

APPLICATION FOR SIDEWALK CAFÉ AND RESTAURANT

Sidewalk cafes and restaurants may be established for businesses in the Borough of Keyport. No person, however, shall establish, maintain, own or operate a sidewalk café or restaurant nor serve food, liquor or other beverages on any public street, sidewalk or alleyway without first having obtained a license from the Municipal Clerk of the Borough of Keyport.

FEE: \$25.00 Season begins March 1st

Applicants Name _____

Business Name _____

Address _____

Business Phone Number _____

Cell Phone Number _____

- Please include a **Certificate of Insurance** – limits of liability shall not be less than the amount of One Million Dollars (\$1,000,000.00) in respect to any one person and in the amount of One Million Dollars (\$1,000,000.00) in respect to any one accident or occurrence, as well as a **certified true copy of the comprehensive liability policy** naming the Borough of Keyport as an additional insured and including an endorsement that such insurance policy may not be modified or canceled except upon 30 days' written notice to the Borough. Also include **evidence of payment** for the policy.
- Please include a **drawing of the area** showing where tables and chairs will be placed and indicating the amount of space for pedestrians between the café area and the curb
- Each licensee is responsible for keeping the area of the outdoor café and the adjacent sidewalks and streets, free and clear of any debris or litter occasioned by the café. Areas must be cleaned as needed and by the time that business is closed and at the beginning of each business day, but not later than 9:00AM. Failure to clean the adjacent sidewalks and streets shall result in a doubling of the fine under the existing litter ordinance as well as the suspension of the license issued under this ordinance.
- All tables, chairs and equipment must be removed from the sidewalk area at the close of business each night.

Application will be provided to the Chief of Police, Zoning Officer and Construction official who will provide their reports with recommendations for presentation to the Governing Body. The Governing Body, in its unlimited discretion, shall issue or deny the license.

I agree to the terms and conditions listed above.

Applicant's signature

ORDINANCE 19-07

AN ORDINANCE OF THE BOROUGH OF KEYPORT ESTABLISHING A PROCEDURE AND LICENSES FOR SIDEWALK CAFES AND RESTAURANTS

BE AND IT IS HEREBY ORDAINED by the Council of the Borough of Keyport, Monmouth County, New Jersey as follows:

Sidewalk Cafes and Restaurants

1. **License Required.** Sidewalk cafes and restaurants may be established for businesses in the Borough of Keyport. No person, however, shall establish, maintain, own or operate a sidewalk café or restaurant nor serve food, liquor or other beverages on any public street, sidewalk or alleyway without first having obtained a license from the Municipal Clerk of the Borough of Keyport.
2. **Applicant: Investigation, Issuance or Denial.**
 - A. An application for a sidewalk café license shall be available on a form to be issued by the Clerk of the Borough of Keyport. Once a completed application is received by the Clerk with the appropriate fee, it shall be forwarded to the Chief of Police, who shall, with the zoning Officer and Construction Official, conduct an investigation into the date contained in the application. Upon completion of the investigation by the Chief of Police, Zoning Officer and Construction Official, a report with recommendations shall be provided to the Borough Clerk for presentation to the Governing Body. The Governing Body, in its unlimited discretion, shall issue or deny the license. The Governing Body shall take into consideration the location, potential interference with pedestrian or vehicular traffic, appropriateness of design, the business record of the applicant, any proposed structures to be erected on public sidewalks, public safety, health and welfare considerations. No license shall be issued until a resolution of the Governing Body of the Borough of Keyport authorizing the issuance of a license shall have been adopted by a majority vote of the Governing Body of the Borough.
 - B. For liquor licensed establishments, permission to serve liquor outdoors shall be made as a separate application to the Borough Clerk and should be treated as a permanent expansion of the area to serve liquor and be treated accordingly as a place-to-place transfer of the liquor license through the Alcoholic Beverage Commission (ABC) with sole discretion of approval and denial separate from a standard sidewalk café license.
3. The applicant, in designing and furnishing the sidewalk café or restaurant, shall be consistent with the local façade ordinance standards and goals if and when established.
4. **Application Fees and Licensing Fees.** Any person submitting an application for a sidewalk café or restaurant shall submit an application fee in the amount of Twenty-Five Dollars (\$25.00) with said application. Should an application be approved by the Governing Body of the Borough by resolution, as specified in subsection 2-A, the applicant shall pay an annual licensing fee of Twenty-Five Dollars \$25.00.
5. **Season.** Any and all licenses issued pursuant to the terms of this section shall permit sidewalk café operations to begin no earlier than March 1st. Any and all sidewalk café operations so established shall cease on fourteen (14) business day notice as determined by the Business Administrator in consultation with the Zoning Officer depending upon weather related and public safety considerations.
6. **Annual Renewal.** Any license for a sidewalk café issued pursuant to the terms of this section shall be renewed annually in the discretion of the Governing Body.
7. **Violation: Penalty.** Any person violating the provisions of this section shall, upon conviction, be punished in accordance with the penalty ordinance set forth in the Ordinances of the Borough of Keyport.

