



**2020 OUTDOOR DINING AND OUTDOOR RETAIL SALES TEMPORARY PERMIT APPLICATION
PER RESOLUTION 2020-187**

Adopted by Asbury Park City Council on 6/10/2020

- Executive Order 150 allows municipalities to use their existing authority to allow establishments to expand their footprint to outdoor areas – on the businesses’ property, in City-governed rights-of-way (sidewalks/streets), and on other private property with permission. City Council has created a 2020 Outdoor Dining and Outdoor Retail Sales Temporary Permit to allow for outdoor dining and outdoor retail sales activities to assist in the reduction of capacity and social distancing requirements per the Governor’s orders.
- Any business establishment who wishes participate in outdoor dining or outdoor retail sales activities must have a 2020 Outdoor Dining and Outdoor Retail Sales Temporary Permit.
- To obtain a 2020 Outdoor Dining and Outdoor Retail Sales Temporary Permit, fill out this application and submit all required supporting documents as outlined below. Applications missing documentation will be considered incomplete and may be delayed.
- Permits will be valid until November 30, 2020.
- Applicants must already have a current Mercantile License on file with the City Clerk’s Office.
- Once the application is submitted, the City Clerk’s Office will seek needed approvals from the Fire and Zoning Departments.
- Once the application has been approved, a confirmation will be emailed to the applicant, along with an invoice for a \$50 Licensing Fee to be paid by all applicants. Invoices can be paid by check, made out to “City of Asbury Park” and mailed to City Clerk’s Office, City Hall, 1 Municipal Plaza, Asbury Park, NJ 07712 or dropped off in the drop box to the left of the front doors of City Hall. Invoices will be due by July 15, 2020 and payment is not needed prior to issuance of the permit.
- For 2020, all square footage fees are waived. Any businesses that have already paid the square footage fees for 2020 will have their payment credited to 2021.
- The City’s Code Enforcement Department will regularly inspect the outdoor right-of-way usage to ensure compliance with the approved application.
- Monmouth County Health Department will be conducting inspections as it relates to requirements outlined by the Executive Order in satisfying Department of Health standards, such as 6-foot separation between tables, etc. Inspections will begin starting June 15, 2020.
(https://www.nj.gov/health/legal/covid19/6-3-20_ExecutiveDirectiveNo20-014_OutdoorDining.pdf)
- ABC has created the new COVID-19 Expansion Permit to address the anticipated need of licensees to expand their premises to allow reasonable seating capacity while observing social distancing guidelines. This permit will be available to all licensees with retail consumption privileges and will allow liberal expansion privileges subject to local approval. The COVID-19 Expansion Permit will be available exclusively through ABC’s POSSE Online Licensing System (“POSSE”). An ABC COVID-19 Expansion Permit is only required if there is an expansion beyond previously approved outdoor areas. For details on the ABC’s COVID-19 Expansion Permit, visit www.nj.gov/oag/abc.



APPROVED USES & REQUIREMENTS

1. Applicants must already have a current Mercantile License on file with the City Clerk's Office.
2. Applicants may be permitted to relocate existing, or locate newly acquired, tables/chairs (seating) or retail displays to other outdoor locations onsite, including the City rights-of-way (sidewalks/ streets) and/or private property, including private parking lots.
3. Applicants may be permitted to utilize the public rights-of-way (sidewalks/streets) in front of adjacent properties for outdoor dining and/or outdoor retail sales activities with the express written consent and approval from the adjacent property owner/business, which must be submitted with the application.
4. Businesses establishments located on the Asbury Park Boardwalk may not expand outdoor dining or outdoor retail sales beyond areas previously approved in prior years.
5. No seating, outdoor retail displays, signage (including sandwich boards, menu boards etc) or planters/barriers shall encroach on or obstruct the free flow of pedestrian traffic on the pedestrian walkways or any of its approaches.
6. Seating and/or retail displays may be permitted to be located in the City rights-of-way (sidewalks/streets) provided a minimum 6 feet pedestrian walkway is maintained and provided for the general public, and is subject to applicable ADA requirements. Businesses approved to use City streets for seating and/or retail displays must provide a temporary ADA ramp to connect the street to the sidewalk.
7. Seating and outdoor retail sales displays must not obstruct access to Fire Department Connections (FDCs) or fire hydrants.
8. The use of umbrellas is permitted. The use of all other shade coverings is prohibited.
9. Applicants must provide a drawing depicting the proposed layout and location of seating or retail displays outside of said establishment including a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the outside seating area and the curb-line (as applicable), handicap ramps, planters/barriers, umbrellas, etc. Drawings MUST provide exact dimensions of proposed layout.
10. Food and beverage preparation outdoors is prohibited.
11. Music in outdoor areas is prohibited.
12. Approved seating and retail displays may be permitted to be utilized between the hours of 7:00 A.M. and 10:00 P.M each day.
13. Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining/sales area, and the frequency with which the outdoor dining/sales area will be policed for litter in order to control the accumulation of trash/recycling. All businesses are responsible for disposing of their own waste and for maintaining the cleanliness of any City rights-of-way (sidewalks and streets) approved for use.
14. The sale/service of alcoholic beverages in these locations shall be permitted, subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to a COVID-19 Expansion of Premises Permit, and subject to the review and approval of the City Clerk and Chief of Police. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and shall automatically terminate upon the State of New Jersey rescinding Executive Order 107, and/or the elimination of all social distancing regulations, and/or the expiration of the within Resolution and/or by way of Resolution of the Mayor and Council. Businesses serving alcohol will be required to rope off serving areas as per ABC requirements.

