



Health and Safety Standards for Outdoor Dining Pursuant to Executive Order Nos. 150, 157 and 194

November 12, 2020¹

On November 9, 2020, the Governor issued Executive Order No. 194, which required food and beverage establishments to close indoor dining between 10:00 p.m. and 5:00 a.m. each day, restricted the seating at bar areas at food and beverage establishments and permitted the use of enclosed structures such as plastic domes for outdoor dining. Accordingly, establishments allowing outdoor dining are to adhere to these revised protocols.

ESTABLISHMENT

Food or beverage establishments offering service must adhere to the protocols listed below:

- a. 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;
- b. Limit seating to a maximum of eight (8) customers per table (unless they are from an immediate family or from the same household) and arrange seating to achieve a minimum distance of six feet (6 ft) between parties;
- c. Rope off or otherwise mark tables, chairs and bar stools that are not to be used;
- d. Demarcate 6 feet of spacing in patron waiting areas;
- e. Provide physical guides, such as tape on floors and sidewalks, and signage on walls, to ensure that customers remain at least 6 feet apart in line for the restroom or waiting for seating;
- f. Eliminate self-service food options such as buffets and salad bars. Limit self-service drink stations to those that are able to be routinely and effectively cleaned and disinfected;

¹ This version corrects the "Health and Safety Standards for Outdoor Dining" dated November 11, 2020, by removing the prohibition on bar seating/standing area in outdoor dining settings.

- g. Consider alternatives to paper/physical menus (whiteboards, electronic menus);
- h. Disinfect all tables, chairs and any other shared items (menus, condiments, pens) after each use;
- i. Consider using single-use condiments and table items;
- j. Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 feet is difficult;
- k. Table seating must be at least six (6) feet from a bar;
- l. Ensure 6 feet of physical distancing between workers and customers, except at the moment of payment and/or when employees are servicing the table;
- m. Require infection control practices, such as regular handwashing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- n. Require frequent sanitization of high-touch areas like credit card machines, keypads, and counters to which the public and workers have access;
- o. Place conspicuous signage at entrance alerting staff and customers to the required 6 feet of physical distance;
- p. Establishment owners and staff shall work with and provide the local health authority and/or contact tracers with information requested related to positive cases;
- q. In the event of a presumptive or actual positive COVID-19 case of a worker, patron, or vendor, close off areas visited by the ill persons. Open outside doors and windows and use ventilating fans to increase air circulation in the area. Wait 24 hours or as long as practical before beginning cleaning and disinfection. Should thorough cleaning/ occur after the individual has visited the establishment but prior to notification of illness, then no additional closure/cleaning/disinfection needs to occur. Refer to current CDC guidance for additional information.

EMPLOYEES

Food or beverage establishments offering service must follow the requirements of Executive Order No. 192 (2020) to protect their employees, customers, and other visitors at the worksite.

- a. Require employees to wear a face covering/mask, pursuant to the provisions of Executive Order No. 192 (2020), except where it would inhibit the individual's health, or where doing so would create an unsafe condition in which to operate equipment or execute a task (i.e. cooks that work near open flames);
- b. Require employees to wash and/or sanitize their hands when entering the food or beverage establishment;
- c. Require all customer-facing employees (e.g. servers, bus staff) to minimize time spent within 6 ft of customers;

- d. Place tables in break rooms six feet apart and encourage outdoor breaks;
- e. Prohibit the use of small spaces (e.g. freezers, storage rooms) by more than one individual at a time;
- f. Conduct health checks for all live performers and encourage the use of masks when feasible.

CUSTOMERS

Food or beverage establishments offering service must institute the following policies with respect to customers:

- a. Inform customers of all required social distancing and hygiene practices;
- 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. Prohibit customers waiting for a table in the outdoor dining area from waiting inside the interior premises of the food or beverage establishment;
- e. Recommend that 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;
- f. Alert customers via calls/texts to limit touching and use of shared objects such as pagers/buzzers;
- g. Encourage the use of digital menus or alternatives to physical or paper menus; and
- h. Provide a hand sanitizer station for customers.
- i. Customers must wear face coverings at all times, pursuant to the provisions of Executive Order No. 192 (2020), except where the individual is under two years of age. When seated at their table or their individual seat, patrons shall wear face coverings until their food or drinks arrive, and after individuals have finished consuming their food or drinks, they shall put their face coverings back on.
- j. Decline entry to a customer who is not wearing a face covering, pursuant to the provisions of Executive Order No. 192 (2020), unless the customer is a child under two years of age.

OUTDOOR AREAS

In addition to the requirements above, food or beverage establishments offering service must institute the following policies with respect to their outdoor areas, defined as open air spaces that either 1) have no roof or cover or 2) have a fixed roof or temporary or

seasonal awning or cover, with at least two open sides that would comprise over 50 percent of the total wall space if the space were fully enclosed:

- a. Obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor areas;
- b. Require customers who wish to enter the indoor portion of the establishment to wear a face covering, unless the customer is a child under two years of age; and
- c. Require that groups stay 6 feet apart even in areas where groups are not assigned seating.
- d. An outdoor area shall also include an outdoor enclosed structure, such as a plastic dome, that seats an individual party, provided they meet the following criteria:
 - e. The use of the structures complies with the requirements for outdoor dining contained in Executive Order Nos. 157 (2020) and this guidance;
 - f. Each party is limited to no more than eight individuals at a time;
 - g. The structure is ventilated for a minimum of 15 minutes, then cleaned and sanitized in accordance with CDC guidance and the requirements outlined in this document between seatings;
 - h. The structure and use of the structures otherwise comply with all other applicable codes and regulations, including the provisions of the Fire Safety Code; and
 - i. Any necessary municipal approvals and permits are obtained before offering food and/or beverage consumption in the outdoor enclosed structure.

**NJ DEPARTMENT OF HEALTH
PUBLIC HEALTH AND FOOD PROTECTION PROGRAM**

<https://www.nj.gov/health/ceohs/food-drug-safety/>

Resources available from U.S. Food & Drug Administration (FDA), Centers for Disease Control and Prevention (CDC) and the U.S. Environmental Protection Agency (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](#)