

City of New Brunswick
Executive Order 2020-11

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

WHEREAS, Governor Murphy has authorized restaurants and other eateries to re-open to patrons for outdoor seating and restricted levels of in-door seating; 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

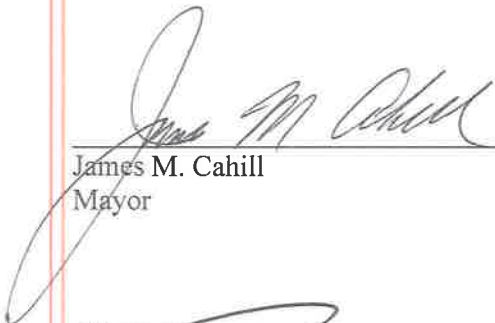
WHEREAS, the City of New Brunswick seeks to temporarily enact certain guidelines to better enable its eateries to succeed in the current environment.

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. From Monday November 9, 2020 at 8:00 a.m. until Sunday January 3, 2021 at 11:00 p.m., George Street, between Albany Street and Bayard Street will remain closed. The intersections of George Street and Church Street, George Street and Paterson Street, and George Street and Bayard will remain open to vehicular traffic.
2. Operation of business from 8:00 a.m. Monday November 9, 2020 until Sunday January 3, 2021 at 11:00 p.m. shall be as follows:
 - a. Sundays through Wednesdays: From 9:00 a.m. until 10:00 p.m.
 - b. Thursdays through Saturdays: From 9:00 a.m. until Midnight (12:00 a.m.)
3. Restaurants and taverns within the boundaries of the street closure shall be allowed to leave their tables, chairs and associated equipment from 9:00 a.m. Monday November 9, 2020 until Sunday January 3, 2021 at 11:00 p.m. In the event of a weather event or other problematic occurrence, businesses may be instructed to place their tables, chairs and associated equipment inside a secure location until the condition subsides. Said determinations shall be made by the City Police Department as needed.
4. On Church Street, between George Street and Nielsen Street, businesses that are using metered parking spaces may have them tented and in use during the same dates and times as the above George Street closure and under the regulations contained within this and prior Executive Orders.
5. Additionally, Church Street restaurants and taverns using the above parking spaces must get additional permission from the New Brunswick Parking Authority and must follow any and all additional requirements as determined by the New Brunswick Parking Authority.
6. George Street businesses shall place their debris and refuse along the side streets for collection. Refuse and debris shall continue to be removed at the end of business every night during the above closure and either stored inside or placed on the side streets for collection.
7. All heating devices and their placement(s) must be approved by the City Fire Official.
8. All tents and canopies that are to remain on the street must be approved by the Fire Official, Construction Official, and the City Engineer.
9. All tents and canopies must be certified flame retardant and may be inspected by the Fire Official for compliance at any time.
10. All tents and canopies must have no less than 50% of their exterior wall area fully open, with a height clearance of no less than six (6) feet.
 - a. Any tent, canopy, structure for outdoor dining, etc. that does not meet the above requirement is considered "in-door dining" and shall be regulated to such standards.

11. All outdoor seating used by restaurants or taverns must have at least two (2) means of egress and each must be at least six (6) feet wide, with a height clearance of no less than six (6) feet.
12. Any and all non-battery powered electric devices must be plugged into a GFCI-outlet.
13. All extension cords must be rated for outdoor use.
14. All cables and cords must be placed or covered in such a way that they are not a tripping hazard.
15. No smoking of any kind is permitted in any area that receives heat via a gas or propane powered heating device.
16. Any business responsible for the placement and/or use of any tent or outdoor enclosed space that is erected to stay in place at all times between November 9, 2020 and January 3, 2021 must provide insurance coverage naming the City of New Brunswick as additional insured in the amounts of \$2,500,000.00 per occurrence and \$5,000,000.00 in aggregate.
17. Any business responsible for the placement and/or use of any tent or outdoor propane tanks used for heating any tent or other outdoor enclosed space must provide insurance coverage naming the City of New Brunswick as additional insured in the amounts of \$2,500,000.00 per occurrence and \$5,000,000.00 in aggregate.
18. It will be prohibited to operate outdoor dining on the sidewalks on George Street between Albany Street and Church Street, and between Paterson Street and Bayard Street.
19. All Fire Department Connections on the exterior of a building must be unobstructed with no items or equipment within five (5) feet of either side of the connection
20. 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).
21. Any restaurant or tavern operating outdoors in any capacity must follow the City of New Brunswick Fire Department's Guidelines for Outdoor Dining – COVID-19 (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 and its agents.
24. Any term and/or provision contained in any prior Executive Order, which is inconsistent or in conflict with the terms and provisions contained in this Executive Order are hereby repealed.
25. This Executive Order shall, unless otherwise specified herein, take effect on Monday, November 9, 2020 at 6:00 a.m. and shall remain in effect until January 3, 2021 at 11:00 p.m.

Given, under my hand and seal this 9th day of November, Two Thousand and Twenty.



James M. Cahill
Mayor

Attest:



T.K. Shamy, Esq.
City Attorney