

License # _____

Issue Date: _____



**BOROUGH OF SOUTH RIVER
MIDDLESEX COUNTY, NEW JERSEY**

APPLICATION FOR OUTDOOR CAFÉ & RESTAURANTS

License period will be from January 1st to December 31st

Business Name: _____ Phone: _____

Business Address: _____ Block: _____ Lot: _____

Business Owner Name: _____ Phone: _____

Business Owner Address: _____

Contact Name: _____ Phone: _____ Email: _____

Number of **Indoor** Table Seating: _____ Number of **Outdoor** Table Seating: _____

Days of Operation: _____ Hours of Operation: _____

Per Ordinance – Operation Hours can be anytime from 8:00 am to 10:00 pm

Square Footage of area of operation _____ sf

Do you have a current Food Establishment License? **YES** () **NO** ()

Will alcohol beverages be served? **YES** () **NO** ()

PRINT Name & Signature of Applicant

Date

Please submit with application:

Licensing fee in the amount of \$100 plus \$1.00 per square foot of sidewalk utilized for said outdoor café or restaurant. If paying by check, make payable to the Borough of South River

Sketch/Diagram of Proposed Outdoor Café

Insurance Policy naming the Borough of South River & the County of Middlesex (if applicable) as additional insured on insurance liability policy, to be a minimum of \$1,000,000 per individual and \$3,000,000 per event

Division	Approved Yes / No	Signature	Date
Zoning			
Fire Prevention			
Police Dept.			

§ 241-1. Purpose.

- A. Various Borough businesses have requested and proposed the use of portions of public sidewalks for commercial ventures and outdoor dining as a means of enhancing the business district and the economic vitality of the Borough;
- B. The Borough Council desires to support and encourage appropriate business activities which bring together residents of the Borough in various settings to enjoy a better quality of life;
- C. The Borough Council desires to support and encourage appropriate activities which bring together members of the commercial and business district in various settings to enhance the economy of the Borough;
- D. The temporary use of Borough sidewalk for the purposes of outdoor dining can most appropriately be accomplished through the licensing requirements and other regulations enumerated herein.

§ 241-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

OUTDOOR CAFE — Any eating establishment where food and other refreshments are served upon the public right-of-way, namely the sidewalks immediately in front of any restaurant, cafe, cafeteria or place of business where food and/or other refreshments are served.

§ 241-3. License required.

- A. Outdoor cafes and restaurants may be established as an accessory use to a permitted restaurant use in any zoning district that permits restaurants. No person, however, shall establish, maintain, own or operate any outdoor cafe or restaurant nor serve food, liquor or other beverages outdoors or at tables outdoors on any public street, sidewalk or alleyway without first having obtained a license with the Clerk of the Borough of South River.
- B. Outdoor cafes and restaurants shall submit a completed application, fee as provided in § 155-17, a certificate of insurance as required in § 241-6A and a sketch of the outdoor dining plan/placement of tables for the outdoor dining license with the Clerk of the Borough of South River. Upon receipt of a completed application, the Borough Clerk shall issue the license. Said license shall bear the signature of the Borough Clerk.
- C. Nothing contained herein shall be deemed to waive any obligations by the license holder under this chapter from complying with any applicable ABC or health regulation. A cafe or restaurant must meet the requirements for a retail food establishment as defined in state statute, State Sanitary Code and any and all other state, county or local regulations, and for purposes of this chapter must meet the following additional requirements:
 - (1) The amount of available outdoor table seating shall not exceed the amount of available indoor table seating at said establishment. Seating at the bar in an establishment shall not constitute indoor table seating for computing the amount of available outdoor table seating that an establishment may have.
 - (2) The establishment must comply with the restaurant requirements as to restroom

facilities under the Uniform Construction Code, unless exempt from same.

§ 241-4. Parking requirements.

The establishment of an outdoor cafe or restaurant pursuant to this chapter shall not require the holder of said license to acquire any new and/or additional parking as a result of the grant of said license and the operation of an outdoor cafe and/or restaurant.

§ 241-5. Lighting.

Any and all lighting which shall be utilized by an outdoor cafe and/or restaurant shall conform to the following criteria:

- A. Only low-level lighting may be utilized.
- B. Maximum level of illumination shall be 1.0 fc at the curblin and to all property lines as extended to the curblin.
- C. No lighting shall shine directly into the public roadway.
- D. No lighting shall simulate or resemble, in color or operation, any traffic control device.

§ 241-6. Conditions.

- A. Any sidewalk cafe or restaurant choosing to provide sidewalk dining must have a minimum insurance liability policy of \$500,000, must name the Borough of South River as an insured and provide the Borough with a certificate of insurance.
- B. Notwithstanding the restrictions and regulations enumerated herein, outdoor cafes and restaurants shall be allowed to operate at any time.
- C. In accordance with South River Borough Code § 350-20D(5)(b), all eating areas on the front facade of a building shall be of temporary nature and shall not block pedestrian circulation on any Borough sidewalk.
- D. Clear, straight and unobstructed passage for pedestrians of at least five feet in width shall be maintained at all times.
- E. When a cafe ceases operation for a period of five days or longer, all furniture and equipment utilized for outdoor dining shall be removed from the sidewalk and stored inside.
- F. All licenses are issued on the condition that the use of a Borough sidewalk for outdoor dining shall be terminated pursuant to an order of the Chief of Police or Fire Inspector when necessary, in the opinion of such official, to respond to the needs of law enforcement or fire suppression.

§ 241-7. Previous permits.

All permits issued by the Borough prior to the amendment of this chapter remain valid and enforceable for the operation of an outdoor dining establishment.

§ 241-8. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided in Chapter 1, Article I, General Penalty, in the discretion of the court.

§ 155-17. Chapter 241, Outdoor Cafes and Restaurants. [Amended 3-24-2008 by Ord. No. 2008-16 ; 10-26-2009 by Ord. No. 2009-45 ; 7-13-2020 by Ord. No. 2020-14]

Any person submitting an application for an outdoor café or restaurant license shall submit an application fee in the amount of \$100 with said application; provided, further, that no renewal fee shall be required for a license renewal unless there shall be a change in the design, setup or size of said outdoor restaurant/café in which event the applicant shall pay a renewal fee of \$100.