because of the operation of the outdoor cafe or because of any other safety issue which the Township determines adversely affects the Township because of such operation. The permit may also be suspended or revoked on five days' written notice in the event that the Township determines that it is necessary to utilize the area or any part thereof for the maintenance or installation of underground utilities. In the event of an emergency, which emergency is certified by the Township, the permit may be suspended or revoked without notice.

§ 220-19. Alcoholic beverage control permit.

If the applicant is the holder of an alcoholic beverage control permit pursuant to the laws of the State of New Jersey, it shall be the applicant's responsibility to cause the alcoholic beverage control permit to be amended to include the premises utilized for outdoor cafe purposes in order to serve alcoholic beverages therein. Such application shall be restricted to table service of wine and beer only.

§ 220-20. Dates of operation; length of permit.

Outdoor cafes shall be permitted to operate from April 1 to October 31 in any calendar year. The permit, when issued, shall be valid for one season.

§ 220-21. Affixing of equipment prohibited.

No tables, chairs or other equipment used in the outdoor cafe shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk or property of the Township of Hillside within or near the permitted area.

§ 220-22. Vacation upon permit expiration.

The permittee agrees at the end of the permit period, or in the event that the permit is temporarily or permanently suspended or revoked, that the permittee will, at his own cost and expense, vacate the sidewalk space and promptly remove any property placed thereon. Failure to do so on five days' written notice shall grant to the Township the right to remove any property on the sidewalk, and the permittee agrees to reimburse the Township for the cost of removing and storing the same.

§ 220-23. Noise-producing or -amplifying devices prohibited.

The permittee shall not direct or permit to be directed to or from the area occupied by the outdoor cafe any bell, chime, siren, whistle, loudspeaker, public address system, radio, sound amplifier or similar device.

§ 220-24. Business hours.

No outdoor cafe shall open for business prior to 7:00 a.m. or remain open for business after 11:00 p.m. All persons occupying the outdoor cafe shall vacate the same no later than 11:30 p.m. Said closing times may be extended by the permittee for one hour on Friday and Saturday only.

§ 220-25. Table service required.

Table service is required.

§ 220-26. Violations and penalties.

Any violations of the permit will be subject to a \$250 minimum fine and mandatory revocation of the permit.

EXECUTIVE ORDER NO. 150

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119 and 138 (2020), issued on April 7, 2020, and May 6, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-149 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on March 16, 2020, I signed Executive Order No. 104, which limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to

offering food delivery and/or take-out services only, meaning that they could not allow the on-premises consumption of food or beverages; and

WHEREAS, on March 21, 2020, I signed Executive Order No. 107, which superseded Executive Order No. 104 (2020) in full but continued the prohibition of on-premises consumption of food or beverages; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, the State can begin to take certain steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan ("Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, the State is implementing its reopening process and has begun to relax restrictions on certain businesses, including the authorization of curbside pickup at retail establishments, the resumption of non-essential construction, and the allowance of a number of lower-risk outdoor activities; and

WHEREAS, consistent with this Plan, I have issued a number of Executive Orders, including Executive Order Nos. 133, 142, 143, 146, and 147 (2020), which authorized the openings of parks, beaches, lakefronts, and several outdoor recreational facilities and activities, with social distancing, cleaning, sanitizing, and hygiene practices in place, given repeated observations from public health experts, including but not limited to the Centers for Disease Control and Prevention ("CDC"), that outdoor environments present reduced risks of COVID-19 transmission as compared to indoor environments; and

WHEREAS, consistent with this Plan, I issued Executive Order No. 148 (2020), which allowed additional numbers of individuals to gather outdoors, consistent with the same repeated observations from public health experts, and Executive Order No. 149 (2020), which authorized the gradual restart of ordinary child care services, certain youth sporting activities, and summer camps, with social distancing requirements; and

WHEREAS, consistent with this Plan, non-essential retail businesses can begin to open their brick-and-mortar premises to the public, but should be held to the same minimum requirements that have applied to essential retail businesses since Executive Order No. 122 (2020) was signed in early April; and

WHEREAS, given the reduced risks of COVID-19 transmission outdoors, the State can begin to allow restaurants, bars, and other food or beverage establishments to provide in-person service at areas designated for food and/or beverage consumption ("outdoor dining") in accordance with CDC and DOH safeguards, but indoor dining still poses a higher risk of transmission at this time than outdoor dining; and

WHEREAS, indoor dining also entails a higher risk than indoor retail operations, as indoor dining typically involves individuals sitting together in one location for a prolonged period of time, while in indoor retail settings, individuals neither congregate in large groups nor remain in close proximity for extended periods and so the risk of COVID-19 spread is reduced; and

WHEREAS, to limit the spread of COVID-19 and thus to protect public health, establishments can only open to the public to offer outdoor dining where such food and/or beverage consumption is conducted in a way that ensures groups of individuals will be appropriately spaced apart, and there must be strict limits in place governing when individuals may enter the premises; and

WHEREAS, to limit the spread of COVID-19 and thus to protect public health, establishments can only open to the public to offer outdoor dining where such food and/or beverage consumption is conducted in a way that ensures critical Statewide health standards are met, which are being issued simultaneously by DOH; and

