

**TOWN OF MORRISTOWN
OFFICE OF THE TOWN CLERK**

APPLICATION FOR A SIDEWALK CAFÉ LICENSE

NAME OF RESTAURANT: _____

APPLICANT NAME: _____ PHONE: _____

ADDRESS OF RESTAURANT: _____

NAME/ADDRESS OF OWNER: _____

1. Describe below all temporary structures, equipment and apparatus to be used in connection with the operation of the sidewalk café:

Tables: _____ Size: _____

Chairs: _____ Size: _____

Planters: _____ Size: _____

Umbrellas: _____ Size: _____

Lighting: _____ Electrical Outlets: _____

Heaters: _____ Other: _____

2. Seating Capacity of existing establishment: _____

3. Seating Capacity of proposed sidewalk café: _____

4. Certificate of Insurance providing for payment of not less than one million dollars (\$1,000,000), combined single limit, to satisfy all claims for damage by reason of bodily injury/death and for payment of not less than ten thousand dollars (\$10,000) to satisfy all claims for property damage.

5. Indemnification Agreement (attached)
6. Maintenance Agreement (attached)
7. Property Owner Authorization (attached)
8. Check in the amount of \$250.00 made payable to "Town of Morristown"
9. Diagram* of the proposed location of the sidewalk café showing the actual dimensions of the area to be utilized and the building, street and sidewalk upon which it fronts. It must demonstrate that pedestrian traffic along the sidewalk upon which the sidewalk café is located will in no way be impeded.

A MINIMUM OF TEN (10) FEET FROM THE BARRIER TO THE CURB REQUIRED

*** If there are no changes from last year, initial here _____**

10. If alcoholic beverages are to be served, an extension of consumption license must be authorized by the Town Council.

Applicant agrees that he/she has read the provisions of subsection 4-5.9 of the Town Code (attached) and that the provisions of same will be satisfied.

Signature of Applicant/Date

Signature of Owner/Date

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

AGREEMENT made _____, 20____,

BETWEEN

_____, LOCATED AT

AND

THE TOWN OF MORRISTOWN, in the County of Morris, State of New Jersey (the "Town")

AND

THE COUNTY OF MORRIS, State of New Jersey (the "County")

The undersigned hereby releases the Town and their respective officers, employees and agents (collectively, the "Town Parties"), as well as the County and their respective officers, employees, and agents, from any liability of any kind whatsoever arising out of, based upon, or resulting from the operation of a sidewalk café at _____ in the Town of Morristown.

The undersigned further agrees to forever defend, indemnify and save harmless the Town of Morristown and the County of Morris, their officers, agents and employees from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of, the licensee's operation of such sidewalk café.

Sworn and subscribed to before me
This day of , 20____

By: _____
(signature)

(Notary Public)

(print name)

MAINTENANCE AGREEMENT

AGREEMENT made _____, 20____,

BETWEEN

_____, LOCATED AT

AND

THE TOWN OF MORRISTOWN, in the County of Morris, State of New Jersey (the "Town")

The undersigned hereby agrees to repair, at its sole cost and expense, any damage caused to the sidewalk by the operation of the café, and/or to reimburse the Town in full for all costs and expenses incurred for making any such repairs.

The undersigned further acknowledges that the Town Clerk may require a bond to be filed in an amount to be fixed by the Town.

Sworn and subscribed to before me
This day of , 20____

By: _____
(signature)

(Notary Public)

(print name)

PROPERTY OWNER AUTHORIZATION

DATE: _____

I, _____, do hereby authorize
(Owner)

_____ to operate a café on
(Restaurant Name)

the sidewalk directly adjacent to my property located at

_____.
(Restaurant Address)

Owner signature: _____

Print name: _____

CODE OF THE TOWN OF MORRISTOWN

4-5 SIDEWALK CAFES.

4-5.9 Rules, Regulations and Specifications.

