

City of New Brunswick  
Executive Order 2020-01

WHEREAS, restaurants are a vital and invaluable component of the City of New Brunswick's vibrant economy; and

WHEREAS, Governor Murphy has, effective June 15<sup>th</sup>, 2020, authorized restaurants and other eateries to re-open to patrons for outdoor seating only; and

WHEREAS, the measures that were implemented to combat Covid-19 via social distancing and reduced public activity have greatly affected the business model of all dining establishments; and

WHEREAS, the City's restaurants are small businesses that employ hundreds of the City's residents; and

WHEREAS, the City already has several regulations with respect to allowing for outdoor dining on sidewalks and other portions of the City's right of way; and

WHEREAS, the City of New Brunswick wishes to facilitate the efficient economic recovery for its restaurants; and

WHEREAS, the City of New Brunswick seeks to temporarily enact certain guidelines to better enable its eateries to succeed in the current environment.

NOW, THEREFORE, I, JAMES M. CAHILL, Mayor of City of New Brunswick in the County of Middlesex in the State of New Jersey, by virtue of the authority vested in me by the Constitution and Statutes of this State, do hereby establish the following guidelines:

1. Any food or beverage establishments seeking permission to use a sidewalk or outdoor area for customer seating are required to file a Sidewalk Café Application with the City of New Brunswick. The application requirement for notarization is hereby waived.
2. The Zoning Permit Fees for sidewalk dining sketch review and the fees for each table used for sidewalk dining otherwise required are hereby waived for the remainder of Calendar Year 2020.
3. Liquor license fees will not be waived but will be collected in compliance with the extension issued by the State of New Jersey as directed by the City Clerk's Office.
4. Individual restaurants and taverns shall provide and be responsible for service, maintenance, debris and waste removal, and sanitization of their own tables and chairs.
5. A dining establishment may expand their sidewalk dining area beyond their business frontage provided the expansion does not impede or conflict with other business activities.
  - a. Restaurants and taverns may not expand into the frontages of properties used solely for residential purposes.
6. All temporary use permits herein shall be valid until November 30, 2020 or a time not to exceed 30 days after restaurants and taverns are permitted to operate at full occupancy, whichever is sooner.
7. A restaurant may use up to 50% of its parking spaces to provide socially distanced outdoor seating.
  - a. Handicap parking spaces may be used for purposes of calculating the amount of spaces allowable under this Executive Order.
    - i. For example: If a parking lot has ten (10) spaces and one (1) of the 10 is a handicap space. Then the calculation shall be for 50% of 10 space (five (5) spaces in this case) and the handicap space and its access aisle(s) shall remain unobstructed.
  - b. Handicap parking spaces may not be blocked or used for this purpose.
  - c. The applicant will submit a zoning permit for temporary use permit and the fee will be waived.
8. Semi-indoor/outdoor eating areas that are open on at least two (2) sides may be used as outdoor seating. A sketch of these interior/exterior areas with tables and dimensions must be submitted for review.
9. Non-outdoor seating and tables may be used outside.
10. All businesses must comply with the standards of the City's Noise Ordinance set forth in Chapter 8.28 – Noise Control, of the City's Municipal Code.

