Alberto Santos, Mayor
Town of Kearny
402 Kearny Ave
Kearny, New Jersey 07032

Stephen Marks
Town Administrator
(201) 246-1418
smarks@kearnynj.org

2020 Sidewalk Business Display Application

***this application is only for merchants of retail goods and services, not for dining establishments**

Business Name: _____

Business Address: _____

Owner/Operator Name: _____

Owner/Operator Address: _____

24-Hour Contact Phone: _____

Email Address: _____

MAIL/DELIVER APPLICATION TO:
Office of the Town Clerk
402 Kearny Avenue
Kearny, New Jersey 07032

Checklist of documents that must be submitted with application:

□ Certificate of Liability Insurance.

□ Letter from landlord authorizing usage in front of building. **OR** □ Business owns property

□ A scaled drawing of the property and proposed sidewalk business display area, indicating the location of items which will be located in the public way.

□ Hold Harmless Agreement and Maintenance Agreement (see next page)

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Hold Harmless Agreement

_____ (business name) agrees to indemnify, defend, and hold harmless the Town of Kearny, its officers, agents, servants and/or employees, against any and all liability, claims, judgments, demands or expenses, including but not limited to death, serious bodily injury, and property damage, arising from _____ (business name's) implementation and utilization of a sidewalk business display in accordance with this Agreement.

I, _____ (signature) _____(print name), as a representative of the above-named business, do hereby acknowledge that I have received, read and am legally bound by all sidewalk business display compliance requirements as set forth in and agree to be bound by all provisions of the Town of Kearny ordinance nos. 2020-(O)-23 and 2006-(O)-55A § 2, as well as well as "Sidewalk Business Display Licensing Terms and Requirements" attached hereto, and that noncompliance with said requirements may result in citations, fines and/or the loss of my café license.

Maintenance Agreement:

The undersigned further agrees to either repair at its sole cost or expense any damage caused to the sidewalk by the operation of the sidewalk business display or to reimburse the Town of Kearny in full for all costs and expenses incurred by it in making any such repairs.

Name: _____ Title: _____

Witness: _____ Dated: _____

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Sidewalk Business Display Licensing Terms and Requirements

a. Proof of insurance coverage must be filed with the Kearny Town Clerk as follows: a copy of the insurance policy or certificate of insurance issued by a company duly authorized to transact business under the laws of the State of New Jersey, providing for the payment of not less than one million dollars ($1,000,000.00) to satisfy all claims for damage by reason of bodily injuries to, or the death of, any person as a direct or indirect result of the operation of the sidewalk business display or for injury to any person occurring on the premises occupied by the sidewalk business display, and further providing for the payment of not less than ten thousand dollars ($10,000.00) to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such sidewalk business display. The policy and certificate shall name the Town of Kearny as an additional insured and provide for ten (10) days written notice plus three (3) days mail service of any proposed cancellation of the policy to the Town Clerk.

b. Licenses are annual, starting on January 1st and expiring on December 31st of each year.

c. Where sidewalks are more than 20 feet wide, businesses may use up to 10 feet of sidewalk space adjacent to their storefront provided that not less than 6 feet of safe unobstructed pedestrian egress is maintained. Where sidewalks are less than 20 feet wide, businesses may use the available space adjacent to their storefront provided that not less than 6 feet of safe unobstructed pedestrian egress is maintained.

d. Sidewalk business displays may be set up on the sidewalk during a business's regular hours. No business or merchandise shall remain outside overnight between the hours of 9:00 p.m. and 8:00 a.m., except where expressly permitted and/or previously approved.

e. No flashing or moving lights or additional signage shall be part of the sidewalk setup.

f. All merchandise shall be removed from the sidewalk and curb side every evening.

g. No vending machines of any kind are permitted on the exterior of any building operating a sidewalk sale.

h. Retailers shall broom-sweep the sidewalk in front of their store every evening to remove all litter and debris.

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i. The permittee agrees at the end of the permit period, or in the event the permit is revoked, that the permittee, at his/her own cost and expense, will vacate the sidewalk space and promptly remove the property placed thereon. Failure to do so shall immediately grant to the Town of Kearny the right to remove any property on the sidewalk, and the permittee agrees to reimburse the Town for the cost of removing and storing same. Permittee shall also, at the end of the permit period, clean up all debris, display boxes and any other material, garbage or litter from the sidewalk space utilized by the permittee during the sidewalk sale and shall return it to the condition that it was immediately preceding the sidewalk sale.