SPECIAL EMERGENCY DIRECTIVE NO. 01-2020

SUPERSEDING PROVISIONS SET FORTH IN SECTION 33-18(d), STANDARDS AND SPECIFICATIONS, OF ARTICLE III, SITE PLAN REVIEW, OF CHAPTER 33, DEVELOPMENT REGULATIONS, PERTAINING TO OUTDOOR CAFES

WHEREAS, a worldwide pandemic has occurred involving the coronavirus more commonly known as COVID-19; and

WHEREAS, on March 9, 2020, pursuant to Executive Order No. 103, the Governor of the State of New Jersey declared a State of Emergency pursuant to N.J.S.A. App. A.:9-33 et seq. and a Public Health Emergency pursuant to N.J.S.A. 26:13-1 et seq. due to COVID-19; and

WHEREAS, on March 16, 2020, pursuant to Executive Order No. 104, the Governor of the State of New Jersey set forth numerous restrictions encouraging the practice of social distancing so as to help minimize and slow the spread of COVID-19; and

WHEREAS, on March 21, 2020, pursuant to Executive Orders No. 107, the Governor of the State of New Jersey, among other things, ordered the closure of non-essential businesses and and specifically providing, in part, that "all restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in according with their existing ;liquor licenses;" and

WHEREAS, this pandemic has presented unprecedented conditions that have caused countries throughout the world to shut down its economies, resulting in the worst economic contraction in nearly a century; and

WHEREAS, the economy in the Township of Teaneck has been similarly impacted, and it has caused great hardship and uncertainty to the businesses of Teaneck, particularly restaurants and cafes; and

WHEREAS, in consideration of the above, the Township Council of the Township of Teaneck has determined it in the best interests of Teaneck, its businesses, residents and visitors to implement thoughtful and meaningful policies and programs to assist the business community in Teaneck; and

WHEREAS, helping local businesses get back on their feet at this difficult time supports the Township Council's long-standing goal of fostering a robust and growing economy that enables entrepreneurship, employment opportunities, offers valuable products and services, and increases tax revenues that get put to good use in our community; and

WHEREAS, the provisions set forth in Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck are sufficient and proper during in a typical business atmosphere, but present a potential impediment to recovery from the effects of COVID-19 on the economy; and

WHEREAS, on June 3, 2020, pursuant to Executive Order 150, the Governor of the State of New Jersey ordered and directed that effective at 6:00 a.m. on Monday, June 15, 2020, 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, collectively referred to as "food or beverage establishments," are permitted to offer in-person service at outdoor areas, provided that the establishment complies with the following requirements:

a. Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;

b. Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;

c. Satisfy all standards issued by DOH pursuant to Paragraph 3 of this Order;

d. Ensure that tables seating individual groups are six feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions;

e. Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;

f. Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age; and

g. Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages. The requirement that food or beverage establishments impose this prohibition shall automatically sunset once food or beverage establishments are permitted to offer in-person service in indoor areas; and

WHEREAS, Executive Order 150 further provided that:.

a. Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks. Any additional density and social distancing requirements imposed by municipalities on food or beverage establishments offering in-person service at outdoor areas are not inconsistent with Executive Order No. 108 (2020).

b. If a municipality seeks to close off a roadway for which it would need county or State approval, it still must obtain that approval.

c. Municipalities that make outdoor shared spaces such as sidewalks, streets, or parks, available for use by food or beverage establishments should equitably divide these spaces among food or beverage establishments that can feasibly use it; and

WHEREAS, the Charter of the Township of Teaneck and the Administrative Code of the Township of Teaneck confer the power and duty of the Township Manager to act to provide for the health, safety and welfare of the Township of Teaneck in an emergency situation, through special emergency directives; and

WHEREAS, consistent with the directives set forth in Executive Order 150 of the Governor, the temporary relaxation of some of the requirements of Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck, pertaining to outdoor cafes would further the public health, safety and welfare of the Township of Teaneck and further the recovery of the local economy;

NOW, THEREFORE, I, DEAN KAZINCI, Township Manager of the Township of Teaneck, by virtue of the authority conferred upon me by the Charter of the Township of Teaneck and the Administrative Code of the Township of Teaneck, do hereby ORDER and DIRECT: as follows:

