

## BOROUGH OF JAMESBURG

### TEMPORARY USE PERMIT

### 2021 OUTDOOR DINING

Due to the current COVID-19 pandemic the Borough of Jamesburg is issuing temporary use permits for outdoor dining for restaurants with an active mercantile license from the Borough of Jamesburg that do not currently have approved outdoor dining. This is to encourage appropriate social distancing requirements in accordance with applicable State of New Jersey, Office of the Governor, Executive Orders. Please complete this application and email to [bmaresca@jamesburgborough.org](mailto:bmaresca@jamesburgborough.org).

**Please include a sketch of where the dining is to occur on the property. Show dimensions and locations of all tables, chairs, and fixtures. Seating may only be located on private property and not in the public right of way under this application.**

**Business Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Name of Contact:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

Dates of the event: **May 1, 2021 thru October 31, 2021 during normal business hours only (exception #17).**

1. A letter of permission from the property owner consenting to the temporary use permit must be submitted if the applicant does not own the property where the dining is to be located.
2. **A copy of the mercantile license issued to you must be attached ( )**
3. **Certificate of Insurance must be attached \$1,000,000 minimum coverage ( ), which names the Borough of Jamesburg as an additional insured on the policy.**
4. **A sketch of the site with the location of the dining area must be submitted with the application. The seating area cannot block traffic, obstruct views of oncoming traffic, interfere with parking for or hinder egress from any tenant of the building. ( )**
5. The area proposed for the temporary use permit for outdoor dining **must not exceed fifty per cent (50%) of the authorize maximum seating capacity for the existing dining use and shall not exceed one thousand square feet (1,000 SF)**. The seating layout shall allow for appropriate social distancing of 6-feet between seating and tables of no more than 8 individuals. Social distancing must also be maintained to individuals in a public sidewalk or from anyone that may be standing in line for seating or take-out. The layout cannot block egress. Seating in the right- of-way is prohibited. Applicant shall comply with all requirements of the Governor's Executive Order No. 150 and the guidelines established by the State Department of Health per Executive Directive No. 20-104 (see attached), as may be amended.
6. On Sunday through Thursday all Outdoor Dining seating areas must be closed by 9:00pm. On Fridays and Saturdays, all Outdoor Dining seating areas must be closed by 10:00pm;

- 7. Temporary use permits must comply with all applicable Fire and Health Department Regulations.
- 8. Access must be maintained in accordance with the Americans with Disabilities Act and all applicable standards.
- 9. All outdoor dining areas must be maintained and clean of litter.
- 10. No smoking or vaping shall be permitted in the area covered by the outdoor dining temporary use permit.
- 11. No music shall be permitted in the area covered by the outdoor dining temporary use permit.
- 12. Outdoor dining temporary use permits shall be issued in the absolute and sole discretion of the Borough of Jamesburg based on the information provided in the application, the impact of the temporary permit on the quality of life of the surrounding neighborhood and the potential impact on the life, health and safety of the residents of the Borough of Jamesburg.
- 13. Temporary use permits shall be restricted to currently permitted zoning activity and shall be related to the principal commercial activities in operation on the subject property.
- 14. Temporary use permits shall not be issued to occupy unimproved properties or areas identified as open space, preserve, drainage or detention areas, or landscape buffers.
- 15. Temporary use permits may be revoked for failure to comply with the outlined submittal requirements, New Jersey Statutes, Executive Orders of the Governor, requirements of the State and/or County Department of Health, or the Borough of Jamesburg Municipal Code.
- 16. A copy of the approved application must be kept on premises for review by Borough officials on request.**
- 17. Temporary use permits approved per this application shall remain in effect until **October 31, 2021**. However, all temporary use permits shall terminate if the provision relating to outdoor dining as contained in Executive Order No. 150 are rescinded prior to October 31, 2021.

**SIGN HOLD HARMLESS AGREEMENT**

\_\_\_\_\_ (business name), following review of this Application by an attorney of its choosing, hereby agrees to indemnify, defend, and hold harmless the Borough, its employees, elected officials, volunteers and its insurance fund from and against any and all liability or claims, including but not limited to death, bodily injury, and property damage arising from implementation, operation and/or utilization of outdoor dining resulting from this Application.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



State of New Jersey  
**DEPARTMENT OF HEALTH**  
PO BOX 360  
TRENTON, N.J. 08625-0360  
[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

JUDITH M. PERSICHILLI, R.N., B.S.N., M.A.  
*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 drinkstations;
  - 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, RN., 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](#)