

EXECUTIVE ORDER OF THE VILLAGE PRESIDENT  
OF THE  
TOWNSHIP OF SOUTH ORANGE VILLAGE

**WHEREAS**, the State and Local states of emergency declared in response to the COVID-19 crisis have mandated the closure of indoor dining areas of restaurants and cafes as well as person to person retail sales within so-called brick and mortar establishments; and

**WHEREAS**, any initial reopening plans for restaurants and retail businesses will impose limited seating capacity requirements and continue suspension of person to person indoor retail sales; and

**WHEREAS**, the reopening restrictions impose and/or continue necessary practices in the fight against the current pandemic and, unfortunately, have an adverse impact upon our local businesses, their sales, profits and ability to pay wages and basic operating expenses; and

**WHEREAS**, the Township of South Orange Village (the “Village”), in an effort to encourage best practices for social distancing and support this phased reopening of our local businesses, seeks to expand normal parameters for outdoor dining seating and serving arrangements, parking, signage and retail sidewalk sales to assist local businesses in terms of customer capacity; and

**WHEREAS**, the COVID-19 pandemic and various Executive Orders issued by State of New Jersey Governor Philip Murphy have impacted and altered the operations of many Village businesses and necessitated modified signage to notify patrons and vendors of changes to hours and manner of operations; and

**WHEREAS**, on June 8, 2020, Governor Murphy issued Executive Order 150 announcing that, starting June 15, 2020, among other things, restaurants will be permitted outside dining and nonessential retail can resume operations under the same criteria as essential businesses; and

**WHEREAS**, given the temporary nature of such expansions, the Village wishes to encourage local businesses to extend their business operations to outdoor locations as contemplated by Executive Order 150, for the limited purpose of temporary outdoor dining seating and serving arrangements, use of public parking spaces and relaxed parking requirements, temporary business signage and retail sidewalk sales; and

**WHEREAS**, to ensure equitable and uniform implementation of Executive Order 150, the Village will require that local businesses wishing to extend their business operations submit an application providing details of the proposed business expansion as explained further below.

**NOW, THEREFORE**, by the authority vested in me, as the Village President of the Township of South Orange Village, pursuant to Section 3-4(c) of the Village Code, I hereby issue this Executive Order:

1. From the date of this order and for the duration of the State of Emergency or up to and including December 31, 2020, whichever shall be later (unless shortened or extended as may be appropriate and determined by the Village President), applicable and relevant provisions of the Village Code for outdoor dining seating and serving arrangements, parking, signage and retail sidewalk sales shall be suspended and the terms of this order shall apply.
2. To the extent a local business wishes to extend business operations to outdoor locations as contemplated by Executive Order No. 150, such local business must submit an application to the Office of the Village Administrator detailing plans as they pertain to 1) outdoor dining seating and serving arrangements, 2) parking impact and planning, 3) any additional and temporary signage, and/or 4) any intent to conduct retail sidewalk sales. Interested businesses may also contact the South Orange Village Center Alliance (SOVCA) for assistance with the application and review process: [info@sovillagecenter.org](mailto:info@sovillagecenter.org) | 973.715.6256.
3. There shall be NO application fee in connection with your application submission or the review process.
4. No business shall expand outdoor operations except as expressly permitted by the Village Administrator or his designee after review and approval of application for same.
5. With regard to review of applications, please note that the Village may consider, without limitation, the following:
  - a. **Outdoor dining seating and serving arrangements**
    - Please provide a drawing or sketch showing proposed outdoor seating floor plan(s) indicating capacity, distancing, seating and table groupings
    - Does your business plan to provide or continue take-out and delivery services? If so, how do you plan to minimize close contact between patrons, staff and patrons seated outdoors?
    - Will restrooms be available to outdoor patrons? If so, you must require the use of face coverings upon entry to indoor premises.
    - The extent to which you wish to extend operations onto an adjacent businesses' sidewalks, you must indicate and provide the express written approval from such neighboring business.
    - Please indicate if you wish to extend operations onto sidewalks bump-outs (which shall only be permitted where such bump-outs exist immediately in front of the applicant's business). If a bump-out exists adjacent to the applicant, express written approval of the business fronting bump out shall be required.
      - In all instances, drawings should be submitted demonstrating that crosswalks shall remain clear and no tables shall block crosswalks.
    - To the extent you wish to extend operations onto an adjacent municipal parking lot, please submit a drawing of the intended use and you should also be advised that, in addition to review by the Village Administrator, your request may be

reviewed by the South Orange Parking Authority (SOPA) and a South Orange Police Department (SOPD) Public Safety Review.

