

BOROUGH OF WESTWOOD

Office of Construction and Zoning



TELEPHONE (201) 664-5900 • FAX (201) 664-7570 • 101 WASHINGTON AVENUE • WESTWOOD, NJ 07675

OUTDOOR CAFE APPLICATION

FEE:

\$100.00 On or Before March 1: Check # _____ Date: _____ Permit # _____

\$250.00 After March 1: Check # _____ Date: _____ Permit# _____

Business Name: _____

Email Address: _____

Phone: _____

Business Address: _____

City: _____

State: _____

Zip Code: _____

Block: _____

Lot: _____

Zone: _____

Submit a sketch of the area, showing trees, light poles, hydrants, location of entrance door and tables and chairs. Tables must have one side against the building. **Must maintain a 4ft sidewalk.**

Submit a \$1,000,000 Insurance Rider naming the Borough of Westwood as additionally Insured.

No of Chairs:(4 per table max)

No of Tables: (1 per 5ft of
storefront length)

Length of storefront:

Are restrooms available to
Patrons on site?

Yes: _____

No: _____

Business Owner

Name: _____



Email:

Phone:

Residence Address:

City: State: Zip Code:

Property Owner Information (if other than applicant)

Property Owners Name:

Email Address: Phone:

Residence Address:

City: State: Zip Code:

_____ is hereby authorized to file the above application to the Borough of Westwood to use the premises as an outdoor cafe area.

Owner: Date:

The undersigned applicant does hereby certify that all the statements contained in this application are true.

Applicant: _____

**INDEMNIFICATION AGREEMENT WITH REFERENCE
TO OUTDOOR CAFES:**

Applicant/Owner shall indemnify and hold harmless the Borough of Westwood, its agents, servants and employees, from and against any and all losses, detriment, damages, expenses, costs, charges, claims, demands, suits, actions or judgments of any and every kind and nature including attorney's fees, which they or any of them may in any way suffer, sustain or be subjected to or which may be imposed upon or recovered against the Borough, its agents, servants or employees by reason of any act or omission of the Licensee.

Applicant/Owner:

Sworn to before me this _____
day of _____ 20_____.

A Notary Public of New Jersey

Chapter 195. Land Use and Development

Part 4. Supplementary Provisions

Article XXI. Outdoor Dining Regulations

§ 195-167. Definitions.

The following terms apply to this article.

OUTDOOR CAFE

Any food establishment where food and other refreshments are served or consumed within the public right-of-way, i.e., the sidewalks immediately in front of any food establishment, cafe, or place of business where food and/or other refreshments are served, or where permitted on private property. One retail food service window or doorway is permitted for dispensing of ice cream or similar confectionary products in accordance with the requirements of the outdoor dining development regulations herein. The permitting of such a window or doorway shall be in accordance with the permitted uses of the zone where located and does not imply permission of a specific use in a zone.

[Amended 5-15-2012 by Ord. No. 12-09]

SIDEWALK

That area of the public right-of-way reserved for pedestrian traffic between the curb and the front line of a building.

§ 195-168. Regulations.

[Amended 11-20-2007 by Ord. No. 07-20; 5-15-2012 by Ord. No. 12-09; 7-16-2013 by Ord. No. 13-18; 6-17-2014 by Ord. No. 14-11]

The following regulations apply to outdoor dining in the Borough:

- A. A minimum four-foot-wide area of unobstructed paved surface will be available for pedestrian movement around or through the outdoor cafe.
- B. No food or drink shall be prepared or stored other than in the interior of the eating establishment.
- C. Outdoor cafes shall be permitted to operate from April 1 to November 30 in any calendar year. The permit, when issued, shall be subject to a renewal each year by the Zoning Officer.
- D. No tables, chairs or other equipment shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk, or property of the Borough.
- E. No outdoor loudspeaker, public address system, radio or similar device shall be utilized.
- F. No outdoor cafe shall be open for business prior to 6:30 a.m., nor remain open for business after 11:00 p.m. All persons occupying the outdoor cafe shall vacate the same no later than 11:30 p.m.

