



THE BOROUGH OF ROSELLE PARK

N E W J E R S E Y

110 EAST WESTFIELD AVENUE, ROSELLE PARK, NJ 07204

WWW.ROSELLEPARK.NET

APPLICATION FOR SIDEWALK CAFÉ **(PER BOROUGH RESOLUTION NO. 148-20)**

A. APPLICANT INFORMATION

Name of Business: _____

Address of Business: _____

Point of Contact / Responsible Party: _____

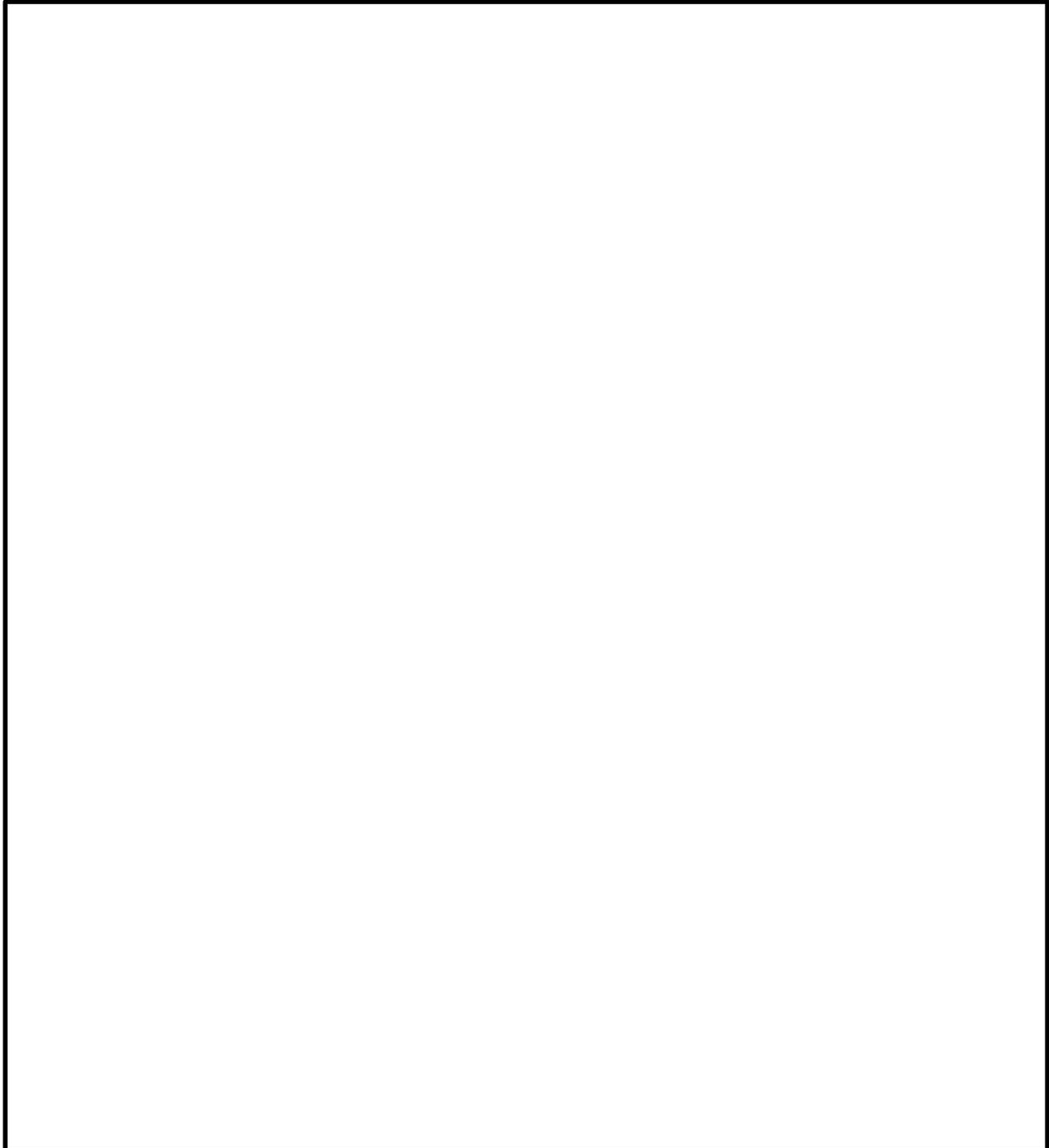
Telephone Number: _____ E-Mail: _____

B. DESCRIPTION OF SIDEWALK CAFÉ

Provide a description of the proposed design, seating capacity and location of the sidewalk café. Please also list its dimensions and all (known) temporary structures, equipment and apparatus to be used in connection with its operation, including tables, temporary fences and barriers, planters, serving carts, chairs, awnings, umbrellas, lighting, electrical outlets, if any, and fire hydrant connections.

C. DIAGRAM OF SIDEWALK CAFÉ

Provide diagram in the space provided below demonstrating that pedestrian traffic along the sidewalk on which the sidewalk café is proposed will not be unsafely impeded. A minimum of fifty percent (50.00%) of total pedestrian usable sidewalk space shall remain unobstructed between the sidewalk café and street to maintain safe pedestrian access. The café shall be confined to the area directly in front of or adjacent to the side of the existing business establishment, unless written permission of any adjacent property owner and ground floor occupant shall be submitted and filed with the application. Any café shall not interfere with access to the building entrance or exit, any basement entrance or any fire hydrant, bus stop, parking meter or public alleyway:



C. INSURANCE & INDEMNIFICATION REQUIREMENTS

Applicants shall be required to submit proof of liability insurance for the proposed sidewalk café, naming the “Borough of Roselle Park” as an additional insured, with minimum limits of liability of not less than one million (\$1,000,000.00) dollars for all claims for bodily injury or death of any person as a direct or indirect result of the operation of the sidewalk café or for injury to any person occurring on the premises occupied by such café, and further providing for the payment of not less than twenty-five thousand (\$25,000.00) dollars to satisfy claims for property damage as a direct or indirect result of the operation of such café.

Applicants shall likewise be required to complete and execute the Hold Harmless (indemnification) Agreement as provided in form on the following page (see next page):

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

HOLD HARMLESS AGREEMENT

1. "I/we" and "Me/my" shall mean: _____
(Name of Business)
2. "You/Your" shall mean the municipal corporation known as the "Borough of Roselle Park;" Its agents, servants, employees, or contractors.
