

ORDER PURSUANT TO THE DECLARATION OF DISASTER AND EMERGENCY

BOROUGH OF BEACH HAVEN EO-2020-9

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, on March 24, 2020, as a result the Novel Coronavirus Disease 2019 (“COVID-19”) pandemic caused by the SARS-CoV-2 virus and pursuant to the powers vested by Chapter 251 of the Public Laws of 1942, as amended and supplemented, N.J.S.A. App. A:9-30, et seq, N.J.S.A. 40:48-1 et seq, and all applicable statutory law and regulations, as well as Chapter 154 of the Borough Code, the Director of Public Safety and Emergency Management Coordinator authorized and declared that a local disaster/emergency exists within the Borough of Beach Haven (“Borough”); and

WHEREAS, on May 22, 2020, Governor Murphy also issued Executive Order 148 which increased the number permitted in outdoor gatherings to 25; 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 in outdoor settings with social distancing requirements, the Borough of Beach Haven finds it to be appropriate to temporarily allow for additional dates for outdoor display of retail merchandise without further orders issued by Governor Murphy; and

WHEREAS, on May 7, 2020, the Mayor and Emergency Management Coordinator signed EO-2020-06 and on May 14, 2020, the Mayor and Emergency Management Coordinator signed EO-2020-07 related to this issue; and

NOW, THEREFORE, IT IS ON THIS 4TH DAY OF JUNE, 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, retail businesses in the Borough may exhibit a sampling of merchandise and conduct outdoor sales without a permit on the following days in addition to those specified in EO-2020-06, subject to the requirements of and conditions contained in EO-2020-06 and those outlined below:

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

Friday, June 5, 2020
Saturday, June 6, 2020
Sunday, June 7, 2020
Wednesday, June 10, 2020*
Thursday, June 11, 2020*
Friday, June 12, 2020*
Saturday, June 13, 2020
Sunday, June 14, 2020

*Previously approved dates

- 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. Merchandise display shall not exceed the width of the premises of the business.
- iii. A sampling of 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 PATRONS ARE PERMITTED INSIDE OF RETAIL ESTABLISHMENTS UNTIL JUNE 15, 2020, subject to compliance with (vi) below.
- 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.

3. 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.

4. 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.

5. 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: 6/4/2020



Nancy T. Davis
Mayor

Dated: 6/4/2020