WHEREAS, because this Order establishes options for outdoor food and/or beverage consumption that accommodate the lack of indoor dining options as a result of COVID-19, individuals must have access to the same smoke-free options that they would have had under State law at the indoor premises of a food or beverage establishment, and which will continue to ensure that individuals can access in-person dining options without exposure to second-hand smoke during the Public Health Emergency; and

WHEREAS, many restaurants or bars will not have sufficient outdoor space to serve their patrons, and thus may seek to use additional space for outdoor food and/or beverage consumption,

including other areas of their property, such as parking lots, and shared spaces, such as sidewalks, streets, and parks; and

WHEREAS, municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety; and

WHEREAS, if municipalities choose to make shared spaces available to restaurants or bars, it is incumbent upon them to distribute these spaces equitably among restaurants or bars who may feasibly seek to use them; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Effective at 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," are permitted to offer in-person service at outdoor areas, provided that the establishment complies with the following requirements:

- a. Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;
- b. Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;
- c. Satisfy all standards issued by DOH pursuant to Paragraph 3 of this Order;
- d. Ensure that tables seating individual groups are six feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions;
- e. Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;
- f. Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age; and
- g. Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages. The requirement that food or beverage establishments impose this prohibition shall automatically sunset

once food or beverage establishments are permitted to offer in-person service in indoor areas.

2. Nothing in this Order shall prevent a food or beverage establishment that offers take-out options from allowing an individual who is seeking take-out rather than table service to enter the indoor premises of the establishment to place an order, make payment, and pick up food or beverages, including in situations where a food or beverage establishment makes outdoor areas without table service available. As noted in Paragraph 1(f), such individuals shall wear a face covering while inside the indoor premises of the food or beverage establishment, unless the individual has a medical reason for not doing so or is a child under two years of age.

3. The Commissioner of the DOH is directed, consistent with her authority under the Emergency Health Powers Act, to issue health and safety standards for use by food or beverage establishments in order to serve patrons consistent with this Order.

4. Picnic Areas and Pavilions may be open to the public. Picnic Areas and Pavilions shall be open to the public at all State Parks and Forests.

5. Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks. Any additional density and social distancing requirements imposed by municipalities on food or beverage establishments offering in-person service at outdoor areas are not inconsistent with Executive Order No. 108 (2020).

If a municipality seeks to close off a roadway for which it would need county or State approval, it still must obtain that approval.

6. Municipalities that make outdoor shared spaces such as sidewalks, streets, or parks, available for use by food or beverage establishments should equitably divide these spaces among food or beverage establishments that can feasibly use it.

7. Paragraph 8 of Executive Order No. 107 (2020), Paragraph 2 of Executive Order No. 133 (2020), Paragraph 2 of Executive Order No. 143 (2020), Paragraph 2 of Executive Order No. 147 (2020), and Paragraph 10 of Executive Order No. 148 (2020) are superseded to the extent inconsistent with this Order.

8. Effective at 6:00 a.m. on Monday, June 15, 2020, the brick-and-mortar premises of non-essential retail businesses that were closed to the public by Executive Order No. 107 (2020) can reopen to the public, provided that such businesses adopt policies that include, at minimum, the requirements that were applied to essential retail businesses in Paragraph 1 of Executive Order No. 122 (2020).

9. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

10. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

11. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions and exclusions to the terms of this Order.

12. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of Executive Order No. 150 (2020), or which will or might in any way interfere with or impede its achievement.

13. This Order shall take effect immediately.

GIVEN, under my hand and seal this
3rd day of June,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy
Governor

Attest:

/s/ Matthew J. Platkin
Chief Counsel to the Governor



State of New Jersey
DEPARTMENT OF HEALTH

PO BOX 360
TRENTON, N.J. 08625-0360

www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE NO. 20-014

**COVID-19 PROTOCOLS FOR FOOD OR BEVERAGE ESTABLISHMENTS
OFFERING SERVICE IN OUTDOOR AREAS PURSUANT TO EXECUTIVE
ORDER NO. 150**

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), Coronavirus disease 2019 (COVID-19) is a respiratory illness caused by a virus called SARS-CoV-2; and

WHEREAS, COVID-19 is thought to spread mainly through close contact from person to person through respiratory droplets produced when an infected person coughs, sneezes or talks; and

WHEREAS, because COVID-19 is also known to spread by people who do not show any symptoms, it is crucial that all retail establishments follow good personal hygiene practices and take necessary steps to promote a healthy work environment to assist in lowering the further spread of COVID-19; and

WHEREAS, to promote healthy hygiene practices and healthy environment, at minimum, employers should provide training in handwashing, cleaning/disinfection, social distancing, use of face coverings, and monitoring for signs and symptoms of COVID-19 in the workplace; and

WHEREAS, if there is a confirmed case of COVID-19 among employees, food or beverage establishments should immediately notify and cooperate with their local public health departments on next steps, while maintaining confidentiality; and

