

**ORDER PURSUANT TO THE DECLARATION OF DISASTER AND EMERGENCY**

**BOROUGH OF BEACH HAVEN EO-2020-10**

**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**, pursuant to the powers vested by Chapter 251 of the 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 the Chapter 154 of the Borough Code, on March 24, 2020, the Borough of Beach Haven (“Borough”) declared that a local disaster/emergency exists as a result of the global pandemic caused by Novel Coronavirus Disease 2019 (“COVID-19”), a highly contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus, within by and through the required authorization of the Director of Public Safety and the Emergency Management Coordinator; and

**WHEREAS**, the aforesaid laws and declaration of emergency authorize the promulgation of such orders, rules, and regulations as are necessary to meet the various problems which have or may occur due to such an emergency; and

**WHEREAS**, as described herein, conditions exist which require the implementation of this Emergency Order to (1) ensure that food service establishments comply with all guidelines, rules, laws, regulations, and orders pertaining to public health as it relates to the current pandemic, and (2) limit the congregation of persons 17 years old and younger by implementing a curfew; and

**WHEREAS**, the Governor of New Jersey issued Executive Orders No. 150 (2020) and No. 157 (2020), which permitted restaurants, bars, and other food or beverage establishments to provide in-person dining outdoors with certain social distancing requirements; and

**WHEREAS**, on June 26, 2020, the New Jersey Department of Health issues Executive Directive No. 20-019 establishing COVID-19 protocols for food and beverage establishment offering service in outdoor areas pursuant to Executive Orders No. 150 (2020) and No. 157 (2020); and

**WHEREAS**, by memorandum dated June 30, 2020, the Long Beach Island Health Department (“Health Dept.”) advised the Mayor and Council that the Health Dept. has received several complaints regarding lack of compliance with COVID-19 public health measures, including those specified in the aforementioned Executive Orders and Department of Health Directive; and

**WHEREAS**, the Chief of Police has observed and determined that youth in the Borough are not complying with social distancing guidelines and, therefore, additional curfew restrictions are necessary for individuals 17 years old and younger; and

**WHEREAS**, it has become necessary, for the public health, safety and welfare of the public in the Borough of Beach Haven to enter this Emergency Order to ensure compliance with New Jersey Department of Health guidelines and with directives of the Long Beach Island Health Department and to prevent the congregation of persons 17 years old or younger who are .

**NOW, THEREFORE**, I, William Tromm, Emergency Management Coordinator for the Borough Beach Haven hereby **DECLARE AND ORDER**, effective immediately, as follows:

1. "Food or beverage establishment," is defined in Executive Order No. 157 (2020) as "restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars and all other holders of a liquor license with retail consumption privileges." This definition shall apply to "restaurant" herein, and specifically includes liquor license holders.

2. Outdoor restaurant service, where and when permitted by Executive Orders of the Governor, shall comply with all regulations, guidelines, and conditions contained in applicable Executive Orders, including, but not limited to Paragraph 4 of Executive Order No. 157 (2020), guidance and directives of the New Jersey Department of Health, including, but not limited to Executive Directive No. 20-019, and rules, regulations, and special orders of the Division of Alcoholic Beverage Control and Borough of Beach Haven. Some of these restrictions, with which restaurants must comply and about which the Health Dept. and Police Department have received reports of violations include:

- a. Enforcing social distancing among patrons.
- b. Requiring patrons to wear face coverings when away from a table and/or ordering from the bar.
- c. Requiring all bartenders and servers to wear a mask **properly** while on the restaurant premises.
- d. Limiting the capacity of the restaurant to a number of patrons which enables compliance with social distancing guidelines including at least six (6) feet between patrons.
- e. Maintaining physical barriers/partitions at bars and counters between workers and patrons, when maintaining six (6) foot social distancing is impractical.
- f. Preventing congregating of individuals in bar and/or seating areas where social distancing cannot be maintained.
- g. Maintaining social distancing between groups at bars and other seating areas.

This list is not an exhaustive list of conditions with which restaurants must comply, but is merely provided by way of example and to demonstrate the complaints identified by the Health Dept.

3. Outdoor restaurant service, where and when permitted by and in compliance with Executive Orders of the Governor, shall comply with the following restrictions:

- a. Sunday through Thursday evening restaurant service shall end by 10:00 p.m. and all seating areas shall be cleared by 11:00 p.m. Outdoor entertainment shall end at 10:00 p.m.
- b. Friday and Saturday evening restaurant service shall end by 10:00 p.m. and all seating areas shall be cleared by 11:00 p.m. Outdoor entertainment shall end at 11:00 p.m.
- c. The foregoing provisions shall not apply to take-out service, which is permitted and may occur during normal business hours.

4. Effective immediately and except as provided herein, all persons 17 and under shall not be permitted outside upon a public street, avenue, boulevard, place, walkway, alley, park, or any public area or unimproved private property located in the Borough after 10:00 p.m. and until 5:00 a.m. the following day. Notwithstanding the foregoing, persons under 17 may be permitted outside in any public areas set forth above after 10:00 p.m. and until 5:00 a.m. the following day if they are accompanied by their parent or legal guardian. The beach curfew of 9:00 p.m. remains in effect and is not supplemented or otherwise amended by this Emergency Order.

5. In order to protect members of public, the public shall be required to have wear face coverings on and within ten (10) feet of all handicap beach entrances, including, but not limited to Pearl St., 5th St. and Center St.

6. The Emergency Management Coordinator, Borough Police Department, and Borough Beach Patrol shall be charged with the enforcement of the terms of this Order; and Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50, and the Borough Code. Violations of this order could be punishable by fines of \$250.00 to \$1,500.00 per Ordinance #2020-09C.

Signed and entered, July 1, 2020.



William Tromm  
Emergency Management Coordinator  
Borough of Beach Haven



Nancy T. Davis  
Mayor  
Borough of Beach Haven