

**TOWN OF BROOKHAVEN  
STATE OF NEW YORK  
COUNTY OF SUFFOLK**

TOWN OF BROOKHAVEN

**DECLARATION OF STATE OF EMERGENCY**

I, Edward P. Romaine, Supervisor of the Town of Brookhaven, pursuant to Article 2-B Section 24 of the New York State Executive Law, hereby certify as follows:

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern;

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19;

WHEREAS, cases of transmission of COVID-19 have been documented in the Town of Brookhaven and more are expected to continue; and

WHEREAS, the Town of Brookhaven is addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors.

WHEREAS, the State of New York by Executive Order No. 202 dated March 7, 2020, has addressed the transmission of the cases of COVID-19.

WHEREAS, the Town of Brookhaven is desirous of assisting existing businesses in the Town of Brookhaven which have been authorized to re-open and seek to utilize existing outdoor areas for drive-in movie theaters, provided social distancing and cleansing/disinfecting measures are in place.

Pursuant to the powers vested in me by Executive Law §24, I hereby declare a State of Emergency. This State of Emergency has been declared because there is a reasonable apprehension of transmission of COVID-19 cases in the Town of Brookhaven.

From the date of this Executive Order until November 1, 2020, the Town Board of the Town of Brookhaven hereby authorizes and permits the use of outdoor areas on private parcels of existing businesses in the Town of Brookhaven as drive in movie theaters subject to the following:

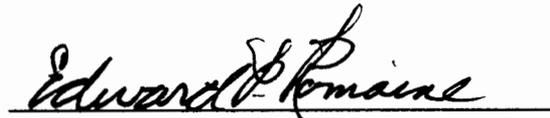
1. The Host/Applicant submit an Amusement/Event Application for Drive-In Movie Theater to the Brookhaven Town Clerk at least fifteen (15) days prior to the commencement of utilizing a parcel as a drive-in movie theater.
2. All areas designated for drive-in movie theater use must be situated at least one thousand (1000) feet from any residential property lines in the Town of Brookhaven.
3. The permissible event hours for drive in movie theaters shall be daily, including weekends, from sunset until 12:00 a.m.
4. At all times, all employees and guests shall strictly adhere to social distancing guidelines and occupancy restrictions imposed by the Governor of the State of New York, including but not limited to maintaining a distance of six (6) feet from other individuals and/or wearing a face mask or cloth face covering that covers your nose and mouth when six (6) feet of social distancing cannot be maintained.
5. The Host/Applicant is responsible for implementing all necessary cleansing/disinfecting procedures for any on-site restroom facilities.
6. The Host/Applicant is responsible for the designation of appropriate parking stalls which are at least six (6) feet apart in order to adhere to social distance guidelines imposed by the Governor of the State of New York.
7. Food trucks and mobile concessions in specifically designated and approved areas are permitted provided that all queue lines have floor markings at a distance of six (6) feet apart in order to ensure that individuals maintain a distance of six (6) foot distance.
8. The sale of alcohol is strictly prohibited.
9. Attendees shall remain within their vehicles at all times except to utilize the restrooms or make purchases from food trucks/mobile concessions. No outdoor seating is permitted for viewing purposes.
10. Nothing herein shall be deemed to supersede, alter or amend the requirements for all preliminary approvals by Town of Brookhaven Division of Fire Prevention, Town of Brookhaven Division of Public Safety and Suffolk County Police Department.
11. No fee shall be charged for drive-in movie theater applications.
12. The Host/Applicant is permitted one (1) advertisement sign per street frontage not to exceed thirty-two (32) square feet in area and shall not be placed in the Town's right of way or in a location that will obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the public
13. The Host/Applicant is responsible for maintaining the events/parcels free of trash and other debris and provide trash receptacles in accordance with Chapter 49, Property Maintenance, code of the Town of Brookhaven.
14. All paved areas, including but not limited to parking spaces, must conform with Chapter 49, Property Maintenance, code of the Town of Brookhaven, in order to afford safe passage for pedestrian and motor vehicle traffic in order to prevent hazards to public health, safety and welfare.

15. Outside loudspeakers, if utilized, must comply with all provisions set forth in Brookhaven Town Code Chapter 50.
16. The Host/Applicant must submit a public liability insurance certificate of limits not less than one million (\$1,000,000) dollars naming the Town of Brookhaven as an additional insured, which shall not be cancelled without fifteen (15) days notice to the Town Clerk.
17. Any approval to utilize a site as a drive-in movie theater shall not negate or permit any violation which may exist on the subject premises at the time of approval of such accommodation.
18. The following sections of the Brookhaven Town Code are hereby temporarily suspended or modified, from the date of this Executive order through November 1, 2020:
  - a. Town Code Section 57A-9(C) is suspended to the extent that applicants/hosts need not submit an application to the Division of Building for temporary sign permit(s).
  - b. Town Code Section 4-3 is suspended to the extent that drive-in movie theater amusements for profit are permitted.
  - c. Town Code Section 4-4 is hereby suspended to the extent that drive-in movie theater permit applications for events involving attendees in excess of 1,000 persons need only apply 15 days prior to commencement of such event.
  - d. Town Code Section 4-7 is hereby suspended to the extent that drive-in movie theater events are permitted to operate daily, including weekends, from sunset until 12:00 a.m.

DATED: June 11, 2020



Annette Eaderesto, Witness



Edward P. Romaine, Supervisor  
Town of Brookhaven