

ORDER PURSUANT TO THE DECLARATION OF DISASTER AND EMERGENCY

BOROUGH OF BEACH HAVEN EO-2020-6

TO ALL RESIDENTS AND PERSONS WITHIN THE MUNICIPALITY OF THE BOROUGH OF BEACH HAVEN IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY AND TO ALL DEPARTMENTS OF THE MUNICIPAL GOVERNMENT OF THE BOROUGH OF BEACH HAVEN

WHEREAS, in or about December of 2019, the emergence of the novel Coronavirus Disease (Covid-19), caused by the SARS-CoV-2 virus (“Coronavirus”), was discovered in Wuhan, Hubei Province, People’s Republic of China, and was recognized to be a severe, potentially fatal, highly infectious respiratory illness that was suspected of human-to-human transmission; and

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of Covid-19 to be a Public Health Emergency of International Concern as human-to-human transmission of the Coronavirus was confirmed, and outbreaks of the Coronavirus began to spread to numerous other countries throughout the world; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared Covid-19 to be a United States Public Health Emergency

WHEREAS, on February 3, 2020, Governor Philip D. Murphy issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus in this State; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the Covid-19 within the State of New Jersey; and

WHEREAS, on March 13, 2020, the President of the United States formally declared the outbreak of Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act, 50 U.S.C. § 1601, *et seq*; and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several “social distancing” regulations, including but not limited to, limiting public gatherings to no more 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurant/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth in Executive Order 104, including but not limited to, directing all New Jersey residents to remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or county parks, and beaches and boardwalks; and

WHEREAS, in the anticipation that the regulations, prohibitions, and social distancing requirements within the Governor’s Executive Orders may be relaxed and/or modified in the coming weeks or months, potentially permitting these establishments to operate at reduced capacities and/or with social distancing requirements, the Borough of Beach Haven finds it to be

appropriate to temporarily create procedures associated with designated curbside pick-up locations in a unified way throughout the municipality, subject to the requirements and restrictions set forth herein, until further Order of the Borough; and

WHEREAS, the Borough finds it appropriate to waive fees for any sandwich board signs utilized by a duly licensed business for the 2020 season; however, said sandwich board signs shall be limited to one (1) per business; and

WHEREAS, the Borough finds it appropriate to cease issuance of Outdoor Display of Merchandise Permits and, in lieu, offer expanded permitted sidewalk sale dates for all retail businesses in order to encourage appropriate social distancing during the state of emergency while enabling retail establishments to operate in the Borough's pedestrian right-of-way.

WHEREAS, to the extent that the Borough finds it appropriate to waive any late fees associated with mercantile licenses not renewed by June 15.

NOW, THEREFORE, IT IS ON THIS 7TH DAY OF MAY, 2020, HEREBY ORDERED, by the Mayor and Emergency Management Coordinator of the Borough of Beach Haven, County of Ocean, State of New Jersey as follows:

1. The precatory phrases above are specifically incorporated herein by reference and are made a part hereof as if each and every statement were set forth fully herein.

2. Effective immediately, and contingent upon the State of New Jersey relaxing the provisions of Executive Order 107, specifically the provisions pertaining to the operation of non-essential retail in relation to social distancing requirements, the Borough shall review and consider requests for designation of temporary curbside pick-up locations including public parking spaces and/or other locations on site, subject to the requirements and restrictions contained herein. All applications shall be subject to approval of the Borough Manager, Chief of Police and Public Works Superintendent, in their sole discretion, all individuals having to agree. The Borough's discretion over location and quantity is absolute and the Borough may grant conditional approval based upon such requirements and any other consideration, including, but not limited to, applicable federal, state or local executive and emergency orders, parking requirements, pedestrian safety, neighborhood concerns and the public health, welfare and safety.

a. Take-out establishments seeking approval to designate temporary curbside pick-up locations, either in public parking spaces and/or other locations on site, shall be required to submit an online application including a brief description of the proposed curbside take-out plan. Online applications shall be available on the official Borough website. The approval of any temporary curbside pick-up location in relation to this Order shall be subject to the following conditions:

i. Applicants will be required to utilize only the curbside pick-up logo provided by the Borough of Beach Haven. The Borough of Beach Haven Public Works shall paint the approved logo in the public parking spaces designated. No applicant shall be permitted to paint a public parking space on their own. Applicants must use appropriate and additional signage, at their own cost and expense, as deemed appropriate by the Borough and must include the approved logo.

ii. All take-out establishments shall comply with the CDC and State recommended/ordered social distancing guidelines.

