



**COVID-19 TEMPORARY OUTDOOR DINING  
Permit Application  
No Fee Required**

As per Resolution #161 and in accordance with the Governor's Executive Order No. 150, the following Sections I-IV shall be completed by the applicant and approved by the Borough of Little Ferry prior to all temporary outdoor dining.

**I. Property Information:**

Business Name:		
Address:		
Block:	Lot:	Date:

**II. Property Owner Information:**

Name:	
Address:	
Telephone (H):	Cell:
Owner's Consent Signature:	

**III. Applicant Information:**

Name:	Email:
Address:	Cell:
Telephone: (H)	

**IV. Checklist Permit Application:**

<b>1.</b> Begin and End Date of Outdoor Dining(Outdoor dining shall cease to be in effect once Executive Order No. 150 is lifted.	
<b>2.</b> Hours of Operation for Outdoor Seating Area. Operation subject to Noise Ordinance # 1538-09-29):	
<b>3.</b> Applicant has obtained a COVID-19 Expansion Permit to allow licenses to expand the sale and service of alcoholic beverages onto areas adjacent to or contiguous with the licensed premises. A copy of the Expansion Permit shall be attached to this application if applicable.	<input type="checkbox"/> Yes <input type="checkbox"/> No Permit No: _____ <input type="checkbox"/> N/A
<b>4.</b> Will any part of the proposed temporary dining area be located within a public right of way? If so, you must comply with Borough code 35-111.4(c)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>5.</b> The following items must be submitted with this application:	
A. Diagram showing location, size and number of tables and seating area (tent coverings permitted per Governor's Executive Orders; cooking not permitted beneath a tent covering). B. Diagram of outdoor seating arrangements with measurements. C. If seating will be utilized after dusk, temporary lighting will be required if existing lighting is inadequate. D. If to be located within a parking lot or sidewalk, temporary public safety plan.	

**Specific COVID-19 Operation Conditions of this permit**

By submitting the certification below, the applicant acknowledges the following:

1. Applicant has received the Governor’s Executive Order #150 (E.O. 150), Borough Resolution #161 and Borough Ordinances respective of this application;
2. In addition to all the requirements of applicable law for retail dining establishments per Borough rules and regulations, the applicant has the legal obligation to comply with all applicable directives required by E.O. 150 as a condition of its receipt of this permit to operate outdoor dining services;
3. Applicant’s failure to comply with the approved/permitted plan for outdoor dining, shall subject the applicant to the Borough’s revocation or suspension of this permit until full compliance has been deemed to have been achieved by the Zoning Department, Police Chief, Fire Prevention Official and the Health Department.

**CERTIFICATION:**

I certify that I have personally examined and am familiar with all of the information contained in this permit application including any attachments.

\_\_\_\_\_ Signature of Applicant \_\_\_\_\_ Date

FOR OFFICIAL USE ONLY		
Department Review	Approvals	Comments
_____ Police Chief _____ Date	<input type="checkbox"/> Yes <input type="checkbox"/> No	
_____ Fire Prevention Official _____ Date	<input type="checkbox"/> Yes <input type="checkbox"/> No	
_____ Health Department _____ Date	<input type="checkbox"/> Yes <input type="checkbox"/> No	
_____ Zoning Department _____ Date	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Application can be mailed to the Borough Construction Department or emailed to [b-sneyer@littleferrynj.org](mailto:b-sneyer@littleferrynj.org)

**EXECUTIVE ORDER NO. 150**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119 and 138 (2020), issued on April 7, 2020, and May 6, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-149 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on March 16, 2020, I signed Executive Order No. 104, which limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to

offering food delivery and/or take-out services only, meaning that they could not allow the on-premises consumption of food or beverages; and

WHEREAS, on March 21, 2020, I signed Executive Order No. 107, which superseded Executive Order No. 104 (2020) in full but continued the prohibition of on-premises consumption of food or beverages; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, the State can begin to take certain steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan ("Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, the State is implementing its reopening process and has begun to relax restrictions on certain businesses, including the authorization of curbside pickup at retail establishments, the resumption of non-essential construction, and the allowance of a number of lower-risk outdoor activities; and

