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**ORDER PURSUANT TO THE DECLARATION OF DISASTER AND EMERGENCY  
TO ALL RESIDENTS AND PERSONS WITHIN THE MUNICIPALITY OF THE  
TOWNSHIP OF LONG BEACH IN THE COUNTY OF OCEAN AND STATE OF NEW  
JERSEY AND TO ALL DEPARTMENTS OF THE MUNICIPAL GOVERNMENT OF  
THE TOWNSHIP OF LONG BEACH**

**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 105 of the Township Code, the Township of Long Beach ("Township") declared on March 24, 2020, that a local disaster/emergency exists 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 are necessary to meet the various problems which have or may occur due to such an emergency, and

**WHEREAS**, the Township previously issued an emergency order authorizing expanded outdoor dining in 2020 and adopted regulations relating thereto, including, but not limited to, authorized outdoor structures, hours of activity, occupancy, and entertainment; and

**WHEREAS**, the emergency regulations authorizing certain outdoor dining emergency in the Township expired on October 1, 2020; and

**WHEREAS**, based upon, *inter alia*, the following findings, the Township shall reauthorize outdoor dining pursuant to the regulations herein; and

**WHEREAS**, it is evident the Covid-19 pandemic has and will continue to have significant consequences for the Township's small businesses and economy, including, but not limited to, the restaurants and their owners and employees located in the Township; and

**WHEREAS**, the CDC and State of New Jersey have stated that social distancing guidelines and other health measures will continue to be required; and

**WHEREAS**, in order to further protect the public health, welfare, and safety, support the seasonal economy and restaurants in their slow and difficult recovery, as well as support the Township's position as a premier summer destination for families, the Township deems it necessary and compelling to authorize the expansion of outdoor restaurant seating and serving areas for the summer 2021 season; and

**WHEREAS**, the State has issued guidelines relating to the requirements of the Uniform Construction Code and outdoor dining and outdoor structures and the Township's regulations set forth herein are consistent with and/or exceed the State's guidelines in order to protect the public health, welfare, and safety; and

**WHEREAS**, any permitted expansion shall require the approval of the Township and shall further require certain additional restrictions relating to the indoor seating arrangements and capacity of the restaurants as set forth herein.

**NOW, THEREFORE**, in accordance with the aforesaid laws and recitals, which are incorporated herein by reference, it is promulgated and declared that until further Order of the Township, the following emergency restrictions and regulations are adopted.

A. Except as provided herein, the terms of this Order shall be effective on April 1, 2021, and is subject to the terms of the State's Covid-19 and dining regulations to the extent they conflict with the terms set forth herein.

B. All restaurants, including those previously authorized to provide outdoor seating pursuant to Chapter 205 of the Township Code, may seek approval to create and/or expand outdoor seating areas. For purposes of this Order, restaurants shall mean restaurants approved for interior seating and in-person dining and shall not include restaurants that are takeout only and have not received approval for indoor seating. Takeout establishments shall not be permitted to seek the outdoor seating areas authorized by this Order.

C. All restaurants that submitted outdoor dining plans for seating and structures that were approved in 2020 by the Township are authorized to proceed in accordance with the approved plans for dining and the structures without a new application, provided that the restaurants comply with the previously approved plans.

D. Subject to the approval of the proposed seating and area layout, at the sole and absolute discretion of the Township, restaurants shall be permitted to create and/or expand outdoor seating areas into the sidewalk and parking lot areas owned by the restaurant. Such areas shall be located within the property lines of the property owned by the restaurant and allow for a minimum of six (6) feet for pedestrian traffic on sidewalks. The Township's discretion over the location, scope, setbacks, and size of outdoor seating areas and related structures is absolute and the Township may condition approval based upon such requirements and any other consideration, including, but not limited to, parking requirements, pedestrian safety, neighborhood concerns, and the public health, welfare, and safety. The Township may order any revisions to the outdoor dining

areas and structures at its discretion to protect the public health, welfare, and safety, whether or not the restaurant has received prior approval of same.

E. The maximum permitted occupancy of a restaurant shall comply with the existing State Covid-19 regulations and the CDS recommended social distancing guidelines, which may be amended to be more restrictive at the Township's discretion to protect the public health, welfare, and safety. In addition, the Township may establish and apportion new maximum occupancy numbers between the inside and outside dining areas. This regulation shall apply to all restaurants, regardless of whether the restaurants apply for outdoor seating pursuant to this Order. If indoor dining restrictions are lifted by the State, the restaurants shall not exceed the total allowed capacity/occupancy between the indoor and outdoor seating, *i.e.*, a restaurant's permitted occupancy for indoors prior to Covid-19 shall be split between the indoor and outdoor dining areas.

F. In addition to the creation and/or expansion of the outdoor seating areas, restaurants shall be permitted to apply to install temporary awnings, tents, pergolas, and other structures authorized by the Township to protect the outdoor seating area from the elements.

G. Restaurants shall be required to apply to the Township for approval to expand their outdoor seating areas. Each applicant shall be required to provide plans establishing the proposed indoor and outdoor seating areas, the property lines and location of the proposed seating areas, and the proposed structures to protect the outdoor seating area from the elements. All applications shall be approved or denied at the sole discretion of the Mayor, Chief of Police, Construction Department, and Health Department and any approval may be subject to additional conditions of approval, including revisions to the maximum seating occupancy in the total or either area, the type or scope of structures, the location of the proposed areas, and so on. The applications shall be available at the Municipal Clerk's office and online on the Township's website.

H. Upon approval of the application for the proposed outdoor seating area, the restaurants shall be permitted to engage in all otherwise lawful permitted activity engaged inside in the approved outdoor seating areas.

I. All outdoor seating areas shall be closed to all lawful permitted activities, including dining, by the restaurant on or before 10:00 p.m. each day. All outdoor music shall cease on or before 9:00 p.m. each day.

I. The emergency outdoor dining regulations set forth herein shall be effective on April 1, 2021, through October 1, 2021. The effective dates are subject to State Executive Orders and further Township Orders.

J. Each specific violation of this Order shall be considered a separate violation, the owners of restaurants shall be subject to potential multiple violations during the course of each day, and each day in violation shall be considered a separate violation.

K. The Emergency Management Coordinator, the Township Police Department, and the Construction Department shall be charged with the enforcement of the terms of this Order.

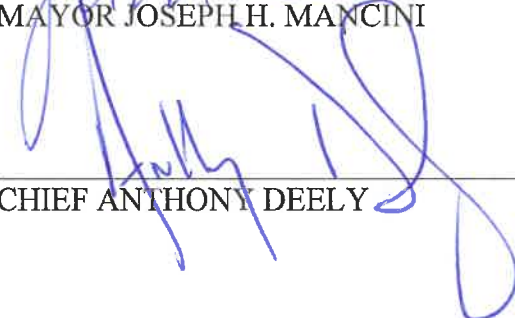
L. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50, and the Township Code and the temporary grant provided herein to restaurants may be revised or revoked by the Township.

M. Unless otherwise expressly provided by this Order, all terms and requirements of the Township Code shall continue to apply to the restaurants and the proposed structures, including, but not limited to, construction permits for the installation of any proposed structures at the restaurant property. The Township shall have absolute discretion to amend any approval, condition, and restriction set forth in this Order.

Dated: 3/5/21

  
MAYOR JOSEPH H. MANCINI

Dated: 3/5/21

  
CHIEF ANTHONY DEELY