3. Effective immediately, the Borough of Beach Haven hereby waives any fees associated with sandwich board signs utilized by a duly licensed business for the 2020 season. Sandwich board signs shall be limited to one (1) per business.

4. Effective immediately, the Borough of Beach Haven is hereby granted the authority and discretion to cease issuance of Outdoor Display of Merchandise Permits and, in lieu, offer expanded permitted sidewalk sale dates for all retail businesses in order to encourage appropriate social distancing during the state of emergency while enabling retail establishments to operate in the Borough's pedestrian right-of-way.

a. Retail establishments wishing to conduct sale of merchandise outdoors in relation to this Order shall be subject to the following conditions:

i. Sales shall be permitted between the hours of 10:00 AM and 6:00 PM in front of the business on the following dates:

*Contingent upon the State of New Jersey relaxing the provisions of Executive Order 107, specifically the provisions pertaining to the operation of non-essential retail in relation to social distancing requirements

*Saturday, May 23	Sunday, August 2
*Sunday, May 24	Wednesday, August 19
Wednesday, June 10	Thursday, August 20
Thursday, June 11	Friday, August 21
Friday, June 12	Saturday, September 5
Saturday, June 20	Sunday, September 6
Sunday, June 21	Wednesday, September 23
Saturday, July 4	Thursday, September 24
Sunday, July 5	Friday, September 25
Wednesday, July 22	Saturday, October 3
Thursday, July 23	Sunday, October 4
Friday, July 24	Monday, October 12
Saturday, August 1	

ii. Six feet (6') of sidewalk as measured from the curb line must be kept open at all times so as not to block or obstruct the passage of pedestrians.

iii. Merchandise shall be displayed, and maintained, in an orderly fashion allowing for proper social distancing of patrons.

iv. No sales shall be made from trucks or trailers. No trucks shall be brought in to be unloaded between the hours of 10:00 AM and 6:00 PM on the days of the sale.

v. No other permits for outdoor display in accordance with Chapter 144-4 of the Borough Code shall be issued.

vi. All retail establishments shall comply with the CDC and State recommended/ordered social distancing guidelines.

vii. In the event the Beach Haven Police Department or Code Enforcement Officer determines that an Applicant is in violation of the conditions of the terms and conditions of this section of this Order said establishment shall be required to cease operation of their sidewalk sale and remove all merchandise from the sidewalk immediately.

5. Effective immediately, the Borough of Beach Haven is hereby granted the authority and discretion to waive any late fees associated with 2020 mercantile licenses not renewed by June 15.

6. The Borough of Beach Haven reserves the right to amend, terminate, or repeal this Order at any time, and accordingly no property rights are granted to any person(s) or entities by virtue of this Order. **All person(s) and/or entities electing to pursue temporary relief in accordance with the provisions of this Order are hereby given notice that the expenditure of**

any funds, or the incurrence of any costs, in reliance upon the provisions of this order shall be at their sole and exclusive expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility.

7. With the exception of the temporary relief set forth herein, Applicant's must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of a business.

8. This Order shall take effect immediately, but remains subject to relaxation of the provisions of Executive Order 107, including, but not limited to the provisions pertaining to the operation of retail establishments in relation to social distancing requirements, and subject to any subsequent social distancing requirements imposed by Executive Order of the Governor.

9. In the event Executive Order 107 is rescinded with no subsequent executive order, or should social distancing requirements be eliminated, any temporary approval afforded by the Borough in accordance with the terms and conditions of this Order shall **remain in effect** for the remainder of the 2020 season.

10. Unless otherwise expressly provided by the Order, all terms and requirements of the Borough Code shall continue to apply to the business establishments. The Borough shall have absolute discretion to amend any approval, condition and restriction set forth in this Order.

9. This Declaration and Order shall remain in effect until subsequent Order of the Borough.


William Tromm
Emergency Management Coordinator

Dated: 5/8/2020


Nancy T. Davis
Mayor

Dated: 5/12/2020