WHEREAS, consistent with this Plan, I have issued a number of Executive Orders, including Executive Order Nos. 133, 142, 143, 146, and 147 (2020), which authorized the openings of parks, beaches, lakefronts, and several outdoor recreational facilities and activities, with social distancing, cleaning, sanitizing, and hygiene practices in place, given repeated observations from public health experts, including but not limited to the Centers for Disease Control and Prevention ("CDC"), that outdoor environments present reduced risks of COVID-19 transmission as compared to indoor environments; and

WHEREAS, consistent with this Plan, I issued Executive Order No. 148 (2020), which allowed additional numbers of individuals to gather outdoors, consistent with the same repeated observations from public health experts, and Executive Order No. 149 (2020), which authorized the gradual restart of ordinary child care services, certain youth sporting activities, and summer camps, with social distancing requirements; and

WHEREAS, consistent with this Plan, non-essential retail businesses can begin to open their brick-and-mortar premises to the public, but should be held to the same minimum requirements that have applied to essential retail businesses since Executive Order No. 122 (2020) was signed in early April; and

WHEREAS, given the reduced risks of COVID-19 transmission outdoors, the State can begin to allow restaurants, bars, and other food or beverage establishments to provide in-person service at areas designated for food and/or beverage consumption ("outdoor dining") in accordance with CDC and DOH safeguards, but indoor dining still poses a higher risk of transmission at this time than outdoor dining; and

WHEREAS, indoor dining also entails a higher risk than indoor retail operations, as indoor dining typically involves individuals sitting together in one location for a prolonged period of time, while in indoor retail settings, individuals neither congregate in large groups nor remain in close proximity for extended periods and so the risk of COVID-19 spread is reduced; and

WHEREAS, to limit the spread of COVID-19 and thus to protect public health, establishments can only open to the public to offer outdoor dining where such food and/or beverage consumption is conducted in a way that ensures groups of individuals will be appropriately spaced apart, and there must be strict limits in place governing when individuals may enter the premises; and

WHEREAS, to limit the spread of COVID-19 and thus to protect public health, establishments can only open to the public to offer outdoor dining where such food and/or beverage consumption is conducted in a way that ensures critical Statewide health standards are met, which are being issued simultaneously by DOH; and

WHEREAS, because this Order establishes options for outdoor food and/or beverage consumption that accommodate the lack of indoor dining options as a result of COVID-19, individuals must have access to the same smoke-free options that they would have had under State law at the indoor premises of a food or beverage establishment, and which will continue to ensure that individuals can access in-person dining options without exposure to second-hand smoke during the Public Health Emergency; and

WHEREAS, many restaurants or bars will not have sufficient outdoor space to serve their patrons, and thus may seek to use additional space for outdoor food and/or beverage consumption,

including other areas of their property, such as parking lots, and shared spaces, such as sidewalks, streets, and parks; and

WHEREAS, municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety; and

WHEREAS, if municipalities choose to make shared spaces available to restaurants or bars, it is incumbent upon them to distribute these spaces equitably among restaurants or bars who may feasibly seek to use them; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Effective at 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," are permitted to offer in-person service at outdoor areas, provided that the establishment complies with the following requirements:

- a. Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;
- b. Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;
- c. Satisfy all standards issued by DOH pursuant to Paragraph 3 of this Order;
- d. Ensure that tables seating individual groups are six feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions;
- e. Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;
- f. Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age; and
- g. Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages. The requirement that food or beverage establishments impose this prohibition shall automatically sunset



once food or beverage establishments are permitted to offer in-person service in indoor areas.

2. Nothing in this Order shall prevent a food or beverage establishment that offers take-out options from allowing an individual who is seeking take-out rather than table service to enter the indoor premises of the establishment to place an order, make payment, and pick up food or beverages, including in situations where a food or beverage establishment makes outdoor areas without table service available. As noted in Paragraph 1(f), such individuals shall wear a face covering while inside the indoor premises of the food or beverage establishment, unless the individual has a medical reason for not doing so or is a child under two years of age.

3. The Commissioner of the DOH is directed, consistent with her authority under the Emergency Health Powers Act, to issue health and safety standards for use by food or beverage establishments in order to serve patrons consistent with this Order.

4. Picnic Areas and Pavilions may be open to the public. Picnic Areas and Pavilions shall be open to the public at all State Parks and Forests.

5. Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks. Any additional density and social distancing requirements imposed by municipalities on food or beverage establishments offering in-person service at outdoor areas are not inconsistent with Executive Order No. 108 (2020).

If a municipality seeks to close off a roadway for which it would need county or State approval, it still must obtain that approval.

6. Municipalities that make outdoor shared spaces such as sidewalks, streets, or parks, available for use by food or beverage establishments should equitably divide these spaces among food or beverage establishments that can feasibly use it.

7. Paragraph 8 of Executive Order No. 107 (2020), Paragraph 2 of Executive Order No. 133 (2020), Paragraph 2 of Executive Order No. 143 (2020), Paragraph 2 of Executive Order No. 147 (2020), and Paragraph 10 of Executive Order No. 148 (2020) are superseded to the extent inconsistent with this Order.

8. Effective at 6:00 a.m. on Monday, June 15, 2020, the brick-and-mortar premises of non-essential retail businesses that were closed to the public by Executive Order No. 107 (2020) can reopen to the public, provided that such businesses adopt policies that include, at minimum, the requirements that were applied to essential retail businesses in Paragraph 1 of Executive Order No. 122 (2020).

9. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

10. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

11. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions and exclusions to the terms of this Order.

12. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of Executive Order No. 150 (2020), or which will or might in any way interfere with or impede its achievement.

13. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
3<sup>rd</sup> day of June,  
Two Thousand and Twenty, and  
of the Independence of the  
United States, the Two  
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy  
Governor

Attest:

/s/ Matthew J. Platkin  
Chief Counsel to the Governor

**BOROUGH OF LITTLE FERRY**

**RESOLUTION**

	Aye	Nay	Absent	Abstain	No Vote
Anzalone	X				
Lange	X				
Lanum	X				
Muller	X				
Sarlo	X				
Steinhilber	X				
Raguseo (Tie Only)					
Vote Total	6	0	0	0	0

DATE: June 9, 2020

RESOLUTION #: 161

MOTION BY: C/M Sarlo

SECOND BY: C/W Lange

*BM*

**Re: Authorizing the temporary suspension of the requirements set forth in Borough Code Section 35-111.4(c) pertaining to zoning requirements of Sidewalk Cafes**

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**WHEREAS**, the Borough of Little Ferry allows, subject to strict zoning conditions, for sidewalk cafe permits to businesses located in the B-N Neighborhood Business Zone pursuant to Borough Code Section 35-111.4(c); and

**WHEREAS**, on June 3, 2020, Governor Murphy signed Executive Order No. 150, which, effective 6:00 a.m. on June 15, 2020, permits establishments to be open to the public to offer outdoor dining where such food and/or beverage consumption is conducted in a way that ensures groups of individuals will be appropriately spaced apart with strict limits in place governing when individuals may enter the premises; and

**WHEREAS**, the Mayor and Council, understanding and appreciating the dire economic effects the COVID-19 pandemic has caused to local food and beverage establishments, greatly desires to assist said businesses during this difficult time; and

**WHEREAS**, Executive Order No. 150 expressly recognizes that many restaurants or bars will not have sufficient outdoor space to serve their patrons, and thus may seek to use

additional space for outdoor food and/or beverage consumption, including other areas of their property, such as parking lots, and shared spaces, such as sidewalks, streets, and parks; and

**WHEREAS**, Executive Order No. 150 expressly recognizes that Municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety; and

**WHEREAS**, during the temporary time period that Executive Order No. 150 is effective, the Mayor and Council desire to adopt a streamlined, pragmatic application process that allows restaurants to safely provide outdoor dining and/or beverage consumption consistent with the strict limits and safety standards set forth in Executive Order No. 150, including but not limited to Paragraph 5(a)-(g) of Executive Order No. 150, but without the strict zoning requirements set forth in Borough Code Section 35-111.4(c) and without any of the fees required pursuant to said provision;

**NOW, THEREFORE, BE IT RESOLVED** that consistent with Executive Order No. 150, the Municipal Council of the Borough of Little Ferry hereby temporarily waives the strict enforcement of the Borough Code Section 35-111.4(c) by permitting businesses to submit an application and diagram to the Zoning Official for review without any fees to be imposed on said applicants;

**BE IT FURTHER RESOLVED** so as to ensure compliance with Executive Order No. 150, and for the safety and well-being of patrons, said application may require, among other things, a diagram showing the location, size and number of tables and seating, and a diagram of outdoor seating with measurements.

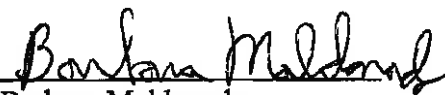
**BE IT FURTHER RESOLVED** the Zoning Official, in consultation with the Chief of Police, Fire Code Official, Sub-Code Officials, Board of Health and any other official that the Zoning Official deems necessary, shall review such application and diagram and shall work with such businesses to reach reasonable accommodations to assist such businesses with obtaining permit to allow for outdoor food and/or beverage consumption, so long as said it is deemed that the applicant meets the safety requirements set forth in Executive Order No. 150, the requirements of which are specifically incorporated herein, because the health of the public shall be of the utmost importance; and


**BE IT FURTHER RESOLVED** that once the Zoning Official in his discretion is satisfied that the business has demonstrated that their outdoor seating diagram is safe for both the customers and the public, the Zoning Official shall issue the temporary permit; and,

**BE IT FURTHER RESOLVED** that the fees associated with Borough Code Section 35-111.4(c) shall be waived for the year 2020 to assist such businesses during this pandemic; and

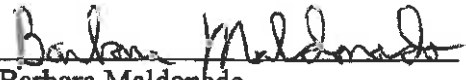
**BE IT FURTHER RESOLVED** that nothing in this Resolution shall create any vested rights stemming from any permits issued pursuant to this Resolution, which is of temporary effect and shall cease to be in effect once Executive Order No. 150 is lifted.

ATTEST:

  
Barbara Maldonado,  
Borough Clerk

  
Mauro Raguseo, Mayor

I hereby certify the foregoing to be a true copy of a resolution adopted by the Mayor and Council at a meeting held on June 9, 2020.

  
Barbara Maldonado,  
Borough Clerk

**BOROUGH OF LITTLE FERRY  
STATE OF NEW JERSEY  
ORDINANCE NO. 1538-09-20**

**AN ORDINANCE AMENDING  
AN ORDINANCE ENTITLED  
'NOISE'  
OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF LITTLE FERRY,  
COUNTY OF BERGEN  
AND STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Little Ferry, that Chapter 3 (Police Regulations), Section 3 of the Ordinances of the Borough of Little Ferry is hereby amended and that those streets set forth below are hereby added as follows and that those portions of the Ordinance not set forth below shall remain unchanged:

**§ 3-3. NOISE**

**§ 3-3.1. Loud or Unnecessary Noises Prohibited. [1982 Code § 154-1]**

It shall be unlawful for any person, at any time, to make or continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Borough, including but not limited to the use and operation of any radio receiving set, television, musical instrument, phonograph or other machine or device of the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants audible at a distance of thirty-five (35) feet from the building, structure or vehicle in which it is located.

**§ 3-3.2. Prohibited Noises. [1982 Code § 154-2]**

a. The following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section. Nothing in this section shall be construed to limit the applicability of Section 3-3.1:

1. **Radios; Television; Phonographs.** The using, operating or permitting to be played, used or operated of any radio receiving set, television, musical instrument, phonograph or other machine or device of the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such



machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such manner as to plainly audible at a distance of thirty-five (35) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

2. Yelling; Shouting; Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m., or any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.

#### **§ 3.3.5 Enforcement: Violations and penalties**

a. Violation of any provision of this article shall be cause for an enforcement document to be issued to the violator. The recipient of an enforcement document shall be entitled to a hearing in the Municipal Court having jurisdiction to contest such action.

b. Any person who violates any provision of this article shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

c. No provision of this article shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, or any person for injury or damage arising from any violation of this article or from other law.

#### **REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

#### **SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

#### **EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication as provided by law.



*Borough of Little Ferry, NJ  
Tuesday, October 1, 2019*

## Chapter 35. Land Use Regulations

### Article 100. Zoning

#### § 35-111.4. Accessory Uses.

[Ord. No. 1415-23-14]

- a. Any use or structure that is customary and incidental to a principally permitted use.
- b. Outdoor sales display, consistent with Section **35-712**.
- c. Sidewalk cafes, defined as the utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a food service establishment, immediately fronting on that sidewalk space, which space is unenclosed. No sidewalk cafe shall operate within the Borough unless and until the owner or operator has fully complied with and continues to comply with all of the criteria set forth in this chapter. Sidewalk cafes shall only be permitted in front of an operating food service establishment that has previously acquired all of the required licenses and/or permits needed to operate within the Borough and upon the following conditions:

[Added 7-9-2019 by Ord. No. 1517-07-19]

1. No outdoor dining area shall be located within any public right-of-way. Sidewalk cafes are limited to 50% of the paved impervious sidewalk area of the public right-of-way not less than 12 feet between the front of such premises and the curblin and immediately adjacent to a permanent structure in the B-N Neighborhood Business Zone on Liberty Street and Main Street.
2. All outdoor dining areas shall be limited to not more than 15% of the total maximum permitted seating for the establishment.
3. Tables shall be arranged so that the side of each table shall be as close as practical to the adjacent wall of the food establishment it is associated with, provided that in no event shall the establishment be allowed more than one table and two chairs for every five feet of storefront of the establishment requesting the outdoor dining.
4. Tables shall be limited to two-seat tables. The maximum permitted depth of the table, as measured from the nearest wall it abuts, shall be 40 inches.
5. Table umbrellas are permitted for outdoor cafes on sidewalks, subject to the following:
  - (a) Umbrellas shall only be permitted at the permitted outdoor cafe tables, and the number of umbrellas shall be no more than the number of tables permitted.
  - (b) The size of the umbrellas shall allow at least a vertical clearance under the umbrella of six feet eight inches. The width of the umbrella and its placement shall be such as to leave a four-foot-wide unobstructed path of sidewalk parallel to the curb across the entire frontage of the property in question.

- (c) All umbrellas shall be vented and properly secured with pins or bolts through the table framework, with weighted umbrella stands directly beneath the table to prevent toppling in high winds.
  - (d) Umbrellas shall not be illuminated, and signs are only permitted on the valance of the umbrella.
  - (e) The maintenance and daily removal of umbrellas shall be in conformance with the standards of this chapter.
6. No food or drink shall be prepared or stored other than in the interior of the eating establishment.
  7. No tables, chairs or other equipment shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk, or property of the Borough.
  8. No outdoor loudspeaker, public-address system, radio or similar device shall be utilized.
  9. The applicant shall remove all chairs, tables and other equipment from the sidewalk at the close of business each day unless the chairs, tables and other equipment are surrounded by a partition that separates the sidewalk cafe area from the public portion of the sidewalk. The partition shall be no less than 30 inches in height and shall not exceed 36 inches in height, and the design of the partition shall provide boundaries which will allow patrons and pedestrians to clearly ascertain the entrance and exit to the premises.
  10. The area utilized for the sidewalk cafe shall be cleared of any obstruction and cleaned of refuse, debris and/or food waste at the close of business on each day.
  11. The Borough shall not require additional parking for outdoor cafe seating.
  12. Operation of open sidewalk cafes shall be permitted from April 15 through November 30, inclusive. The hours of operation shall be 8:00 a.m. until 10:00 p.m. on Sundays through Thursdays, and 8:00 a.m. until 11:00 p.m. on Friday and Saturday, except that no alcoholic beverages may be served before 12:00 noon on any day, and then only upon proper revision of the liquor license applicable to the premises with the Borough and/or New Jersey Alcoholic Beverage Commission, as required.
  13. The Borough shall grant a revocable license, renewable each year, for seasonal operation for limited sidewalk cafes.
    - (a) The Zoning Code Official shall prepare an application form and shall be responsible for reviewing all submitted applications to ensure that the owner and operator demonstrate adherence to all of the conditions set forth in this chapter and all applicable Borough and state laws and regulations. Included within the application shall be the following:
      - (1) The name, address and telephone number of the applicant and property owner, and written authorization of the owner of the property in question, and the street address and block and lot number of the property in question.
      - (2) A survey, schematic or other evidence illustrating the location and number of proposed tables, chairs, planters, awnings or other fixtures proposed to be located in the outdoor cafe.
      - (3) The drawing shall illustrate the location of any doors leading from the food establishment to the outdoor dining area. No such door may be obstructed in any manner, the dimension and location of the unobstructed space permitting the passage of pedestrian traffic around or through the outdoor cafe.

