

## City of New Brunswick Executive Order 2020-02

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

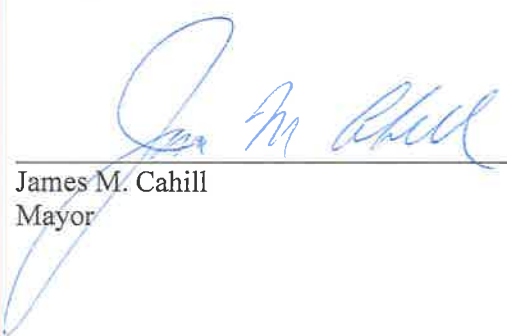
WHEREAS, the City of New Brunswick seeks to temporarily enact certain measures to better enable its eateries to succeed in the current environment.

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 order and direct:

1. George Street between Albany Street and Bayard Street will be closed to vehicular traffic on Thursdays, Fridays, and Saturdays between the hours of 2PM to 1AM.
2. George Street between Albany Street and Bayard Street will be closed to vehicular traffic on Sundays between the hours of 10AM to 9PM.
3. George Street intersections located between Albany and Bayard Street shall remain open to traffic.
4. Metered Parking Spaces on Church Street, between George Street and Nielson Street will be temporarily dedicated for outdoor seating.
5. During street closures restaurants and taverns may extend business operations into the closed City rights of way, subject to State approval if required.
6. On Thursdays, Fridays and Saturday restaurants and taverns may begin setup in the street at 3PM but may not begin serving until 4PM. Restaurant and taverns must stop serving at 12AM. The closed roadways must be cleared of patrons, tables, chairs, refuse and debris by 12:30AM.
7. On Sundays restaurants and taverns may begin setup in the street at 11AM but may not begin serving until 12PM. Restaurant and taverns must stop serving at 8PM. The closed roadways must be cleared of patrons, tables, chairs, refuse and debris by 8:30PM.
8. Individual restaurants and taverns shall provide and be responsible for service, maintenance, debris and waste removal, and sanitization of their own tables and chairs.
9. Any food or beverage establishments seeking permission to use a portion of the street 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.
10. Non-outdoor seating and tables may be used outside.
11. 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.
12. Restaurants and taverns may allow its patrons to use lavatories inside the establishment at their discretion.

13. Umbrellas may be used in the on-street seating area.
14. Awnings and canopies may be used in the on-street seating area provided they have a fire-retardant seal on the item reflecting that it is legally safe for such usage.
15. Serving stations and a host podium may be located within a seating area on the street provided a plexiglass or similar partition is used. However, no self-service stations of any nature shall be permitted.
16. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcohol Beverage Control Commission.
17. For the purposes of sidewalk dining the unobstructed pedestrian passage shall be 36 inches.
18. Restaurants and taverns on Somerset Street and Easton Avenue may now also enter into an agreement with the New Brunswick Parking Authority to use metered parking spaces for outdoor seating space provided they can adequately buffer their seating from vehicular traffic and comply with the parameters of the Mayor's Executive Order 2020-01.
19. Restaurants and taverns on Somerset Street and Easton Avenue that desire to operate in the metered parking spaces on those streets must submit applications to the City Clerk's Office.
20. 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.
21. 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).
22. 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.
23. 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.
24. All of the provisions of the Mayor's Executive Order 2020-01, to the extent not inconsistent with the provisions contained herein, shall remain in full force and affect.
25. This Executive Order shall take effect on Friday, June 26, 2020 at 12:00PM.

Given, under my hand and seal this 26<sup>th</sup> day of June, Two Thousand and Twenty.



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James M. Cahill  
Mayor

Attest:



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T.K. Shamy, Esq.  
City Attorney