8. Insurance Requirements.

- A. Any Person obtaining a license for a sidewalk café or restaurant shall submit, for the protection of the Borough of Keyport and its representatives, as well as the general public, a comprehensive policy of liability insurance protecting the licensee and the Borough of Keyport against any liability whatsoever occasioned by accident on or about the licensed property or any appurtenances thereto. This policy shall be written by a good and solvent insurance company or companies, with a minimum Best Rating of A, authorized to do business in the State of New Jersey and the limits of liability thereunder shall not be less than the amount of One Million Dollars (\$1,000,000.00) in respect to any one person, and in the amount of One Million Dollars (\$1,000,000.00) in respect to any one accident or occurrence.
- B. Prior to the time such insurance is first required to be carried by the sidewalk café license holder and hereafter, at least 15 days prior to the expiration of any such policy, licensee agrees to deliver to the Borough Clerk a certified true copy of the aforesaid comprehensive liability policy naming the Borough of Keyport as an additional insured and including an endorsement that such insurance policy may not be modified or canceled except upon 30 days' written notice to the Borough; the licensee shall also deliver to the Borough Clerk evidence of payment for the policy. Licensee shall promptly provide, at the request of the Borough, from time to time, certification or other proof acceptable to the Borough, that the insurance policy is in good standing and in full force and effect.

9. Other Requirements.

- A. If the applicant is the holder of any alcoholic beverage control license pursuant to the laws of the State of New Jersey, and has been approved as to Section 2A of this Ordinance, alcoholic beverages may be served and/or permitted to be consumed in the outdoor café area if otherwise permitted by the Alcoholic Beverage Commission. Any consumption of alcohol within an Outdoor Café authorized by this ordinance, which has been approved as an Outdoor Café, must be consumed by the glass and no alcohol may be consumed directly from the original container. The applicant for a license to be permitted to operate an Outdoor Café must comply and ensure compliance with all other provisions for the Code of the Borough of Keyport pertaining to alcohol and the consumption thereof.
- B. All persons consuming alcohol must be seated at a table.
- C. Each licensee is responsible for keeping the area of the outdoor café and the adjacent sidewalks and streets, free and clear of any debris or litter occasioned by the café. Areas must be cleaned as needed and by the time that business is closed and at the beginning of each business day, but not later than 9:00AM. Failure to clean the adjacent sidewalks and streets shall result in a doubling of the fine under the existing litter ordinance as well as the suspension of the license issued under this ordinance.
- D. All tables, chairs and equipment must be removed from the sidewalk area at the close of business each night.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.


If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

This ordinance shall take effect upon final passage and publication pursuant to law.

Introduced: September 4, 2007
Public Hearing: September 18, 2007
Adopted: September 18, 2007



ROBERT J. BERGEN
Mayor

ATTEST:

Valerie T. Heilweil, RMC
Municipal Clerk