CITY OF ASBURY PARK
ONE MUNICIPAL PLAZA
ASBURY PARK, NEW JERSEY 07712

PHONE: (732) 775-2100
WWW.CITYOFASBURYPARK.COM



JOHN MOOR, MAYOR
AMY QUINN, DEPUTY MAYOR
EILEEN CHAPMAN, COUNCILPERSON
YVONNE CLAYTON, COUNCILPERSON
JESSE KENDLE, COUNCILPERSON

DONNA M. VIEIRO, CITY MANAGER
MELODY HARTSGROVE, RMC, CITY CLERK

**2020 OUTDOOR DINING AND OUTDOOR RETAIL SALES TEMPORARY PERMIT APPLICATION
PER RESOLUTION 2020-187
Adopted by Asbury Park City Council on 6/10/2020**

NAME OF APPLICANT* _____

PHONE* _____ **EMAIL*** _____

BUSINESS NAME TO BE LICENSED* _____

BUSINESS ADDRESS* _____

AMOUNT OF PUBLIC RIGHT-OF-WAY REQUESTED FOR USE (SQUARE FOOTAGE) * _____

ITEMS TO BE PLACED IN PUBLIC RIGHTS-OF-WAY (SIDEWALK/STREET)* (Please describe: i.e. tables, chairs, retail displays etc.)

ATTACH PROPOSED LAYOUT*

Applicants must provide a drawing depicting the proposed layout and location of seating or retail displays outside of said establishment including a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the outside seating area and the curb-line (as applicable), handicap ramps, planters/barriers, umbrellas, etc. Drawings MUST provide exact dimensions of proposed layout. Layout must comply to Department of Health standards ie 6-foot separation between tables etc.

ATTACH LITTER CONTROL PLAN*

Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining/sales area, and the frequency with which the outdoor dining/sales area will be policed for litter in order to control the accumulation of trash/recycling.

ATTACH LETTER(S) OF PERMISSION FROM ADJACENT PROPERTY OWNER (if applicable)

Applicants may be permitted to utilize the public rights-of-way (sidewalks/ streets) in front of adjacent properties for outdoor dining and/or outdoor retail sales activities with the express written consent from the adjacent property owner, which must be submitted with the application.



ATTACH CERTIFICATE OF LIABILITY INSURANCE* (if using City sidewalk or streets)

All applicants must submit evidence that they have obtained general liability insurance coverage on an occurrence-based form that is applicable to the operations contemplated under this permit application. Applicants shall provide with this application a certificate of insurance (CoI) demonstrating coverage

for bodily injury and property damage with minimum limits of one million (\$1,000,000) dollars per claim and one million (\$1,000,000) dollars in the aggregate. The City of Asbury Park shall be named on the COI as an additional insured on a non-contributory basis and the subject policy shall be endorsed to reflect that coverage has been so amended.

SIGN HOLD HARMLESS AGREEMENT*

_____ (business name), following review of this Application by an attorney of its choosing, hereby agrees to indemnify, defend, and hold harmless the City, its employees, elected officials, volunteers and its insurance fund (the NJIIF) from and against any and all liability or claims, including but not limited to death, bodily injury, and property damage, arising from _____ (business name's) implementation, operation and utilization of a sidewalk sale or outdoor café in accordance with this Application.

I, _____ (signature) _____ (print name), as an authorized representative of the above named business, and following the review of this Application by an attorney of my choosing, hereby acknowledge and agree that I have received, read and am legally bound by all sidewalk sale and outdoor café compliance requirements as set forth in chapter IV, Section 9 of the City Code of the City of Asbury Park and the "Sidewalk Café Licensing Requirements", and that noncompliance with said requirements may result in citations, fines and/or the loss of my license.

APPLICANT SIGNATURE

Signature of Applicant*

Date*

*Required