



OUTDOOR DINING REQUIREMENTS FEBRUARY 18, 2021

Restaurants, bars, breweries and distilleries will be able to expand their outdoor dining footprints under a new measure Gov. Murphy signed into law February 3, 2021.

These businesses will be able to extend their footprints and serve patrons in parking lots, yards, patios, decks and public sidewalks. It goes into effect immediately and was signed the same day restaurants are allowed to expand indoor dining capacity from 25% to 35%.

Businesses would have to apply to the City of Plainfield's Zoning Office to expand their operations outdoors.

Requirements

- **Completed Application for Outdoor Dining Permit on Private Property or Sidewalk Café Permit**
- **Property Survey/Site Plan Showing Outdoor Dining Layout including but not limited to tables, chairs, trash receptacles, tent details, heaters. Must comply with NJDOH Guidelines.**
- **Completed Uniform Construction Code UCC Permit Application For Tents and Any Electrical Equipment, Electrical Wiring or Mechanical Equipment.**
- **Certificate of Liability Insurance for outdoor dining area with the City of Plainfield named as an additional insured.**
- **Signed Hold Harmless Agreement.**
- **ABC License Expansion Application.**

Completed Application Packages shall be submitted in one package in the Zoning Mail Slot in the rear lobby of City Hall. The review committee will provide a determination within 48 hours. If approved, the outdoor dining permit will be emailed to the applicant's email address. The applicant is required to print out the permit and post it accordingly.

The uniform construction permit application for the tent, electrical or mechanical will be forwarded to the construction office for final review, approval and issuance of construction permits. The construction office staff will notify the applicant/contractor on record of the applicable permit fees. After the fees are paid, the construction permit will be issued. A final inspection is required.

The outdoor dining permits will be valid from April 1, 2021-November 30, 2021. Existing permits expire March 30, 2021.



Additional guidance is attached.

What are the reopening rules for bars and restaurants? What precautions or policies must they take?

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Food or beverage establishments may open, including restaurants, bars, cafeterias, and food courts, as well as all holders of a liquor license with retail consumption privileges.

Establishments must follow appropriate mitigation requirements detailed in the Department of Health's [Protocols for Outdoor Dining](#), [Executive Order No. 157](#), [Executive Order No. 183](#), the Department of Health's [Health and Safety Standards for Indoor Dining](#), [Executive Order No. 192](#), and [Executive Order No. 194](#), which are summarized below.

Note: The statewide requirement that all bars and restaurants end indoor service as of 10 p.m. has been lifted. However, municipalities or counties may continue to regulate the hours of operation of in-person restaurant service after 8 p.m.

Mask Requirement

Under [Executive Order No. 192](#), **all employees, customers, and visitors must wear a face covering while on the premises**, except when an individual is under two years of age or where it is impractical like when eating, drinking, or receiving a service that cannot be completed while wearing a mask.

Employees, customers, and visitors who refuse to wear a face covering may be declined entry, except when doing so would violate State or federal law and provided the employer complies with the Americans with Disabilities Act and the New Jersey Law Against Discrimination where applicable.

Employers may permit employees to remove their face covering when they are at their workstation at least six feet from others or alone in a walled space such as an office, or if it would create an unsafe condition in which to operate equipment or execute a task (i.e. cooks that work near open flames). Employers must provide face coverings to their employees.

For more details and exemptions, refer to page 4 of [Executive Order No. 192](#).



What to Expect at Outdoor Restaurants and Bars

The following summarizes some of the protocols contained in [DOH ED 20-019](#), [EO 157](#), [EO 192](#), and [EO 194](#). However, this summary is not a replacement for fully complying with the terms of [DOH ED 20-019](#), [EO 157](#), [EO 192](#), and [EO 194](#) and businesses should read the full guidance carefully to ensure full compliance.

Establishments must institute the following policies:

- Limit seating to a maximum of 8 customers per table - unless from an immediate family or the same household – and arrange seating to achieve a minimum distance of 6 feet between parties;
- Encourage reservations for greater control of customer traffic;
- Cordon off any indoor or outdoor dance floors to the public;
- Require customers to provide a phone number if making a reservation to facilitate contact tracing;
- Consider alternatives to paper/physical menus (whiteboards, electronic menus);
- Provide a hand sanitizer station for customers; and
- Require customers who wish to enter the indoor portion of the establishment to wear a face covering, unless the customer has a medical reason for not doing so or is a child under two years of age;
- Require that groups stay 6 feet apart, even in areas where groups are not assigned seating;
- Adhere to all other health and safety protocols in [DOH Executive Directive No. 20-019](#).