WHEREAS, on June 3, 2020, Governor Murphy, moving the state forward into phase 'Stage 2', issued Executive Order No. 150 (2020), allowing service by food or beverage establishments at outdoor areas; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App A:9-33 et seq., in the State of New Jersey for COVID-19; and

WHEREAS, the Public Health Emergency was extended by Governor Murphy under Executive Orders 119 and 138; and

WHEREAS, under the declared Public Health Emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26:13-12, to take all reasonable and necessary measures to prevent the transmission of infectious disease and apply proper controls for infectious disease; and

NOW, THEREFORE, I, JUDITH PERSICHILLI, Commissioner of the Department of Health, pursuant to the powers afforded to me under the Emergency Health Powers Act, hereby ORDER and DIRECT the following:

1. Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 (2020) must adhere to the protocols listed below:
 - a. Obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor areas;
 - b. Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 should enter the food or beverage establishment;
 - c. Limit seating to a maximum of eight (8) customers per table and arrange seating to achieve a minimum distance of six feet (6 ft) between parties;
 - d. Rope off or otherwise mark tables, chairs and bar stools that are not to be used;
 - e. Demarcate 6 feet of spacing in patron waiting areas;
 - f. Provide physical guides, such as tape on floors, sidewalks, and signage on walls to ensure that customers remain at least 6 ft apart in line for the restroom or waiting for seating;
 - g. Eliminate self-service food or drink options such as buffets, salad bars, and self-service drink stations;
 - h. Disinfect all tables, chairs and any other shared items (menus, condiments, pens) after each use;
 - i. Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 ft is difficult;
 - j. Ensure 6 ft of physical distancing between workers and customers, except at the moment of payment and/or when employees are servicing the table;
 - k. Require infection control practices, such as regular handwashing, coughing and sneezing etiquette, and proper tissue usage and disposal;
 - l. Require frequent sanitization of high-touch areas like credit card machines, keypads, and counters to which the public and workers have access;
 - m. Place conspicuous signage at entrance alerting staff and customers to the required 6 ft of physical distance; and
 - n. Require all food or beverage establishments to have an inclement weather policy that, if triggered, would require the food or beverage establishment

to adhere to Executive Order No. 125 (2020) and offer takeout or delivery service only.

2. Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 (2020) must impose the following requirements on employees:
 - a. Require employees to wash and/or sanitize their hands when entering the food or beverage establishment;
 - b. Conduct daily health checks (e.g. temperature screening and/or symptom checking) of employees safely and respectfully, and in accordance with any applicable privacy laws and regulations;
 - c. Require employees with symptoms of COVID-19 (fever, cough, or shortness of breath) be sent home;
 - d. Require all employees to wear face coverings, except where doing so would inhibit the individual's health, and require employees to wear gloves when in contact with customers and when handing prepared foods or serving food, utensils, and other items to customers;
 - e. Provide all employees with face coverings and gloves;
 - f. Provide employees break time for repeated handwashing throughout the workday; and
 - g. Provide sanitization materials, such as hand sanitizer and sanitizing wipes to staff.
3. Food or beverage establishments offering service at outside areas pursuant to Executive Order No. 150 (2020) must institute the following policies with respect to customers:
 - a. Inform customers that safety measures such as social distancing, wearing face coverings when they are away from their table and unable to social distance or when they are inside the indoor portion of the premises of the food or beverage establishment (unless the customer has a medical reason for not doing so or is a child under two years of age), and hygiene practices must be adhered to while in the food or beverage establishment;
 - b. Encourage reservations for greater control of customer traffic/volume;
 - c. Require customers to provide a phone number if making a reservation to facilitate contact tracing;
 - d. Recommend customers wait in their cars or away from the food or beverage establishment while waiting for a table if outdoor wait area cannot accommodate social distancing;
 - e. Alert customers via calls/texts to limit touching and use of shared objects such as pagers/buzzers;
 - f. Encourage the use of digital menus;
 - g. Decline entry to the indoor portion of the establishment to a customer who is not wearing a face covering, unless the customer has a medical reason for not doing so or is a child under two years of age; and

- h. Provide a hand sanitizer station for customers.

This Directive shall take effect immediately. The provisions of this Directive shall remain in force and effect for the duration of the public health emergency originally declared in Executive Order No. 103 (2020), and as extended by Executive Order, unless otherwise modified, supplemented and/or rescinded.


Judith Persichilli, R.N., B.S.N., M.A.
Commissioner

6/3/2020
Date

**NJ DEPARTMENT OF HEALTH
PUBLIC HEALTH AND FOOD PROTECTION PROGRAM**

<https://www.nj.gov/health/ceohs/food-drug-safety/>

Resources available from US Food & Drug Administration, Center for Disease Control and Prevention and EPA.

FDA Best practices for Re-opening Retail Food Establishments During the COVID-19 pandemic checklist

FDA Food Safety and COVID-19 Questions and Answers for Industry: Food Supply Chain; Social Distancing, Disinfecting & Other Precautions; Workers Testing Positive
CDC Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a person with Suspected or Confirmed COVID-19

CDC Interim Guidance Resuming Operations for Restaurants and Bars

CDC Considerations for Restaurants and Bars

List of EPA registered surface disinfectants for use against COVID-19