A Sidewalk Café authorized and operating pursuant to this section shall comply with all of the following rules and regulations, and such others as may be adopted by resolution of the Town Council:

a. *Compliance With Development Plan.* The Café shall be operated and maintained in accordance with the Development Plan as finally approved.

b. *Placement of Furniture Near Fire Hydrants.* No furniture, apparatus, decoration or appurtenance used in connection with the operation of the Café shall be placed within fifty (50) feet of any fire hydrant, plug or standpipe without the specific written authorization of the Chief of the Bureau of Fire.

c. *Obstruction of Ingress and Egress.* No furniture, apparatus, decoration or appurtenance used in connection with the operation of the Café shall be located in such a way as to impede the safe and speedy ingress and egress to or from any building or structure.

d. *Minimum Pedestrian Passageway.* No furniture, apparatus, decoration or appurtenance used in connection with the operation of the Café shall be located in such a way that less than ten (10) feet of paved sidewalk remains for the exclusive use of pedestrians (the "required pedestrian passageway"), nor shall any such furniture, apparatus, decoration or appurtenance project or protrude into, on or above the required pedestrian passageway.

e. *Temporary Barrier Required.* The Sidewalk Café shall be separated from the required pedestrian passageway by a suitable temporary and portable barrier designed for such or similar use, which shall have been shown on and approved as part of the Development Plan.

f. *Dishes and Utensils to be of Durable, Reusable Nature.* All dishes, utensils, containers, cutlery and other items used in the operation or decoration of the Sidewalk Café shall be made of durable materials, and shall have been designed for multiple reuse.

g. *Service to Patrons.* Service in the Sidewalk Café shall be provided by persons engaged or employed for that purpose, and shall be furnished to seated patrons only.

h. *Litter; Maintenance of Sidewalks.* The sidewalk area utilized by the café shall be kept clean and free of litter. Sidewalks shall be washed daily and trash receptacles shall be provided as required and approved by the Town.

i. *Noise.* Noise shall be kept at such a level as to comply in all respects with the provisions of Section 3-1, Noise, of Chapter III.

j. *Hours and Months of Operation.* Sidewalk Cafes shall be permitted to operate only within a permitted zone and only from 7:00 a.m. until 11:00 p.m. year round, weather permitting, except on parade days.

k. *Removal of Furniture After Closing.* Within thirty (30) minutes after the closing of the Café, the operator shall have all the furniture, apparatus, decorations and appurtenances, and any other items used in connection with the operation of the Café removed from the sidewalk, except for decorative planters. All such materials shall be stored in a safe and secure interior location. Decorative planters shall be moved flush against the principal façade of the adjacent building.

l. *Menu Stands.* Subject to approval by the Zoning Official any licensed Sidewalk Café may have one (1) menu display not to exceed three (3) square feet.

m. *Compliance with State Sanitary Code.* The operator shall comply with all the requirements of N.J.S.A. 26:1A-7, et seq. (also known as Chapter XII of the New Jersey State Sanitary Code) and N.J.S.A. 24:15-1 et seq.

n. *Operation Limited to Operator of Primary Restaurant.* The café shall be actually operated and maintained by the same person who operates and maintains the related restaurant of which the café is a part and an extension.

o. *Compliance with Ordinances.* The operator shall comply with all other ordinances of the Town of Morristown.

p. *Fire Pits, LP-Gas Fire Pits and LP-Gas Mushroom-Type Heaters.* Fire Pits and LP-Gas Fire Pits are not permitted within any Sidewalk Café. LP-Gas Mushroom-Type Heaters are permitted but shall not be used in buildings, including tents, or partially-covered canopy-type enclosures, foyers, and enclosed courtyards. For LP-Gas Mushroom-Type Heaters the minimum safety instructions are, but not limited to, the following:

- i. The mushroom-type heater unit shall not be left unattended.
- ii. Unit shall be placed on a hard and level surface.
- iii. The unit's LP-Gas tank shall be turned off when the heater is not in use.

- iv. Unit shall not be used if wind velocity is greater than 10 MPH to prevent flame out.
- v. LP-Gas maximum inlet pressure shall meet manufacturer's recommendations.
- vi. After use, the heater unit shall be allowed to cool for at least 20 minutes before handling.
- vii. Unit shall only be used outdoors in a well-ventilated area.
- viii. Unit shall not be handled while in use.
- ix. Unit shall be so placed as to keep children away.
- x. Unit shall be placed at least five (5) feet away from any flammable materials such as carpet, drapes, decorations, chemicals, paper goods, furniture, etc.
- xi. Units shall be sufficiently anchored so as to prevent accidental tip-over.
- xii. Units shall be sufficiently cordoned-off as to prevent casual contact by the public.
- xiii. Unit hook-up may require the use of a suitable crescent or box-end wrench only.
- xiv. Tanks shall be stored five (5) feet from any doorway or building opening .