

GUIDANCE ON OUTDOOR DINING DURING WINTER MONTHS

To assist local business owners owning and/or operating diners, restaurants, and other eating establishments during the time that the restrictions related to the pandemic remain in place established on May 4, 2020, the Old Bridge Township Council passed a resolution to temporarily suspend Chapter 320-4M and 320-5B of the Land Development Ordinance, which restricts outdoor dining. The resolution established the Old Bridge Temporary Outdoor Dining Permit process to be in effect until September 7, 2020, which was later extended to November 7, 2020 via resolution passed on August 10, 2020. Please be advised that the Township Council on October 10, 2020 has approved a resolution to temporarily suspend the application of §320-4 M (Outdoor dining areas shall not be limited in terms of table count or dimension but at no point shall exceed a maximum seating capacity of eight persons”) and §320-5 B (The annual fee for an outdoor seating permit of \$95 shall be submitted with the application) of the Township Code as it relates to outdoor dining until such time as Council determines that this temporary suspension is no longer required or needed.

We understand that many of our restaurants offering outdoor dining are seeking guidance on ways to warm or heat these spaces during the winter months. The information and design guidelines enumerated in the foregoing document has been prepared collaboratively by various departments within the Township and offers guidance on warming outdoor dining areas.

In preparation of the cold weather, the Township will be now permitting both electric and propane heaters for outdoor dining with approvals from the Outdoor Dining Committee, (site plan amendment), Building Department (heaters) and Fire Department (propane or LP heaters). The following are the guidelines for heating within outdoor dining areas:

Heaters (Electric, propane or any other LP cylinder)

- Heaters, including electric, propane or any other heater with an LP cylinder require an Electric, Fire and Plumbing Subcode permits from the Old Bridge Building Dept. and approval from the Fire Prevention Bureau.
- Propane and electric heaters must be placed outside all tents and be listed and labeled for this purpose. Typically, these are designed as a portable furnace with a combustion chamber and heat exchanger(fan). All manufacturer’s clearances must be followed and documentation of same will be required. *Portable heaters including mushroom top and similar* can only be used in accordance with NJ Building and Fire Code. Please confirm with Old Bridge Fire Bureau.
- A heater cannot be placed within 5’ of building, under an overhang or canopy, or within 5’ of anything combustible.
- A fire extinguisher must be located within 25’ of heater.
- Patrons must not be permitted to interact with heater.
- Fuel storage device cannot be stored inside or within 10’ of the establishment (heater can, but tank must be removed).
- Heaters must be removed during storms or snow events.
- Heaters must automatically turnoff when tipped over. Tip drill shall be performed to ensure safety.
- Heater must be UL listed with classifications and safety instructions from manufacturer. Personnel must understand and be trained to ensure proper and safe operation of the heater.

Structures and seasonal canopies

Pursuant to Executive Order 163, "food or beverage establishments are permitted to offer in-person service at 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 % of the total wall space if the space were fully enclosed."

Seasonal canopies, tents and structures

- Shade, seasonal canopies, sheds, or other structures more than 50% enclosed would be considered indoor dining.
- Temporary "pop-up" seasonal canopies shall be permitted until December 1, 2020.
 - Temporary "pop-up" seasonal tents that are less than 900 sf or less than 30 feet in any dimension do not require a permit.
 - Canopies that are greater than 900 sf in area or more than 30 feet in any dimension require permit from the Old Bridge Fire Prevention Bureau.
- Seasonal canopies must be removed during storms or snow events and between December 1 to March 31.

Canopies, tents and structures with permanent anchoring system

- Administrative approval for tents and tension membrane structures may be permissible if, in the opinion of the administrative officer, there is no intensification of the use or uses on the property, variances are not created, and there is no fundamental change requiring amended site plan approval.
- Tents, tensioned membrane structure and canopies of any size may remain during storms or snow events and between December 1 to March 31, if approved by the Old Bridge Building Department via a Building Department permit (i.e., for wind loading and weight of snow) issued prior to December 1st.
- A hold harmless letter stating that the company is fully responsible, not the Township, for any accident that may occur within the property.
- Building Permit submission requirements for tents up between December 1st and March 31st require a Building and Electric permit.
 - a) This permit must be accompanied by 3 sets of Architectural or Engineered drawings that are signed and sealed.
 - b) They will also require a fire-retardant listing and must be labelled as such. (documentation must be supplied).
 - c) Impact protection for the heater and propane tank must be provided.
 - d) Occupant load, codes designed to, egress plan, and use group shall be shown on plans.
 - e) Enclosed tents require exit and emergency lighting which also requires an electrical permit.
 - f) Lighting will also require an Electrical permit.
 - g) Fire Extinguishers are required at all exits and shall be mounted per the applicable code.
 - h) No cooking can be performed under the tent.

We encourage those that are preparing for cooler weather and wish to continue outdoor dining for your patrons in a comfortable setting to use this guidance to prepare a plan. Once you have a plan, please reach out to the Township Building Department if you wish to continue after December 1st or Fire Prevention Bureau and Building Department if you wish heat the tent until then and to remove the tent by December 1st. For all applications, full guidance, and additional information regarding outdoor dining in the winter, please email us at OutdoorDining@oldbridge.com.