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# ◆ TOWNSHIP OF STAFFORD ◆

OCEAN COUNTY  
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Gregory Myhre  
Mayor

Matthew von der Hayden  
Administrator



## ORDER PURSUANT TO THE DECLARATION OF DISASTER AND EMERGENCY COVID-19 - TOWNSHIP OF STAFFORD

**TO ALL RESIDENTS AND PERSONS WITHIN THE MUNICIPALITY OF THE TOWNSHIP OF STAFFORD IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY AND TO ALL DEPARTMENTS OF THE MUNICIPAL GOVERNMENT OF THE TOWNSHIP OF STAFFORD**

**WHEREAS**, in or about December of 2019, the emergence of the novel Coronavirus Disease (COVID-19), caused by the SARS-CoV-2 virus ("Coronavirus"), was discovered in Wuhan, Hubei Province, People's Republic of China, and was recognized to be a severe, potentially fatal, highly infectious respiratory illness that was suspected of human-to-human transmission; and

**WHEREAS**, on January 30, 2020, the World Health Organization (WHO) declared the outbreak of Covid-19 to be a Public Health Emergency of International Concern as human-to-human transmission of the Coronavirus was confirmed, and outbreaks of the Coronavirus began to spread to numerous other countries throughout the world; and

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared COVID-19 to be a United States Public Health Emergency; and

**WHEREAS**, on February 3, 2020, Governor Philip D. Murphy issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

**WHEREAS**, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus in this State; and

**WHEREAS**, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the COVID-19 pandemic within the State of New Jersey; and

**WHEREAS**, on March 13, 2020, the President of the United States formally declared the outbreak of Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act, 50 U.S.C. § 1601, et seq; and

**WHEREAS**, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several "social distancing" regulations, including but not limited to, limiting public gatherings to no more 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurant/bars and entertainment businesses; and

**WHEREAS**, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth in Executive Order 104, including but not limited to, directing all New Jersey residents to remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

**WHEREAS**, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or county parks, and beaches and boardwalks; and

**WHEREAS**, to the extent that the Township finds it appropriate to temporarily relax procedures associated with site plan review and approval in order to exercise appropriate social distancing during the state of emergency while enabling full-service "Fitness Centers" to operate and locate services outdoors, in the Township's pedestrian right-of-way and/or in other locations on site. For purposes of this order, "full-service Fitness Centers" shall mean Fitness Centers approved for interior operation and shall not include interior Fitness Centers.

**NOW, THEREFORE, IT IS ON THIS 31<sup>st</sup> DAY OF JULY, 2020, HEREBY ORDERED**, by the Mayor and Chief of Police of the Township of Stafford, County of Ocean, State of New Jersey as follows:

1. The precatory phrases above are specifically incorporated herein by reference and are made a part hereof as if each and every statement were set forth fully herein.

2. Effective immediately, and contingent upon the State of New Jersey relaxing the provisions of Executive Order 107, specifically the provisions pertaining to the operation of Fitness Centers in relation to social distancing requirements, the Township of Stafford is hereby granted the authority and discretion to waive site plan applications pertaining to existing full-service Fitness Centers in order to permit said establishments to relocate existing services to the Township pedestrian right-of-way and/or other locations on site, subject to the following requirements and restrictions. All applications shall be subject to approval of the Township Administrator, Chief of Police, Construction Department and Fire Prevention Official; in their sole discretion, all individuals having to agree. The Township's discretion over location, scope, setbacks and size of outdoor service areas and related structures is absolute and the Township may condition approval based upon such requirements as any other consideration, including, but not limited to, applicable federal, state or local executive and emergency orders, parking requirements, pedestrian safety, neighborhood concerns and the public health, welfare and safety.

a. Individual full-service Fitness Centers seeking approval to relocate existing services to the Township's pedestrian right-of-way and/or other locations on site, shall be required to submit a site plan application, and a plan signed and dated by the owner or agent depicting the existing and proposed layout and location of services inside and outside of said Fitness Centers, which shall also include but not be limited to, a depiction of all aisles, routes of ingress and egress, clearances/distances between services and between the service area and the curb line, the location of all service areas, a lighting plan connected to a ground fault interrupter circuit or receptacle, an illustration, rendering, and/or photograph of all tents, trash receptacles and any proposed structures to protect the outdoor service area from the elements. Proposed tents, trash receptacles, etc. must be of like nature and appearance to what is currently utilized on site.