- SOPA may impose a usage fee for the loss of parking spaces.
- Parklets – Businesses can apply for the use of Parklets to expand their outdoor dining area into adjacent parking space(s). Parklets will require approval by SOPA, SOPD Public Safety and County DOT. All Parklets must meet DOT safety standards.
  - Again, SOPA may impose a usage fee for the loss of any parking spaces.
- Please advise if you intend to permit patrons to “bring your own bottle” (BYOB).
- Pedestrian Right of Way shall be a significant consideration. Your application and drawing/sketch should insure that public sidewalks will continue to meet minimum ADA pedestrian sidewalk clearance of 4’.
  - In other words, any proposed tables and chairs cannot impede pedestrian walk, crosswalks or travel ways.
- Your application should provide your plans for maintenance of outdoor areas, cleaning dining areas and clearing trash/debris.
- Your application should provide your plans for the safe & secure storage of outdoor dining furniture being used. Depending upon your individual circumstances, you may be permitted to store such furniture immediately in front of your establishment.
  - Tables and chairs must be cleaned, stacked, folded (if possible) and moved out of public right of way overnight.
  - Storing furniture indoors is recommended.
- Insurance: All applications shall require and should name the Township of South Orange Village as an additional and secondary insured with minimum coverage of One Million (\$1,000,000.00) Dollars in General Liability insurance coverage.
- As always, all businesses remain subject to fire, health and code inspections and smoking is prohibited in any outdoor area designated for consumption of food and/or beverages.

b. **Parking impact and planning**

- Businesses may request a 15-minute curbside parking spot (or spots) in front of their business to facilitate continued curbside pickup.
- Businesses may also wish to ask that the Village and SOPA consider an increase in the hourly parking limit for parking spaces in front of their business
  - Such requests may involve imposition of additional fees which can be discussed upon application

c. **Additional and temporary signage**

- Your application should provide details, drawing or sketch of any temporary exterior signage expected. Reference to the following is expected:
  - Designating business as "Open"
  - Indicating social distancing requirements
  - Indicating mask requirements for entry
  - Indicating temporary hours and type of operation available
- No handwritten signs will be allowed

d. **Sidewalk sales**

Sidewalk sales may be permitted under the following guidelines and your application to conduct sidewalk sales should consider the following:

- Retail businesses and services can use the area immediately in front of their stores to display and sell merchandise
- You may only display merchandise already sold within retail store
- You may only conduct sidewalk sales between 9:00 AM and 7:00 PM
- All display and sales related items shall be removed from the sidewalk by 7:00 PM and placed inside the retail location
- As previously stated, Pedestrian Right of Way shall be a significant consideration. Your application and drawing/sketch should insure that public sidewalks will continue to meet minimum ADA pedestrian sidewalk clearance of 4'. In other words, any displays and sales related items cannot impede pedestrian walk, crosswalks or travel ways.
- Fee and Insurance: 2020 application fee is waived. All applications require COI naming the Township of South Orange Village as a secondary insured with minimum coverage of \$1MM.
- Parklets – Businesses can apply for the use of Parklets to expand their outdoor dining area into adjacent parking space(s). Parklets will require approval by SOPA, SOPD Public Safety and County DOT. All Parklets must meet DOT safety standards. Again, SOPA may impose a usage fee for the loss of any parking spaces.

6. If any provision of this Executive Order, or the application of any such provision to any person or circumstances, shall be held invalid or unenforceable for any reason, the remainder of this Executive Order, to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby, and to this extent, the provisions of this Executive Order or severable.

This Executive Order shall be kept on file in the offices of the Village Clerk and Village Administrator and made available to the public upon request.

By:

Sheena C. Collum, Village President

Dated: