

**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 Café/Outdoor Dining Application

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 description of the dimensions of the area and all temporary structures, equipment and apparatus to be used in connection with the operation of the sidewalk café, including but not limited to tables, temporary fences, barriers planters, benches, chairs and umbrellas.
- A statement of the seating capacity of the proposed sidewalk café and of the existing restaurant
- A sketch to be drawn to scale of the proposed design and location of the sidewalk café, including the location of all appurtenances, demonstrating that pedestrian traffic will not be impeded and that the provisions of Requirements and specifications will be satisfied
- Hold Harmless Agreement and Maintenance Agreement (see next page)

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If a proposed sidewalk café/outdoor dining space is located next to another commercial establishment that is not open during hours that it is in operation, the sidewalk café/outdoor dining space may apply to extend laterally onto the adjacent sidewalk area.

**Checklist of documents that must be submitted with application to utilize an adjacent sidewalk area:**

- Certificate of Liability Insurance indemnifying the adjacent property owner and the Town of Kearny
- Written consent from both the business owner and the property owner to utilize their sidewalk area

**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 café 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 café 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 2009-(O)-09 and 2002-(O)-53A, as well as well as "Sidewalk Café 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 café 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 Café 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 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 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 café. 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 1<sup>st</sup> and expiring on December 31<sup>st</sup> of each year.
- c. Hours of operation of sidewalk cafés shall be between 8:00 A.M. and 10:30 P.M. Sunday through Saturday, except for dining areas that are not located in a commercial district or redevelopment area, which shall close by 8:00 P.M.
- d. Restaurants may utilize adjacent parking areas (or driveways wider than 20 feet) which are owned, leased, or otherwise controlled by them for outdoor dining provided that no more than one parking space is allocated per 8 outside dining seats (not to exceed 10 spaces) and if the parking area or driveway is adjacent to a residential building, the outdoor dining space shall provide a buffer from the residential building as determined by the Zoning Officer.
- e. For all establishments where there is less than 20 feet of width, an establishment with a sidewalk café/outdoor dining space may utilize as much of the sidewalk as practicable provided that not less than 6 feet of safe unobstructed pedestrian egress is provided.
- f. All tables and chairs must have a minimum six-foot clearance from other tables and chairs.

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- g. All restaurant employees, including service and wait staff, shall wear a facemask covering their nose and mouth.
- h. Customers of the sidewalk café/outdoor dining area shall be permitted to use the restrooms of the brick and mortar establishment, provided that masks are worn indoors and all CDC requirements and Executive Orders are followed.
- i. Businesses holding liquor licenses that expand to outdoor seating areas shall be subject to the provisions of EO-150 and the DOH Directive and ABC Special Ruling.
- j. Partitions such as jersey barriers, planters or bollards shall be used to protect dining areas in parking lots or adjacent to the street, where partition requirements may be waived by the Zoning Officer on a case-by-case basis.
- k. Partitions may be spaced differently or modified where needed to delineate the larger permitted café area, and may be supplemented with or replaced by planters, bollards, or other temporary demarcation.
- l. Partitions, planters, tables, chairs and related sidewalk dining equipment may remain on the sidewalk overnight through September 30, 2020 provided it is broken down and properly secured against weather conditions, high winds, vagrancy and other mischief.
- m. From October 1<sup>st</sup>, 2020 through the end of the year, all equipment shall be removed overnight.
- n. Sidewalks, curbs, gutters and streets immediately in front of the establishment shall be broom swept at the end of every evening.
- o. Bistro lights will be permitted through September 30, 2020 provided: they are at least 7 feet above sidewalk grade, the amount of lighting does not create significant light intrusion affecting pedestrian or vehicular traffic or neighborhood residences, and all lights are turned off when the business is closed.
- p. No pets are permitted in outdoor dining areas except for service animals.
- q. No smoking shall be permitted in outdoor dining areas.