3. GENERAL INFORMATION

Date: **May through October 2020**

Site: _____

(Name and Address of Business)

Hours: **Regular Business Hours but No Later than 10:00 p.m.**

For: **Sidewalk Café**

4. I sign this Hold - Harmless as my voluntary act and by this act agree to hold you harmless and indemnify you from any claims, suits, or other actions arising from, caused by, or which are the alleged result of any act or omission of any organization, corporation, guest, invitee, licensee, visitor or other person present on the premises listed above in order to participate in, organize, assist, enjoy, supervise or in any other way further the activity to be held (as described above) on the dates listed above.
5. I state that the activity listed above will not include the consumption of alcoholic beverages but should any person described in paragraph 4 consume alcohol or allow or permit others to consume alcohol then I agree to be bound by the terms of paragraph 6 below.
6. I state that the activity listed above will include the consumption of alcoholic beverages and that because of such consumption I have the following additional duties to You related to the use of the site listed above:
 - a) that I am solely responsible for the dispensing and consumption of alcohol, including the prudent and responsible dispensing and consumption of alcohol by all persons involved in the activity described above, including but not limited to those persons described in paragraph 4 above;
 - b) to acknowledge by the signing of this Hold-Harmless that You have no authority, control, or participation in the dispensation or consumption of alcohol on the site and date listed above and that I Will take no step, action, or measure to convey the idea that You in any way have promoted, assisted, or participated in the dispensing and consumption of alcoholic beverages on the site and date listed above;
 - c) that I will not allow persons under the age of 21 to dispense or consume alcohol at the site during the activity to be held on Your property;
 - d) to comply with all municipal Ordinances relating to the consumption of alcoholic beverages, including but not limited to obtaining any necessary permits.
7. (Applicable to Corporations Only): I also agree that I am obligated to reimburse You for all reasonable attorney's fees incurred by You to enforce the terms of this Hold-Harmless or to defend

D. APPLICANT CERTIFICATION

I, _____, the applicant and/or the duly authorized responsible party to for applicant, certify and affirm that I have reviewed and understand the provisions of Resolution No. 148-20 of the Borough of Roselle Park and, by affixing my signature to this form, do hereby agree to comply and bind myself to its provisions.

