

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

**BOROUGH OF BEACH HAVEN EO-2020-12**

**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 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of Coronavirus 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 24, 2020, the Mayor and Emergency Management Coordinator of the Borough of Beach Haven executed a Proclamation of Local Disaster and Emergency as a result of the Coronavirus outbreak; and

**WHEREAS**, on or about May 7, 2020, the Borough entered EO-2020-6 regarding, inter alia, established a schedule of dates for outdoor merchandise sales; and

**WHEREAS**, the Borough finds that it is necessary and appropriate to add dates to the schedule of dates for outdoor merchandise sales.

**NOW, THEREFORE, IT IS ON THIS 21st DAY OF SEPTEMBER, 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. Consistent with EO-2020-6, the terms and conditions of which are applicable to and incorporated herein by reference to the dates added by this Order, the dates of October 10, 2020 and October 11, 2020 shall be added to the list of dates permitted for the outdoor sale of merchandise established by EO-2020-6;

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. 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.

5. 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.

6. 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.

7. 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: 9/21/2020



Nancy T. Davis  
Mayor

Dated: 9/21/2020