- a. Requests for a waiver of City's Noise Ordinance may be submitted to the Office of the City Clerk and will be reviewed and issued on a case by case basis.
11. Restaurants and taverns may allow its patrons to use lavatories inside the establishment at their discretion.
12. Awnings and umbrellas may be used within an outdoor seating area.
13. Serving stations and a host podium may be located within an outdoor or sidewalk seating area provided a plexiglass or similar partition is used. However, no self-service stations of any nature shall be permitted.
14. Restaurants and taverns that are in zones that are not primarily residential may operate outdoor sidewalk seating from 6am to 12:00am, seven days a week.
15. Restaurants and taverns that are permitted or legally pre-existing non-conforming uses in zones that are residential may operate outdoor seating from 10am to 9pm, on Thursdays, Fridays, and Saturdays. They may operate from 11am to 8pm on all other days
16. Existing on-property, outdoor dining premises may operate as previously approved.
17. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcohol Beverage Control Commission.
18. With the exception of Easton Avenue and Somerset Street, restaurants and taverns may enter into an agreement with the New Brunswick Parking Authority to use metered parking spaces for outdoor seating space.
19. The New Brunswick Parking Authority may arrange to provide access to their facilities for the use of outdoor seating for restaurant and taverns.
20. The unobstructed pedestrian passage shall be reduced to 40 inches.
21. Tables must be setback an additional 6 feet from the unobstructed pedestrian passage. The setback must be demarcated and enforced by the restaurant or tavern.
22. Restaurant and taverns shall maintain tables and seats at least six feet from the unobstructed pedestrian passage. If the applicant does not provide for same, the applicant must provide details regarding social distancing requirements to protect the health and safety of its patrons.
23. Restrictions on signs and lighting in outdoor and sidewalk dining areas are waived for 90 days, provided:
  - a. Any signage does not conflict with the unobstructed pedestrian passage of 40 inches.
  - b. No signage extends higher than 12 feet high.
  - c. No signs are larger than 12 square feet.
  - d. Any lighting does not exceed 1 foot-candle.
  - e. No exposed power cables are in the unobstructed pedestrian passage of 40 inches.
    - i. Cables may extend into the unobstructed pedestrian passage provided they are cover by a cable protector that does not impede travel via wheelchair or create a tripping hazard.
24. Anyone operating a sidewalk dining area or any dining in the public right of way must have insurance naming the City of New Brunswick and its officers, agents and, employees as additional insured in the minimum amount of one million dollars (\$1,000,000.00) and satisfactory proof of such insurance shall be presented to the City Clerk.
25. Restaurants and taverns may erect accessory structures that would normally be subject to minor site plan review by temporary use zoning permit and the fee shall be waived, provided:
  - a. It is done with the intent of expanding the ability of restaurants and taverns to meet the demand of outdoor, socially distanced dining
  - b. Must be installed on private property owned by and contiguous with the primary use
  - c. The structure is open on at least 75% of its perimeter
  - d. It is no larger than 300 square feet nor taller than 15 feet
  - e. If the structure is to be made permanent, the applicant must apply for a minor site plan approval within 6 months of the issuance of their temporary approval
26. Any restaurant or tavern which receives approval of the above provisions must adhere to all of the Governor's Executive Orders that are in effect at any period of time including but not limited to Executive Order 150; Executive Directive No. 20-014 from the Department of Health; and Special

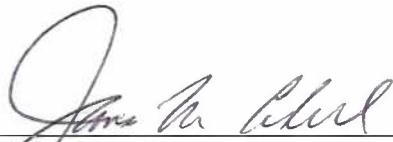
Ruling 2020-10 Establishing Temporary COVID-19 Permits to Expand Licensed Premises issued by the Department of Law and Public Safety, Division of Alcoholic Beverage Control (attached).

27. Failure to adhere to any of the terms or provisions of this Executive Order, Governor's Executive Orders, or any statutes, regulations and ordinances may result in the temporary or permanent loss of the privilege extended by this Executive Order, or the approvals granted by the City.

28. Any and all of the above terms and provisions shall be subject to modification, alteration or rescission without notice and at the sole discretion of the City of New Brunswick.

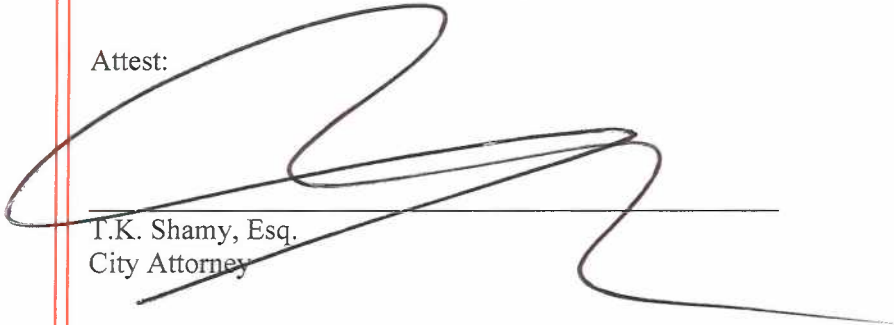
29. This Executive Order shall take effect on Monday, June 15, 2020 at 6:00 a.m.

Given, under my hand and seal this 11<sup>th</sup> day of June, Two Thousand and Twenty.



James M. Cahill  
Mayor

Attest:



T.K. Shamy, Esq.  
City Attorney