Signature

Date

Print Name

***** USE BY BOROUGH CLERK'S OFFICE ONLY ***
APPLICATION CHECKLIST**

___ All sections of the application reviewed for completeness.

___ Proof of insurance coverage provided as required.

___ Diagram referred to Police Chief on ____ / ____ / ____.

Diagram returned from Police Chief on ____ / ____ / ____ recommending:

- ___ APPROVAL
- ___ DISAPPROVAL
- ___ MODIFICATION

In consideration of the application and the above recommendations of the Roselle Park Police Department the forgoing application is:

___ APPROVED

___ DENIED

Signature

Date

Print Name

Title

**ENABLING RESOLUTION ADOPTED JUNE 4, 2020 BY
THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE PARK**

RESOLUTION NO. 148-20

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body”) of the Borough of Roselle Park (hereinafter, the “Borough”) recognize that the COVID-19 pandemic and associated public health emergency has had a detrimental impact on local economies; and,

WHEREAS, as a matter of public health and public policy, the State of New Jersey and other governmental jurisdictions have placed restrictions on business operations which disproportionately impact small businesses; and,

WHEREAS, such restrictions include the partial or full closure of small business operations; and,

WHEREAS, the Governing Body wish to relax certain provisions of the municipal code (hereinafter, the “Code”) and add flexibility thereto so as to accommodate small business operations, when possible, during this difficult time; and,

WHEREAS, the Governing Body finds that relaxation and added flexibility related to the local regulation of sidewalk cafés could be beneficial to a broad base of the Borough’s small business community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that it does hereby temporarily amend and supplement Section 23-6, entitled “Sidewalk Café Permit,” of the Code for the reasons stated above, to reflect the following:

23-6 SIDEWALK CAFÉ PERMIT.

23-6.1 Regulations for a Sidewalk Café Permit.

- a. Any business establishment, except a tavern, as defined in the Land Use Chapter 40 of this Code, which is located within the Borough of Roselle Park, upon application for and issuance of a permit pursuant to this subsection, utilize part of the sidewalk in front of its place of business for a sidewalk café.
- b. Operation of any sidewalk café shall be in accordance with this subsection and shall be subject to supervision and enforcement by the Borough Health Officer and the Police Department.
- c. Application for such permit shall be made to and such permits shall be granted by the Borough Clerk. The application shall be accompanied by a schematic diagram showing the following:
 1. A description of the proposed design, seating capacity and location of the sidewalk café, its dimensions and all temporary structures, equipment and apparatus to be used in connection with its operation, including tables, temporary fences and barriers, planters, serving carts, chairs, awnings, umbrellas, lighting, electrical outlets, if any, and fire hydrant connections.
 2. s
- d. A permit shall be granted only if the proposed sidewalk café conforms with the following:
 1. The schematic diagram shall be approved by the Police Chief.