- (4) A statement of the seating capacity of the existing food establishment and the proposed seating capacity of the outdoor dining area shall be shown.
- (b) The Borough, through its duly authorized agents, reserves the right to revoke the license of any sidewalk cafe licensee for failure of any licensee to comply with this chapter or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. Any license issued hereunder is issued upon the express understanding that the licensee obtains no property right thereunder nor any interest in the continuation of said license. It shall be considered a violation of this chapter for any person to operate an outdoor cafe after the suspension or termination of the applicable license.
- (c) The Borough expressly reserves the right to require removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained.
- (d) In addition to the powers of suspension or revocation as set forth above, the Borough reserves the right to modify, suspend or revoke any license on five days' written notice if the Borough determines that pedestrian traffic is, in fact, impeded or made unsafe because of the operation of the outdoor cafe or because of any other safety issue which the Borough determines adversely affects the Borough because of such operation. The license may also be suspended or revoked on five days' written notice in the event that the Borough determines that it is necessary to utilize the area or any part thereof for the maintenance or installation of underground utilities. In the event of any emergency, which is certified by the Borough Administrator, the license may be suspended or revoked without notice.
- (e) Applications for renewal of permits shall be made in the same manner as original applications.
- (f) Licenses shall be personal to the applicant, and any change or transfer in the ownership interest of the business entity or establishment utilizing the license shall terminate the license and shall require new application and a new license in conformance with all of the requirements of this chapter.

#### 14. Fees.

- (a) The applicant shall pay an application fee of \$200 for each application or annual renewal.
- (b) The applicant may also be required to post an escrow fee of \$500 for the engineering review of the application by the Borough Engineer.

#### 15. Insurance required.

- (a) The applicant must have a comprehensive general liability insurance policy issued by a company authorized to do business in the State of New Jersey in effect at the time of the application and show proof thereof. If the operator is not the property owner, then the property owner must likewise have insurance in effect at the time of application by the restaurant operator. The Borough of Little Ferry and the County of Bergen must be designated as an additional insured on the operator's policy as well as on the property owner's policy, affording coverage set forth below in the amounts specified:
  - (1) Bodily injury:
    - (i) Each person: \$300,000.
    - (ii) Each accident: \$1,000,000.
  - (2) Property damage:

- (i) Each person: \$300,000.
  - (ii) Each accident: \$1,000,000.
- (b) The insurance coverage required by this section shall at all times be maintained for the full amount. The policy of insurance required by this section to be filed with the Zoning Code Official shall contain a clause obligating the company issuing the same to give not less than 30 days' written notice to the Borough Clerk before cancellation or amendment of any terms thereof. Notice of cancellation shall not relieve the company issuing such policy of liability for any injury or claim arising.
- (c) The applicant shall also file with the Zoning Code Enforcement Official a statement agreeing to indemnify and hold harmless the Borough of Little Ferry, County of Bergen, and their agents, servants, representatives or employees from any and all claims, damages, judgment costs or expenses, including attorneys' fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor dining for which the license is issued.

16. Violations and penalties.

- (a) Any person, firm, company, or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$100 nor exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both, and each and every day in which said violation exists shall constitute a separate violation.
- (b) Any person, firm, company or corporation that fails to comply with the criteria for establishment of a limited sidewalk cafe set forth in this chapter shall be deemed to have violated this chapter and shall face the above fines and/or penalties.