1. The following temporary Rules and Regulations applicable to the issuance of permits pertaining to outdoor cafes are hereby promulgated. To the extent that any provisions set forth in Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck and inconsistent with these temporary Rules and Regulations, such provisions of Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck are superseded to the extent of such inconsistency:

   a. Each applicant that applies for outdoor dining shall supply the Township of Teaneck with a Certificate of Insurance with a minimum of $1,000,000 per occurrence and $2,000,000 Aggregate General Liability and Statutory Workers Compensation Coverage which shall specifically provide that "The Township of Teaneck is added as an additional insured on a primary and non-contributory basis for General Liability for operations on the Township Property.

   b. With the permission of the Township of Teaneck, the outdoor café area may extend into a portion of the street adjacent to the property which is the subject of the application. In addition, the outdoor café area may, with the written consent of the adjoining property owner and occupant thereof, and the permission of the Township of Teaneck, extend to the sidewalk area in front of the adjoining properties and a portion of the street

   c. The property shall allow a minimum of three feet of unobstructed sidewalk for pedestrian traffic around such outdoor café.

   d. In lieu of a survey prepared by a licensed surveyor and a proposed layout plan prepared by a licensed architect required pursuant to Section 33-18(d)(5)a.5 and 6, the applicant may submit scaled sketch drawing setting forth the information required by the foregoing provisions and 33-18(d)(5)b.1 thru 4.

2. The Construction Official is hereby authorized to issue permits to applicants seeking relief from the requirements of Section 33-18(d) of Article III of Chapter 33 of the Code

of the Township of Teaneck, pertaining to outdoor cafes, in accordance with the Rules and Regulations Promulgated hereunder; and

3. Any permits issued by the Construction Official under the temporary Rules and Regulations promulgated hereunder shall expire on December 31, 2020, or until the termination of the Special Emergency Directive, whichever first occurs, unless extended pursuant to the this Special Emergency Order and may be renewed pursuant to Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck.

4. Applicants shall comply with all requirements set forth in Executive Order 150. In addition, Applicants shall comply with any County, State, or Federal, requirements and all other applicable regulatory authorities (e.g. Division of Alcohol Beverage Control, Department of Health, Fire Department, Fire Marshall, Police Department, Uniform Construction Code).

5. Requests for the temporary closure and use of portions of public streets for outdoor cafes shall be reviewed on a case-by-case basis and shall take into account parking availability, traffic patterns, flow and volume, sidewalk dimensions, seating capacity, impact and other businesses and residents in the vicinity and such other factors affecting the public's health, safety and welfare. As a condition for the temporary use of a public street for an outdoor café, the Township may require the applicant to provide such safety measures as the Township may require to protect the public's health, safety and welfare.

6. Except as modified and superseded by the within Special Emergency Directive, the Applicant shall comply with the remaining requirements of Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck.

7. This Special Emergency Directive shall take effect on June 15, 2020 and shall remain in effect for so long as the social distancing for dining remains in effect or until otherwise rescinded.

Dean B. Kazinci
Township Manager

June 12, 2020

State of New Jersey
DEPARTMENT OF HEALTH
PO BOX 360
TRENTON, N.J. 08625-0360
www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE NO. 20-014

COVID-19 PROTOCOLS FOR FOOD OR BEVERAGE ESTABLISHMENTS OFFERING SERVICE IN OUTDOOR AREAS PURSUANT TO EXECUTIVE ORDER NO. 150

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), Coronavirus disease 2019 (COVID-19) is a respiratory illness caused by a virus called SARS-CoV-2; and

WHEREAS, COVID-19 is thought to spread mainly through close contact from person to person through respiratory droplets produced when an infected person coughs, sneezes or talks; and

WHEREAS, because COVID-19 is also known to spread by people who do not show any symptoms, it is crucial that all retail establishments follow good personal hygiene practices and take necessary steps to promote a healthy work environment to assist in lowering the further spread of COVID-19; and

WHEREAS, to promote healthy hygiene practices and healthy environment, at minimum, employers should provide training in handwashing, cleaning/disinfection, social distancing, use of face coverings, and monitoring for signs and symptoms of COVID-19 in the workplace; and

WHEREAS, if there is a confirmed case of COVID-19 among employees, food or beverage establishments should immediately notify and cooperate with their local public health departments on next steps, while maintaining confidentiality; and

WHEREAS, on June 3, 2020, Governor Murphy, moving the state forward into phase 'Stage 2', issued Executive Order No. 150 (2020), allowing service by food or beverage establishments at outdoor areas; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App A:9-33 et seq., in the State of New Jersey for COVID-19; and

