

TOWN OF MORRISTOWN
2023 SIDEWALK CAFE APPLICATION

Office of the Town Clerk
200 South Street
Morristown, NJ 07960
townclerk@townofmorristown.org

NAME OF ESTABLISHMENT: _____

ADDRESS OF ESTABLISHMENT: _____

CONTACT (MANAGER/SUPERVISOR): _____

PHONE NO.: _____ EMAIL: _____

NAME/ADDRESS OF OWNER: _____

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

Tables: _____ Size: _____

Chairs: _____ Size: _____

Planters: _____ Size: _____

Umbrellas: _____ Size: _____

Lighting: _____ Type: _____

Heaters: _____ Type: _____

Tent: _____ Size: _____

Other: _____

2. Seating Capacity: Indoor area _____ Outdoor area _____

3. Is existing premises licensed to serve alcohol? ** YES NO

**If yes, a request for license expansion must be filed at townclerk@townofmorristown.org.

****REQUIRED DOCUMENTATION****

1. Diagram **drawn to scale** of the proposed location of the outdoor space 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 will in no way be impeded and include placement of furniture and accessories **including dimensions** to ensure compliance with the Town Code.

2. Indemnification Agreement (attached)

3. Maintenance Agreement (attached)

4. Property Owner Authorization (attached)

5. 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.

6. Check made payable to "Town of Morristown" **(SEE ATTACHED FEE SCHEDULE)**

Applications may be filed with the Town Clerk at townclerk@townofmorristown.org.

****INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED****

Applicant acknowledges that the **premises is subject to inspection and written approval by Town Officials prior to operation**. Applicant further agrees that he/she has read the provisions of subsections 4-5.9, 6-4.8 and 30-2F of the Town Code and that the provisions of same will be satisfied, as applicable.

Signature of Applicant

Date

APPROVED BY: _____

DATE: _____

3
I 1/24
A 2/14

TOWN OF MORRISTOWN

ORDINANCE O-3-2023

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 SECTION 5
"SIDEWALK CAFES"**

WHEREAS, the Town of Morristown desires to amend the current ordinance regulating Sidewalk Cafe fees for eligible establishments with and without an Alcoholic Beverage Control retail license;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 4 "Licensing and Business Regulations", Section 5 "Sidewalk Cafes", Subsection 7 "License Fee" be and hereby is amended to read as follows:

4-5 SIDEWALK CAFES.

4-5.7 License Fees.

A. Establishments **without a liquor license** shall be subject to the following fees:

One (1) to ten (10) seats: \$250.00.

Eleven (11) to twenty-five (25) seats: \$375.00.

Twenty-six (26) to fifty (50) seats: \$500.00.

Over fifty (50) seats: \$625.00.

B. Establishments **with a liquor license** shall be subject to the following fees:

One (1) to ten (10) seats: \$250.00.

Eleven (11) to twenty-five (25) seats: \$500.00.

Twenty-six (26) to fifty (50) seats: \$750.00.

Over fifty (50) seats: \$1,000.00.

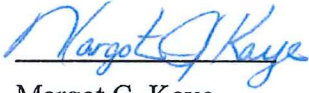
BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage.

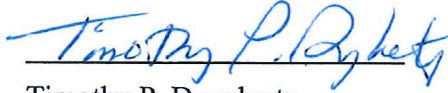
ATTEST:

ADOPTED:



Margot G. Kaye,

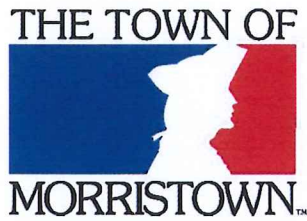
Town Clerk



Timothy P. Dougherty,

Mayor

Date: 2/14/2023



200 South Street, P.O. Box 914
Morristown, NJ 07963-0914

Jillian C. Barrick, AICP, P.P.
Business Administrator
Tel: (973) 292-6625
Fax: (973) 267-2726

2023 REGULATIONS AND GUIDANCE SIDEWALK CAFES

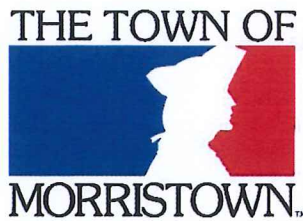
All approved dining setups are subject to modification or revocation.
Thank you for your cooperation.

- Closing time for outdoor dining is 11PM on every day of the week.
- No standing patrons will be permitted; everyone must be seated to be served.
- All furniture and accessories must be removed from the area and stored at the end of every evening and in the event of severe weather.
- Tables must be placed at least 20 feet from any first-floor residential property.
- All on-premise alcohol service must be done by wait staff to seated patrons.
- Capacity for any outdoor dining area will be limited to no more than the indoor capacity of the associated business and will be limited by the number of seats identified in their approved outdoor dining layout.
- All outdoor dining areas must adhere to subsections 4-5.9, 6-4.8 and 30-2F of the Town Code, where applicable.
- All outdoor dining approvals are subject to modification or revocation.
- Tables are not to be placed on tree wells with flexipave as the furniture may damage them.
- The outdoor dining area shall be kept free of litter and be cleaned regularly as required.
- Tents are prohibited; umbrellas are permitted as long as they do not obstruct the sidewalk.
- At least six (6) feet of passable sidewalk area must be maintained at all times.
- Any extension to neighboring storefront(s) requires written permission from the owner and the associated business.
- Noise shall be kept at such a level to comply in all aspects with the provisions of applicable ordinances of the Town.

Please review the attached guidance from the Morristown Fire Bureau regarding using heaters outside.

It is important that every establishment follow these safety measures
to ensure ongoing enjoyment of outdoor dining.

If you have any questions or concerns, please contact Margot Kaye, Town Clerk at 973-292-6636 or m-kaye@townofmorristown.org or Jillian Barrick, Business Administrator at 973-292-6626 or j-barrick@townofmorristown.org.



Fire Bureau
161 Speedwell Avenue
Morristown, NJ 07963-0914

Robert Flanagan, Fire Chief
Tel: 973-2926610
Fax: 973-898-9673

OUTDOOR HEATING/RESTAURANTS

FIRE PITS and LP (LIQUID PROPANE) FIRE PITS are NOT PERMITTED

**LP GAS TYPE HEATERS are PERMITTED
under the following guidelines:**

- LP gas heaters are NOT to be used in buildings including tents, (in and under them) partially covered canopy type enclosures, foyers and enclosed courtyards.
- The unit shall NOT be left unattended.
- The unit shall be placed on a hard level surface.
- The units LP-gas tank shall be shut OFF when not in use.
- The unit shall not be used if wind velocity is more than 10 mph to prevent flame-out. After use, the unit shall be allowed to cool for 20 minutes before handling.
- The unit shall be used outdoors in a well-ventilated area. The unit shall NOT be handled while in use.
- The unit shall be placed to prevent casual contact with the public/children.
- The unit shall be placed at least 5 feet from any flammable materials such as carpet, drapes, decorations, chemicals, paper goods, furniture and all building structures.
- Fire Extinguishers must be located within 25 feet of heater.
- Tanks shall be stored at least 5 feet from any doorway, building structure and doorway. Heaters must auto turnoff if tipped over.

QUESTIONS?

PLEASE CONTACT THE FIRE MARSHAL AT 973-292-6602

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 an outdoor dining establishment 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 establishment.

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 outdoor dining establishment, 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 an outdoor dining
(Restaurant Name)
establishment on the sidewalk directly adjacent to my property located at

(Restaurant Address)

Owner signature: _____

Print name: _____