Applicants shall also submit a brief written narrative describing the proposed method of serving clients and how existing restroom facilities will be accessible to customers for the newly proposed areas. Applications shall be available in the Construction/Zoning Department or online at the Township's website. The approval of any temporary site plan in relation to this Order shall be subject to the following conditions:

- i. Applicants will be permitted to relocate existing approved services to other locations on site, including the Township's pedestrian right-of-way, subject to the review and approval of the Township Administrator, Chief of Police, Construction Department and Fire Prevention Official. Notwithstanding the provisions of this Order, no tents, trash receptacles and any proposed structures shall obstruct the free flow of pedestrian traffic or any of its approaches.
- ii. No increase in the number of services will be permitted, and applicants will not be permitted to exceed the number of previously approved structures. The maximum occupancy of a Fitness Center may be revised at the Township's discretion in order to ensure that all clients comply with the CDC and State recommended/ordered social distancing guidelines. The Fitness Center will provide a social distancing plan for seating with each application.
- iii. In addition to the creation and/or expansion of the outdoor service areas, Fitness Centers shall be permitted to apply to install temporary awnings, tents, pergola and other structures authorized by the Township to protect the outdoor service area from the elements.
- iv. Tents, trash receptacles and any proposed structures shall be permitted to be located in the Township's pedestrian right-of-way provided a minimum 5ft. pedestrian walkway is maintained and provided for the general public, subject to applicable ADA requirements.
- v. Any approved tents, trash receptacles and any proposed structures located in an outdoor service area are permitted to be utilized between the hours of 9:00 a.m. and 8:00 p.m. on Sunday through Thursday, and until 9:00 p.m. on Friday and Saturday. Tents, trash receptacles and any proposed structures approved to be located within the Township's right-of-way must be removed from the right-of-way and stored on site on a daily basis. Tents, trash receptacles and any proposed structures approved to be located on site, in areas privately-owned, shall be permitted to remain in said locations. If a tent or supported structure, 30 x 30 or bigger, requires a fire permit under the NJ State fire code, the fee is \$54.00. This fee will be waived during the declared emergency.
- vi. Applicants must submit a Litter Control Plan, which shall include a description of the number and location of the trash receptacles proposed on the site plan to service the outdoor service area, and the frequency with which the outdoor service area will be policed for the litter in order to control the accumulation of trash/recycling.
- vii. Applicants proposing to relocate existing tents, trash receptacles and any proposed structures to the Township's pedestrian right-of-way shall indemnify and hold harmless the Township of Stafford, its employees, agents, and/or officers from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the Outdoor Dining Area. Applicants must name the Township of Stafford as an additional insured under the Applicant's general liability insurance, bodily injury, property damage, and personal injury insurance policies, required to have a minimum limit of one million (\$1,000,000.00) Dollars, and provide proof of same to the Zoning Officer, and proof that said policies have been amended to reflect coverage for the proposed outdoor dining area.

3. The Township of Stafford reserves the right to amend, terminate, or repeal this Order at any time, and accordingly no property rights are granted to any person(s) or entities by virtue of this Order. **All person(s) and/or entities electing to pursue temporary relief in accordance with the provisions of this Order are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon the provisions of this resolution shall be at their sole and exclusive expense.** All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility.


4. With the exception of the temporary relief set forth herein, Applicant's must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of Fitness Centers.

5. In the event, the Stafford Township Police Department or Code Enforcement Officer determines that an Applicant is in violation of the conditions of any temporary site plan approved in relation to this Order, each specific violation of this Order and each day that such violation continues shall be considered a separate violation, the owners of said Fitness Centers shall be subject to potential multiple violations during the course of each day, and each day in violation shall be considered a separate violation. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50, the Township Code and the temporary relief granted herein to Fitness Centers may be revised or revoked by the Township of Stafford.

7. Unless otherwise expressly provided by the Order, all terms and requirements of the Township of Stafford Code shall continue to apply to the Fitness Centers and the proposed structures, included, but limited to, construction permits for the installation of any proposed structures at the property. The Township shall have absolute discretion to amend any approval, condition and restriction set forth in this Order. Once the Governor's Executive Orders requiring social distancing is lifted all temporary seating shall be removed within forty eight hours and the owner shall fully comply with their approved site plans.

8. This Declaration and Order shall remain in effect until subsequent Order of the Township of Stafford.

  
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Gregory E. Myhre, Mayor  
Dated: 7/21/2020

  
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Thomas Dellane  
Chief of Police/Emergency  
Management Coordinator  
Dated: 7/31/2020