WHEREAS, the Public Health Emergency was extended by Governor Murphy under Executive Orders 119 and 138; and

WHEREAS, under the declared Public Health Emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26:13-12, to take all reasonable and necessary measures to prevent the transmission of infectious disease and apply proper controls for infectious disease; and

NOW, THEREFORE, I, JUDITH PERSICHILLI, Commissioner of the Department of Health, pursuant to the powers afforded to me under the Emergency Health Powers Act, hereby ORDER and DIRECT the following:

1. Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 (2020) must adhere to the protocols listed below:
    a. Obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor areas;
    b. Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 should enter the food or beverage establishment;
    c. Limit seating to a maximum of eight (8) customers per table and arrange seating to achieve a minimum distance of six feet (6 ft) between parties;
    d. Rope off or otherwise mark tables, chairs and bar stools that are not to be used;
    e. Demarcate 6 feet of spacing in patron waiting areas;
    f. Provide physical guides, such as tape on floors, sidewalks, and signage on walls to ensure that customers remain at least 6 ft apart in line for the restroom or waiting for seating;
    g. Eliminate self-service food or drink options such as buffets, salad bars, and self-service drink stations;
    h. Disinfect all tables, chairs and any other shared items (menus, condiments, pens) after each use;
    i. Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 ft is difficult;
    j. Ensure 6 ft of physical distancing between workers and customers, except at the moment of payment and/or when employees are servicing the table;
    k. Require infection control practices, such as regular handwashing, coughing and sneezing etiquette, and proper tissue usage and disposal;
    l. Require frequent sanitization of high-touch areas like credit card machines, keypads, and counters to which the public and workers have access;
    m. Place conspicuous signage at entrance alerting staff and customers to the required 6 ft of physical distance; and
    n. Require all food or beverage establishments to have an inclement weather policy that, if triggered, would require the food or beverage establishment

to adhere to Executive Order No. 125 (2020) and offer takeout or delivery service only.

2. Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 (2020) must impose the following requirements on employees:
    a. Require employees to wash and/or sanitize their hands when entering the food or beverage establishment;
    b. Conduct daily health checks (e.g. temperature screening and/or symptom checking) of employees safely and respectfully, and in accordance with any applicable privacy laws and regulations;
    c. Require employees with symptoms of COVID-19 (fever, cough, or shortness of breath) be sent home;
    d. Require all employees to wear face coverings, except where doing so would inhibit the individual's health, and require employees to wear gloves when in contact with customers and when handing prepared foods or serving food, utensils, and other items to customers;
    e. Provide all employees with face coverings and gloves;
    f. Provide employees break time for repeated handwashing throughout the workday; and
    g. Provide sanitization materials, such as hand sanitizer and sanitizing wipes to staff.

3. Food or beverage establishments offering service at outside areas pursuant to Executive Order No. 150 (2020) must institute the following policies with respect to customers:
    a. Inform customers that safety measures such as social distancing, wearing face coverings when they are away from their table and unable to social distance or when they are inside the indoor portion of the premises of the food or beverage establishment (unless the customer has a medical reason for not doing so or is a child under two years of age), and hygiene practices must be adhered to while in the food or beverage establishment;
    b. Encourage reservations for greater control of customer traffic/volume;
    c. Require customers to provide a phone number if making a reservation to facilitate contact tracing;
    d. Recommend customers wait in their cars or away from the food or beverage establishment while waiting for a table if outdoor wait area cannot accommodate social distancing;
    e. Alert customers via calls/texts to limit touching and use of shared objects such as pagers/buzzers;
    f. Encourage the use of digital menus;
    g. Decline entry to the indoor portion of the establishment to a customer who is not wearing a face covering, unless the customer has a medical reason for not doing so or is a child under two years of age; and

h. Provide a hand sanitizer station for customers.

This Directive shall take effect immediately. The provisions of this Directive shall remain in force and effect for the duration of the public health emergency originally declared in Executive Order No. 103 (2020), and as extended by Executive Order, unless otherwise modified, supplemented and/or rescinded.

Judith Persichilli

Judith Persichilli, R.N., B.S.N., M.A.
Commissioner

6/3/2020
Date

NJ DEPARTMENT OF HEALTH
PUBLIC HEALTH AND FOOD PROTECTION PROGRAM

https://www.nj.gov/health/ceohs/food-drug-safety/

Resources available from US Food & Drug Administration, Center for Disease Control and Prevention and EPA.

