

CITY OF ELIZABETH
DIVISION OF HEALTH
50 WINFIELD SCOTT PLAZA, ROOM G-1
ELIZABETH, NEW JERSEY 07201
PHONE: (908) 820-4034 FAX (908) 820-4718

APPLICATION FOR SIDEWALK CAFÉ LICENSE

License Period of April 1st to October 31st ONLY

APPLICANT

NAME: _____

ADDRESS: _____

TELEPHONE: _____

BUSINESS

Restaurant Coffee Shop Luncheonette Sandwich Shop Class A Tavern/Rest.

Food and Beverage License No. _____

BUSINESS

TRADE NAME _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

PROPERTY OWNER (Written authorization if applicant is not owner)

NAME: _____

HOME _____

ADDRESS: _____

DAYTIME _____

TELEPHONE: _____ E-MAIL _____

Granting of this License requires compliance with all the applicable Ordinances of the City of Elizabeth and the Laws of the State of New Jersey covering such establishments. It is further agreed that this License will be surrendered to the City of Elizabeth on demand for just and valid cause.

Name of Applicant: _____

Signature: _____

Cash Check Money Order

Rec. By _____ Date _____

Receipt # _____



CITY OF ELIZABETH, NEW JERSEY
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH

50 Winfield Scott Plaza, Elizabeth, NJ 07201-2462
Phone (908) 820-4089 Fax (908) 820-4718

J. CHRISTIAN BOLLWAGE
MAYOR

MARK S. COLICCHIO
HEALTH OFFICER

CITY OF ELIZABETH, N.J.
SIDEWALK CAFÉ INDEMNIFICATION AGREEMENT

The License Holder, _____ covenants and agrees that it shall, at its own cost and expense, indemnify, defend, protect, pay and hold harmless the City of Elizabeth, its officers, agents and employees, from any and all claims, causes of action, injuries, suits, demands, damages, losses, expenses, judgments or liability, including attorney fees and costs, arising out of, or which may arise out of, or in any way related to, and any injury to any person or property occasioned by any negligent or wrongful act or omission of the License Holder or any of its officers, employees, agents, representatives, guests, subcontractors, or persons or entities contracting with the License Holder in connection with a Sidewalk Cafe license issued by the City of Elizabeth to the License Holder for property located at

The License Holder shall obtain and provide to the City of Elizabeth a Certificate of Insurance, naming the City as an additional insured, in a form reasonably approved by the City Attorney. The policy of Insurance shall be in effect at all times during the term of the License and shall include Commercial General Liability Insurance coverage in an amount not less than One Million Dollars (\$1,000,000) per occurrence (combined single limit), including bodily injury, and Property Damage Insurance coverage in an amount not less than \$10,000.00 per occurrence (combined single limit). Coverage shall be in an occurrence form and in accordance with the limits and provisions specified herein and the City Ordinances on Sidewalk Cafe as set forth in Section 7.54 of the Code of the City of Elizabeth. Claims-made policies are not acceptable. Such insurance shall not be canceled, nor shall the occurrence or aggregate limits set forth above be reduced, until the City of Elizabeth has received at least thirty (30) days' advance written notice of such cancellation or change. The License Holder shall be responsible for notifying the City of Elizabeth of any change to or cancellation of the policy. If any of the insurance coverage's are cancelled or changed to less than the required amounts under the City Ordinance then this license may be suspended until all provisions of the ordinance as in compliance.

Dated:

(License Holder)

