

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



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

2020 StrEATERY Application

Business Name: _____

Business Address: _____

Owner/Operator Name: _____

Owner/Operator Address: _____

24-Hour Contact Phone: _____

Email Address: _____

Length of Proposed StrEATERY (in feet): _____

Length of Proposed StrEATERY (number of parking spaces occupied): _____

Proposed Days of Week (check all that apply, including hours of operation)

- | | |
|---|--|
| <input type="checkbox"/> Monday _____ to _____ | <input type="checkbox"/> Friday _____ to _____ |
| <input type="checkbox"/> Tuesday _____ to _____ | <input type="checkbox"/> Saturday _____ to _____ |
| <input type="checkbox"/> Wednesday _____ to _____ | <input type="checkbox"/> Sunday _____ to _____ |
| <input type="checkbox"/> Thursday _____ to _____ | |

Checklist of documents that must be submitted with application:

- Certificate of Liability Insurance.
- A detailed description of the area (including the start and end points relative to street markers) and all temporary structures, equipment and apparatus to be used in connection with the operation of the strEATERY.
- The location of fire hydrants, handicap parking spaces, and loading zones near the proposed StrEATERY, and the distance of these objects from where the strEATERY will be located.
- Detailed specifications for all materials to be used to distinguish the strEATERY from adjacent parking and the travel lane.
- Completed Hold Harmless, Maintenance, and Rental Agreements (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 strEATERY 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 strEATERY compliance requirements as set forth in and agree to be bound by all provisions of the Town of Kearny ordinance nos. 2020-(O)-23, as well as well as "StrEATERY Licensing Terms and Requirements" attached hereto, and that noncompliance with said requirements may result in citations, fines and/or the loss of my strEATERY license.

Maintenance Agreement:

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

Rental Agreement:

Upon approval, the sponsor(s) of a strEATERY shall remit a rental fee of \$0.25 per linear foot per day, payable on a monthly basis. The undersigned further agrees to pay these rental fees to the Town of Kearny on a monthly basis on the 1st day of each month.

Name: _____

Title: _____

Witness: _____

Dated: _____

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

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StrEATERY 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. No parking space, parking lane or other portion of the public right-of-way shall be encumbered without prior approval by the Police Department. No strEATERY shall be installed without prior approval of the Town Engineer in accordance with the provisions stated herein. Use of the right-of-way along a County roadway may require consent, approval or waiver by Hudson County Division of Planning.
- c. StrEATERIES platform shall be flush with the curb and sidewalk to prevent tripping hazard.
- d. Streateries shall not be located within 25 feet of a crosswalk, 10 feet of hydrants or in handicap spaces or loading zones.
- e. The area of the strEATERY established by the application and approved by the Town of Kearny, shall be delineated from adjacent parking spaces and the travel lane of the adjacent street using temporary crowd control barriers, bollards, poles, planters or other approved means.
- f. Temporary ADA curb ramps must be provided; for strEATERIES up to 30 linear feet one ramp shall be required, for strEATERIES over 30 linear feet two ramps shall be required.
- g. The road surface shall be covered with synthetic turf, solid color indoor-outdoor carpeting, or other approved street covering.

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- h. Easily removable tables, chairs or other seating shall be provided. Tables shall be 2-top or 4-top only, no tables accommodating more than 4 persons shall be permitted. Tables and chairs shall be spaced at least 6 feet apart measured from the backs of opposite facing chairs.
- i. Shade coverings such as umbrellas or pop-up canopies may be included as part of the strEATERY set up provided: there is no reduction in vehicular or pedestrian visibility; no part of the shade canopy extends into the travel lane or over the sidewalk; the shade covering is anchored securely against wind; and all coverings are removed overnight. Shade covering shall not contain advertising.
- j. One 24 inch by 36 inch A-frame or similar movable sign shall be included for a strEATERY up to 500 square feet in size. strEATERIES over 500 square feet shall have two signs to be located at either end of the strEATERY. Signs shall be positioned on the covered surface within the boundaries of the strEATERY, not on the adjacent sidewalk. The sign(s) shall clearly state that the strEATERY is open to the public, may identify the sponsor(s) of the strEATERY, shall include guidance regarding social distancing, and shall state that there is a 90-minute time limit for occupants of the strEATERY.
- k. Hours of operation shall be between 8:00 a.m. and 10:30 p.m. except that strEATERIES that are not located in a commercial district or redevelopment area shall close by 8 p.m. Daily set-up of the strEATERY shall follow the street-sweeping schedule and adjust accordingly.
- l. All furniture, street delineation, safety equipment and road covering shall be removed at the end of each day by the responsible party.
- m. Failure to comply with the guidelines stated herein shall be subject to a municipal fine of up to \$100 per occurrence and revocation of approval of the strEATERY.
- n. The Town reserves the right to limit the number of strEATERIES per block based on available space and the need to maintain publicly accessible curbside space on each block for other uses.
- o. The Town of Kearny, by order of the Chief of Police or the Office of Emergency Management, may require a strEATERY to be the removed or restrict the set-up of strEATERY for reasons of public safety.

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- p. All restaurant employees, including service and wait staff, shall wear a facemask covering their nose and mouth.
- q. All tables and chairs must have a minimum six-foot clearance from other tables and chairs.
- r. Customers of the strEATERY 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.
- s. Sidewalks, curbs, gutters and streets immediately in front of the establishment shall be broom swept at the end of every evening.
- t. Businesses holding liquor licenses that expand to strEATERIES shall be subject to the provisions of EO-150 and the DOH Directive and ABC Special Ruling.
- u. No pets are permitted at strEATERIES except for service animals.
- v. No smoking shall be permitted at strEATERIES.