

# TOWN OF DOVER

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Carolyn Blackman, Mayor

## **GUIDANCE IMPLEMENTING THE PROVISION OF THE GOVERNOR'S EXECUTIVE ORDER 150 ("E.O. 150") REGARDING THE TEMPORARY, CONDITIONAL RE-OPENING OF RETAIL ESTABLISHMENTS – "OUTDOOR DINING" IN DOVER NJ, MORRIS COUNTY**

June 15, 2020

On June 03, 2020 Governor Murphy issued Executive Order 150 ("EO 150") available at <http://www.dover.nj.us/documents/EO%20150%20-%20outdoor%20dining.pdf> authorizing the State to begin to allow restaurants, bars and other food or beverages establishments to re-open for in-person services at designated areas for food and/or beverage consumption ("outdoor dining") as long as compliance with CDC and DOH safeguards are in place.

In addition, consistent with Executive Order 150, The New Jersey Department of Health ("DOH") issued Executive Order 20-0140 available at: <http://www.dover.nj.us/documents/DOH%20Safety%20Protocols%20Outdoor%20Dinning%20EO150.pdf>, which outlines the specific health practices required of all retail dining establishments wishing to conduct business "outdoors."

Furthermore, consistent with Executive Order 150, The Department of Public Safety, Division of Alcoholic Beverages Control issued SR-2020-10 ("ABC 2020-10) outlining and establishing Temporary COVID19 Permits to Expand Licensed Premises, which is available at: <http://www.dover.nj.us/documents/ABC%20Temporary%20Permit%20Outdoor%20Dining%20.pdf>.

The Governor, within EO 150, recognized that local municipalities are in the best position to make decisions and provide guidance to local establishments to expand their service footprint on their property and potentially into public spaces as long as it comports with public safety. Any local food and/or beverage establishment that adheres to guidance of Executive Order 150, DOH EO 20-0140 and ABC 2020-10, will be allowed to expand their services as follows:

### **Outdoor Dining along existing / public roadways:**

- Social distancing must be practiced, with exception during the momentary delivery of food or beverages to the patron.
- A maximum of 2 tables with 3 chairs shall be allowed in front of each restaurant provided there is a 10' minimum space between tables, measured from the end of one table to the end of the other, and 6' minimum gap between patrons and /or employees.

- Exception: Additional tables and chairs will be allowed for those restaurants that have additional sidewalk areas available for use and that comply with minimum spacing requirements. Prior approvals from the Code Enforcement Department, or Engineering Department will be required prior to installing additional tables and chairs. Please contact the Departments by phone at extension 2115 or email Bill Isselin at [wisselin@dover.nj.us](mailto:wisselin@dover.nj.us) to arrange an inspection.
- No tents or canopies are allowed to be set up in the public sidewalk areas.
- Umbrellas will be allowed to be used that are installed through the center of the table or that have a weighted base. No part of any umbrella shall interfere with the safety of pedestrians as they traverse along the sidewalk.
- A minimum of 4' – 5' shall be maintained between the seated patron and the brick pavers or nearest obstruction to allow for safe pedestrian access.
- All public sidewalks shall be cleared of tables and chairs at the close of business to allow for sweeping of the sidewalks.
- No tables or chairs shall be installed on the public sidewalk before 11:00 a.m. to allow for sweeping of the sidewalks.
- Restaurant owners shall be responsible for cleaning of the sidewalks at the close of business.
- No lighting shall be installed that may cause a tripping or electrical hazard.
- No portable heaters of any kind shall be permitted.
- No music or speakers shall be permitted.
- No food preparation of any kind shall take place outside as per the Health Department regulations.
- The sale of prepackaged food will be allowed as long as all regulation are followed.
- No food or any other refuse from any restaurant shall be disposed of in any public waste receptacle.

**Outdoor Dining within Parking Lots:**

- All outdoor dining within parking lots adjacent to the business establishment shall be limited to a maximum of 25% of the parking spaces within the lot, limited to those spaces directly adjacent or closest to the building;
- The location of the outdoor dining within parking lots shall be approved by the Code Enforcement Department or Engineering Department prior to use. Please contact the Departments by phone at extension 2115 or email Bill Isselin at [wisselin@dover.nj.us](mailto:wisselin@dover.nj.us) to arrange an inspection.
- All outdoor dining shall take place within the parking spaces. No outdoor dining shall be permitted within the access isle under any circumstances.
- All outdoor dining areas shall be blocked off by the use of cones, barrels or other approved MUTCD approved devices.
- All tables must be spaced 10' from each other measured from the end of one table to the end of the other and patrons shall be a minimum of 6' between each other.
- There is a maximum amount of 8 people per table allowed.
- No lighting shall be installed that may cause a tripping or electrical hazard. Any proposed lighting will require a permit from the construction department.
- No portable heaters of any kind shall be permitted.
- No music or speakers shall be permitted.
- Prior to the installation of any tent or canopy the property or restaurant owner shall consult with the Construction Department and the Fire Official to determine whether any permits are required.

- The restaurant owner shall clean the parking lot at the end of each day.
- The restaurant owner is permitted leave the tables and chairs up at their own risk.
- The restaurant owner shall be responsible for the appropriate disposal of all debris, garbage and recycling.