SIDEWALK CAFÉ INFORMATION SHEET

LICENSE REQUIREMENTS

1. The sidewalk café shall be confined to the area directly in front of the existing retail food establishment. In those situations where the premises is located on a corner, both the front and side street area of the retail food establishment may be utilized, so long as it does not interfere with access to the building entrance or exit.
2. The sidewalk café shall not interfere with access to the building entrance or exit, any basement entrance or fire hydrant, bus stop, public sign, parking meter or public alley way.
3. The sidewalk café shall allow for a minimum of eight (8) feet along Broad Street, and four (4) feet elsewhere, for pedestrian usable, unobstructed sidewalk traffic so as to maintain pedestrian access; except that café's in front of a bus stop or taxi stand shall maintain a minimum of eight (8) feet for pedestrian useable, unobstructed sidewalk traffic.
4. Any space dedicated to outdoor sidewalk dining shall be delineated via a "rope system" designed for that purpose.
5. The entire sidewalk area in front of the premises shall be kept clean and free of litter. Sidewalks including eighteen (18) inches into the street shall be maintained by sweeping or washed daily or more frequently. Trash receptacles shall be provided if the Health Officer determines it necessary.
6. The furniture to be used in the operation of the sidewalk café shall be made of durable material, such as sturdy vinyl/plastic, wrought iron or wood. Upholstered furniture is prohibited.
7. No permanent form of space delineation or construction for the sidewalk café will be permitted within the public right-of-way. Portable barriers or planters not less than three (3) feet nor more than four (4) feet in height shall be placed on the sidewalk to define the café area and the unobstructed passageway. The portable barriers or planters shall be removed when the café is not in operation.
8. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café.
9. Signage including advertising signage for the sidewalk café is prohibited.
10. The sidewalk café shall provide only table service.
11. There shall be no preparation of food or beverages outdoors.

12. All dishes, utensils, containers, table cloths, napkins, cutlery and other items used in the operation or decoration of the sidewalk café shall be made of nondisposable and reusable materials.

13. The sidewalk café shall open no earlier than 8:00 A.M. and close no later than 10:00 P.M. daily, and shall only be open during operating hours of the eating and drinking establishment. No furniture or other items of the sidewalk café shall remain outside of the eating and drinking establishment for more than 15 minutes after 10:00 P.M. or after the close of operating hours of the eating and drinking establishment, whichever is earlier.

14. No music or any sound device shall be played at the sidewalk café or so that it may be heard in the outdoor area.

15. The License Holder shall maintain and repair any damage to the sidewalk area in front of the premises and sidewalk café area.

16. The License Holder shall maintain liability and property damage insurance for the sidewalk café at all times, and is required to provide proof of insurance by way of a certificate of insurance and policy endorsement naming the City of Elizabeth as an additional insured, by a company duly authorized to transact business under the laws of the State of New Jersey, prior to the license being issued. Liability insurance shall provide for payment of not less than One Million Dollars (\$1,000,000.00) to satisfy all claims or damage by reason of bodily injuries to, or death of, any person as a director 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.

17. Prior to the license being issued, the Applicant shall execute and file an indemnification agreement, in the form prepared or approved by the City Attorney, in which it shall agree to forever defend, protect, indemnify and save harmless the City of Elizabeth, its officers, agents and employees, from and all claims, causes of action, injuries, losses, damages, expenses, attorney's fees and costs arising out of or which may arise out of, or be alleged to arise out of the operation of the sidewalk café.

18. All property taxes and water and sewer charges must be current at the time an application for a sidewalk café is received by the City or review of the application will not take place.

19. The Health Officer may establish rules and regulations pursuant to this Chapter for the protection of the health, safety and welfare of the public, which rules and regulations shall be filed with the City Clerk and shall be available for public inspection.

AN ORDINANCE TO AMEND CHAPTER 7.54 "SIDEWALK CAFES",
OF THE CODE OF THE CITY OF ELIZABETH, SPECIFICALLY
RELATING TO LICENSE FEES AND FEE WAIVER FOR SPECIAL
EVENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. - That Chapter 7.54.070 Fees The present fee shall be deleted
and replaced with the following:

1-10 seats - One- Hundred Dollars (\$100.00)

11-25 seats - Two-Hundred Dollars (\$200.00)

Over 25 seats - Three-Hundred Dollars (\$300.00)

SECTION 2. - That Chapter 7.54.070 Fees for Sidewalk Cafe shall be
amended to include a fee waiver for special events as follows:

A request to waive fees for special events such as restaurant week or sidewalk
sales must be submitted in writing, (30) thirty days in advance, to the Health Officer in
the Department of Health and Human Services and shall be reviewed and approved by
the Director of the aforesaid Department in accordance with the requirements of this
Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent with the
provisions of this ordinance be and the same are hereby repealed.

SECTION 4. If any portion or clause of this ordinance is declared invalid for
any reason whatsoever, same shall not affect the validity or constitutionality of any other
part or portion of this ordinance.

SECTION 5. The effective date of this ordinance shall be twenty (20) days
after its final passage by City Council and approval by the Mayor at the time and in the
manner provided by law.