- G. The applicant shall remove all chairs and other equipment from the sidewalk within 30 minutes of the time in which the outdoor cafe is vacated at the end of each business day.
- H. The Borough shall not require additional parking for outdoor cafe seating.
- I. Tables shall be arranged so that the side of each table shall be sited as close as practical to the adjacent wall of the food establishment it is associated with, provided that in no event shall the establishment be allowed more than one table and four chairs for every five feet of storefront of the facility requesting outdoor dining. Benches may be installed in place of tables and chairs, provided that the back of the bench shall abut the wall of the food establishment it is associated with, and further provided that in no event shall the food establishment be allowed benches that exceed the number of seats as permitted in this section, based on a standard that equates 24 inches of seat length to one seat.
- J. Tables shall be limited to four-seat tables. The maximum permitted depth of the table, as measured from the nearest wall it abuts, shall be 40 inches.
- K. The applicant shall be responsible for keeping the area of the outdoor cafe and the adjacent walks and streets free and clear of any debris or litter occasioned by the cafe. Areas must be cleaned as needed and at the time that business is closed for the evening.
- L. No signs shall be permitted in the area of the outdoor cafe except for signs on the awnings complying with Article XIX, Sign Regulations, of this chapter of the Code of the Borough of Westwood.
- M. No carts or other physical features, other than those which are specifically permitted herein, shall be permitted to be placed within the sidewalk area.
- N. Table umbrellas are permitted for outdoor cafes on sidewalks, subject to the following:
 - (1) Umbrellas for outdoor cafes, as regulated herein, shall be permitted only in the CBD District and the CBD/SPE District.
 - (2) Umbrellas shall only be permitted at the permitted outdoor cafe tables, and the number of umbrellas shall be no more than the number of tables permitted.
 - (3) The size of the umbrella shall allow at least a vertical clearance under the umbrella of six feet eight inches. The width of the umbrella and its placement shall be such as to leave a four-foot-wide unobstructed path of sidewalk parallel to the curb across the entire frontage of the property in question.
 - (4) All umbrellas shall be vented and properly secured with pins or bolts through the table framework, with weighted umbrella stands of at least 20 pounds directly beneath the table to prevent toppling in high winds.
 - (5) Umbrellas shall not be illuminated, and signs are only permitted on the valance of the umbrella.
 - (6) The maintenance and daily removal of umbrellas shall be in conformance with the standards of this article.
- O. A moveable barrier to define the dining space shall be required.
- P. Smoking shall be prohibited in any outdoor dining space.
- Q. All establishments holding a valid liquor license must comply with all statutory provisions and regulations of the Alcoholic Beverage Control Commission and obtain any and all necessary licenses and/or permits pursuant thereto in order to serve alcohol in conjunction with an outdoor dining permit.
- R. The consumption of alcoholic beverages on public sidewalks for BYOB establishments is regulated by Chapter 87 of this Code.

§ 195-169. Permit required; application.

- A. No person shall operate an outdoor dining area/sidewalk cafe in the Borough without first obtaining an outdoor cafe permit and satisfying all of the requirements of this article.
- B. Each applicant shall submit and file an application with the Borough Zoning Officer, together with three copies of a development plan (as described below), and the appropriate fee.
- C. The application shall set forth:
 - (1) The name, address and telephone number of the applicant and property owner, and written authorization of the owner of the property in question, and the street address and block and lot number of the property in question.
 - (2) A sketch containing a scale drawing clearly illustrating the location and number of proposed tables, chairs, planters, awnings, or other fixtures proposed to be located in the outdoor cafe.
 - (3) The scale drawing shall illustrate the location of any doors leading from the food establishment to the outdoor dining area. No such door may be obstructed in any manner, the dimension and location of the unobstructed space permitting passage of pedestrian traffic around or through the outdoor cafe. The location of all fire hydrants, utility poles or other fixtures permanently located in the outdoor dining area, or on the sidewalk or other area within 50 feet of the outdoor dining area, shall be shown.
 - (4) A statement of the seating capacity of the existing food establishment and the proposed seating capacity of the outdoor dining area.
 - (5) A statement indicating the number of parking spaces serving the existing food establishment.

§ 195-170. Review of application; issuance of permit; inspections.

- A. The Zoning Officer will review the application for completeness and compliance with the terms of this article. If the application is complete, the Zoning Officer will act upon the same within five business days of the submittal of a complete application. The Zoning Officer may refer the application to the Construction Official, Chiefs of the Bureaus of Police and Fire, the Health Officer, the Municipal Engineer and the Municipal Planner for their review and recommendation, whereupon the time for all of the aforementioned actions shall be increased to 10 business days.
- B. If the application complies with the applicable ordinances, the Zoning Officer shall issue a permit, which shall be updated yearly, as defined above.
[Amended 5-15-2012 by Ord. No. 12-09]
- C. Acceptance of the permit by the applicant shall represent consent to allow the Departments of Health, Fire, Police and Building of the Borough to inspect the outdoor cafe for continued compliance with the terms, conditions and regulations of this article.

§ 195-171. Supplemental provisions.

- A. No permit required by this article shall be issued until the applicant shall have first filed with the Zoning Officer a comprehensive general liability policy issued to the applicant by a public liability insurance company authorized to do business in the State of New Jersey in the amounts specified. Such insurance policy shall name the Borough of Westwood as additional insured with respect to the operation and maintenance of the outdoor café, in an amount determined by the Borough.

- B. The insurance coverage required by this section shall at all times be maintained for the full amount and shall contain a clause obligating the company issuing same to give not less than 30 days' written notice to the Borough Clerk before cancellation or amendments of any of the terms thereof. The cancellation of any such policy shall have the immediate effect of suspending the permit to operate the outdoor cafe until a new policy complying with the provisions of this section is filed with the Zoning Officer, and a letter confirming the new effective date of the permit is issued by the Zoning Officer.
- C. No permit shall be issued until a statement is filed with the Zoning Officer agreeing to indemnify and hold harmless the Borough of Westwood from any and all claims, damages, judgement costs or expenses, including attorneys' fees, which may be incurred or required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor cafe for which the permit is issued.
- D. Any permit issued hereunder is issued solely as a revocable permit and is subject to revocation or suspension by the Zoning Officer for failure to comply with this chapter or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. It shall be unlawful for any person to operate an outdoor cafe after the suspension or termination of the applicable permit.
- E. No permit shall be issued unless the applicant agrees at the end of the license period, or in the event that the license is temporarily or permanently suspended or revoked, to vacate, at his own cost and expense, the sidewalk space and remove any property placed thereon. Failure to do so on five days' written notice shall grant the Borough the right to remove any property on the sidewalk. The applicant shall be required to reimburse the Borough for the cost of removing and storing the same.