

ORDINANCE 2016-36

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 324, OUTDOOR CAFES AND RESTAURANTS, AMENDING 324-1, 324-2 and 324-3

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach that Chapter Three Hundred and Twenty Four, (324) of the Revised General Ordinance of the Borough of Bradley Beach shall be amended and revised to read as follows:

324- Definition

Outdoor/sidewalk café shall mean an area adjacent to a restaurant, bar, market or other commercial establishment that is intended to be utilized for the purpose of outdoor dining, including the service of food and/or beverages, and which is required to be licensed pursuant to this section.

Public area shall include, but not be limited to, that portion of a public sidewalk, public right-of-way, which immediately abuts a commercial establishment.

324-1 License required; requirement for establishments.

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 at tables outdoors on any public street, sidewalk or alleyway without first having obtained a license from the Clerk of the Borough of Bradley Beach. Nothing contained herein shall be deemed to waive any obligation 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 Chapter 12 of the State Sanitary Code, and for purposes of this chapter must meet the following additional requirements:

- A. The establishment shall obtain a satisfactory inspection from the Board of Health and a mercantile license form the Borough of Bradley Beach.
- B. The establishment of an outdoor café restaurant pursuant to this Chapter shall not require the owner 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 café and restaurant.

324-2 – Application for license; investigation; insurance or denial; sidewalk access; insurance.

- A. Applications for an outdoor cafe or restaurant license shall be made to the Borough Clerk upon forms provided by the Clerk, and such applications shall be accompanied by a sketch plat setting forth the specific location for the proposed outdoor cafe or restaurant.
- B. Once a completed application is received by the Clerk with the appropriate fee, it shall be forwarded to the Chief of Police who shall take into consideration the location potential interference with pedestrian or vehicular traffic, appropriateness of design, the business record of the applicant and general public safety, health and welfare considerations; provided, however, that an area not less than Four (4) feet wide between the adjacent building and the adjacent curb shall be maintained at all times. The area shall be unobstructed by trees, tree wells, light poles, trash receptacles, sign poles and posts, telephone booths and similar structures. The pathway shall not meander around The Chief of Police shall a conduct an investigation, including consultation with the Fire Prevention Official and Zoning Officer, and the data contained in the application.

- C. The Police Department and Code Enforcement shall have the right to impose such restrictions as it may deem appropriate governing hours of operation, manner of service, type of awnings and umbrellas, tables and chairs and may require the applicant to bring sidewalks in to conformity with Borough requirements, it is a specific condition of every license or renewal of license issued that the license holder provide written confirmation to the Borough Clerk that the Borough has been named as an additional insured on all public liability policies under which a side walk café or restaurant shall operate, will operate, with the limits of such liability policy or policies approved by the Borough Attorney.

This Ordinance shall become effective upon final passage and publication according to law.

KELLY BARRETT
Acting Municipal

GARY ENGELSTAD
Mayor

Introduced: July 26, 2016

Date of Hearing and Adoption: August 9, 2016

Dates of Publication: _____