FDA Best practices for Re-opening Retail Food Establishments During the COVID-19 pandemic checklist

FDA Food Safety and COVID-19 Questions and Answers for Industry: Food Supply Chain; Social Distancing, Disinfecting & Other Precautions; Workers Testing Positive
CDC Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a person with Suspected or Confirmed COVID-19

CDC Interim Guidance Resuming Operations for Restaurants and Bars

CDC Considerations for Restaurants and Bars

List of EPA registered surface disinfectants for use against COVID-19

Form ZP/OC01
June 2020

TOWNSHIP OF TEANECK

PAUL A. VOLKER MUNICIPAL GREEN
818 TEANECK ROAD
TEANECK, NEW JERSEY 07666
BUILDING DEPARTMENT
PHONE (201) 837-1600 Ext 1100 FAX (201) 837-4802
EMAIL – building@teanecknj.gov

APPLICATION FOR TEMPORY OUTDOOR DINING PERMIT

NO OCCUPANCY IS PERMITTED PRIOR TO THE ISSUANCE OF THE REQUIRED PERMIT

COMPLETE ALL REQUESTED INFORMATION – PLEASE PRINT OR TYPE – ILLEGIBLE FORMS WILL NOT BE ACCEPTED

LOCATION INFORMATION

BLOCK _____ LOT _____ ZONE DISTRICT _____

WORK SITE LOCATION
INCLUDE IDENTIFIERS _____

EMAIL _____

OFFICE USE ONLY

APPLICATION DEEMED COMPLETE

BY: _____ DATE: _____

ZONING
CONTROL NUMBER: _____

PROPERTY OWNER INFORMATION

NAME OF PROPERTY OWNER _____

NAME OF PRINCIPAL OFFICER _____

OWNER HOME ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

DAYTIME TELEPHONE NO. _____ FAX _____

EMERGENCY CONTACT PERSON _____ TELEPHONE NO. _____

OWNER'S AUTHORIZATION

I hereby authorize the submission of this application and agree to bind myself to any terms and conditions stipulated to and agreed by and between said applicant and the Township of Teaneck in the course of approval of this application for zoning permit. I also grant permission to the Building Department staff to enter upon the property for purposes of evaluating this application.

SIGNATURE OF PROPERTY OWNER _____ DATE _____

APPLICANT INFORMATION

NAME OF APPLICANT _____

APPLICANT HOME ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

DAYTIME TELEPHONE NO. _____ FAX _____

APPLICANT'S CERTIFICATION AND INDEMNIFICATION

I understand that if any of the above statements are false, misleading or omitted, I will be subject to penalty and revocation of permit/certificate (Section 33-24 (d) (2) and (3) e. of the Township of Teaneck Development Regulations) I also agree to indemnify and hold harmless the Township, its agents, servants, representatives or employees from any or all claims, damages, judgement costs or expenses, including attorney fees, which they are required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor cafe for which the certificate of use is issued.

SIGNATURE OF APPLICANT _____ DATE _____

TOWNSHIP OF TEANECK

BUSINESS INFORMATION

LEGAL NAME OF BUSINESS _____

NAME BUSINESS TRADING AS _____

NAME OF PRINCIPAL OFFICER _____

EMERGENCY CONTACT PERSON _____ TELEPHONE NO. _____

OUTDOOR DINING DETAILS AND REQUIRED DOCUMENTS

Completed application form

Three (3) copies of a proposed layout plan, showing all obstacles, with a 3 foot clear passageway.

Certificate of Insurance, naming the Township as an additional insured.

Required $ 1,000,000 per occurrence and $ 2,000,000 aggregate general liability.

An application for a Temporary Outdoor Dining Permit must be completed and submitted to the Building Department for review. This application must be signed by both the property and the restaurant owner.

1. Emergency contact information must be indicated on the application form.
2. A site plan sketch of the proposed installation must be submitted with the application. The site plan sketch must also indicate the number and location of tables and chairs.
3. All building exits must remain clear of all obstructions.
4. Any lighting shall be plugged directly into an approved GFCI outlet.
5. No wiring shall be run under doors or through windows.

OFFICE USE ONLY

	SUBMITTED	INITIALS	DATE
REQUIRED DOCUMENTS	☐		
Approved	☐		