2. The café shall be confined to the area directly in front of or adjacent to the side of the existing business establishment, unless written permission of any adjacent property owner and ground floor occupant shall be submitted and filed with the application.
 3. Any café shall not interfere with access to the building entrance or exit, any basement entrance or any fire hydrant, bus stop, parking meter or public alleyway.
 4. A minimum of fifty percent (50.00%) of total pedestrian usable sidewalk space shall remain unobstructed between the sidewalk café and street to maintain safe pedestrian access.
 5. Applicants shall be required to submit proof of liability insurance for the proposed sidewalk café, naming the Borough of Roselle Park as an additional insured, with minimum limits of liability of not less than one million (\$1,000,000.00) dollars for all claims for bodily injury or death of any person as a direct or indirect result of the operation of the sidewalk café or for injury to any person occurring on the premises occupied by such café, and further providing for the payment of not less than twenty-five thousand (\$25,000.00) dollars to satisfy claims for property damage as a direct or indirect result of the operation of such café.
 6. No permit shall be issued unless the licensee shall have first executed and filed with the Borough Clerk an indemnification agreement, in the form prepared or approved or recommended by the Borough's insurance carrier, in which the licensee shall agree, in further consideration of the issuance of the license, to forever defend, protect, indemnify and save harmless the Borough of Roselle Park, its officers, agents and employees from and against any and all claims, causes of action, injuries, losses, damages, expenses, attorneys' fees, fees and costs arising out of or which may arise out of, or be alleged to arise out of, the licensee's operation of the sidewalk café, including without limitation repair or reimbursement of any and all cost and expense arising from damage to the sidewalk caused by operation of the café.
- e. All dishes, utensils, containers, tablecloths, napkins, cutlery and other items used in the operation or decoration of the sidewalk café shall be made of nondisposable and reusable materials. The furniture to be used in the operation of the sidewalk café shall be of durable material, such as sturdy vinyl/plastic, wrought iron or wood. The sidewalk area utilized by the café shall be kept clean and free of litter. Sidewalks shall be washed daily. If required by the Health Officer, trash receptacles shall be provided as specified by the Health Officer.
 - f. The sidewalk café may operate no later than 10:00 p.m. on any day and only during operating hours of the business establishment. No furniture or other items of the sidewalk café shall remain outside of the business establishment for more than thirty (30) minutes after 10:00 p.m. or after the close of operating hours of the business establishment, whichever is earlier. If it is not readily feasible for a business establishment to remove and store furniture during non-operating hours, such establishment shall be permitted to store furniture in the designated sidewalk café area with the conditions that furniture be consolidated to the greatest extent possible and secured with a locking mechanism. For example, chairs must be stacked and/or locked in place to tables.
 - g. Nothing contained in this section shall be construed to amend any provision of Chapter 6, Alcoholic Beverage Control, of this Code or to amend or change any provision of any Alcoholic Beverage Control License.
 - h. The sidewalk café permit shall be an annual permit. The annual permit fee shall be zero dollars (\$0.00) through December 31, 2020. Use of the premises for sidewalk cafés shall be permitted during the months of May through October, inclusive.

- i. The Borough Health Officer may establish rules and regulations pursuant to this subsection, which rules and regulations shall be filed with the Borough Clerk and shall be available for public inspection.
- j. Any sidewalk café permit may be suspended or revoked by the Health Officer or Police Chief upon a violation of any provision of this subsection or a determination by the Health Officer or Police Chief that continued operation of the sidewalk café is inimical to the public health and welfare. Such suspension or revocation shall be in writing and delivered personally or mailed by certified mail to the permit holder at the address set forth in the application. Any suspension or revocation issued by the Health Officer or Police Chief may be appealed to the Mayor and Council within fifteen (15) days of the mailing of such notice.
- k. The granting of a permit under this subsection shall not be construed to permit any activity otherwise prohibited by this Code or by any other law.

§ 23-6.2 Removal of Obstructions; Cost.

- a. The Chief of Police, or the Chief's designee, is hereby authorized and empowered to order obstructions to the public right-of-way which jeopardize public health, safety, or welfare, to be removed within two (2) hours after notice to the owner thereof, or if the owner cannot be readily found for the purpose of such notice, to cause the same to be removed to a place designed by the Chief., The owner of any article or thing so removed shall, in addition to the penalties provided herein for the violation of this subsection, pay the cost of such removal.

§ 23-6.3 Violations and Penalties.

Any person violating any of the provisions of this section shall, upon conviction, pay a fine not exceeding five hundred (\$500.00) dollars or be imprisoned in the County jail for a term not exceeding ninety (90) days, or both, in the discretion of the Judge of the Municipal Court.

BE IT FURTHER RESOLVED that the foregoing Resolution and provisions therein shall be put into effect immediately and shall remain in effect until December 31, 2020 or until revised or repealed by a future Resolution of the Governing Body.