Note: Areas with a fixed roof, if two sides are open, comprising over 50% of their total wall space, may operate under rules for outdoor dining under [Executive Order No. 163](#).

Individual, fully enclosed dining bubbles – limited to one group of diners each – may be set-up for outside use, subject to health and safety protocols outlined in [EO 194](#), [DOH ED 20-019](#), and DCA's [guidance for the use of outdoor space during the winter months](#).

Establishments that want to maintain the use of tents past November 30, 2020, are required to apply for a Uniform Construction Code (UCC) permit from their [local construction office](#). Additionally, a permit for any electrical equipment, electrical wiring, or mechanical equipment that would otherwise require a permit must also be filed.

Operational items such as portable cooking equipment, propane heaters, and similar items used around and/or under the tent should be maintained in accordance with the Uniform Fire Code and addressed by the local fire official.



For more information, refer to [DCA's guidance for outdoor space during winter months](#) or call DCA's Code Assistance Unit at (609) 984-7609.

What to Expect at Indoor Restaurants and Bars

The following summarizes some of the protocols contained in DOH's [Health and Safety Standards for Indoor Dining](#), [EO 183](#), [EO 192](#), and [EO 194](#). However, this summary is not a replacement for fully complying with the terms of the [health and safety standards](#), [EO 183](#), [EO 192](#), and [EO 194](#), and businesses should read the full guidance carefully to ensure full compliance. Food and beverage establishments must:

- Limit the number of patrons in indoor areas to 35 percent of the food or beverage establishment's indoor capacity, excluding the food or beverage establishment's employees;
- Limit seating to a maximum of eight (8) customers per table (unless they are from a family from the same household) and arrange seating to achieve a minimum distance of six feet (6 ft) between parties - tables may be placed closer than 6 feet if they are separated by dividing barriers;
- Require customers to only consume food or beverages while seated;
- Require patrons to wear face coverings while inside the indoor premises of the food or beverage establishment, except when eating or drinking at their table;
- For food or beverage establishments with table service, require that customers be seated in order to place orders;
- For food or beverage establishments with table service, require that wait staff bring food or beverages to seated customers; and
- Keep doors and windows open where possible and utilize fans to improve ventilation.
- Per [Executive Order No. 183](#), smoking, including vaping, is permitted indoors only when otherwise permitted by State law.
- Barside seating will prohibited at all hours.

Requirements to Protect Employees and Others

Employers must comply with the following requirements:

- Require workers and customers to maintain at least **six feet of distance** from one another, to the maximum extent possible;
- **Provide approved sanitization materials** for employees and visitors at no cost to those individuals;
- **Ensure that employees practice hand hygiene** and provide employees with sufficient break time for that purpose;
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- **Routinely clean and disinfect all high-touch areas** in accordance with DOH and CDC guidelines;
- Prior to each shift, **conduct daily health checks**, such as temperature screenings, visual symptom checking, self-assessment checklists, and/or health questionnaires, consistent with CDC guidance;
- **Do not allow sick employees to enter workplace** and follow requirements of applicable leave laws;
- Promptly **notify employees of any known exposure to COVID-19** at the worksite; and
- Clean and disinfect the worksite in accordance with CDC guidelines when an employee at the site has been diagnosed with COVID-19 illness.

Full dining guidance for food and beverage establishments can be found in [Executive Order No. 157](#), [DOH Executive Directive No. 20-019](#), [Executive Order No. 183](#), the Department of Health's [Health and Safety Standards for Indoor Dining](#), [Executive Order No. 192](#), and Executive Order No. 194.

Additionally, a special ruling by the New Jersey Division of Alcoholic Beverage Control (ABC) permits establishments with liquor licenses to expand their licensed premises into outdoor areas. Legislation extends the effective period of issued permits through the later of November 30, 2022 or the date at which indoor dining returns to full capacity at restaurants. It also expands other opportunities for outdoor dining. To learn more, refer to this [press release on the legislation's signing](#) or [ABC's COVID-19 update page](#).

For additional information on COVID-19's impact on businesses and mitigation requirements for businesses, please visit the State of New Jersey's [COVID-19 Business Information Hub](#).

Sources: [Executive Order No. 150](#), [Executive Order No. 157](#), [ABC Special Ruling 2020-10](#), [DOH Executive Directive No. 20-019](#); [Executive Order No. 158](#); [Executive Order No. 163](#); [Executive Order No. 183](#), [DOH Health and Safety Standards for Indoor Dining](#); [Executive Order No. 192](#); [Executive Order No. 194](#); [Executive Order No. 219](#)