



2020-2021 OUTDOOR DINING AND OUTDOOR RETAIL SALES APPLICATION FOR OUTDOOR ENCLOSED STRUCTURES

- 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 rights-of-way (sidewalks/streets), and on other private property. City Council created a 2020 Outdoor Dining and Outdoor Retail Sales Temporary Permit to allow for outdoor dining and retail sales 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.
- Executive Order 194 permits municipalities to use their existing authority to allow establishments to use outdoor enclosed structures, such as plastic domes, to seat individual parties, provided they meet the following criteria:
 - i. The use of the structures complies with the requirements for outdoor dining contained in Executive Order No. 157 (2020) and associated guidance issued by DOH;
 - ii. Each party is limited to no more than eight (8) individuals at a time;
 - iii. The structure is ventilated and cleaned and sanitized in accordance with CDC and DOH guidance between seatings;
 - iv. The structure and use of the structures otherwise comply with all other applicable codes and regulations, including the provisions of the Fire Safety Code; and
 - v. Any necessary municipal approvals and permits are obtained prior to use of the structure.
- To obtain a 2020-2021 Outdoor Dining and Outdoor Retail Sales Temporary Permit for Outdoor Enclosed Structures, fill out this application and submit required supporting documents as outlined below. Applications missing documentation will be considered incomplete and may be delayed.
- Permits will be valid until March 31, 2021.
- Applicants must already have an approved 2020 Outdoor Dining and Outdoor Retail Sales Temporary Permit on file with the City Clerk’s Office.
- Once the application is submitted, inspections from the Fire and Construction Departments will be required. The Departments will regularly review the outdoor right-of-way usage to ensure compliance with the approved application.

APPROVED USES & REQUIREMENTS

1. Applicants must already have an approved 2020 Outdoor Dining and Outdoor Retail Sales Temporary Permit on file with the City Clerk’s Office.
2. Applicants may be permitted to locate outdoor plastic domes in the City’s public right-of-way (sidewalks/ streets) and/or private property, including private parking lots, in areas approved by the establishment’s 2020 Outdoor Dining and Outdoor Retail Sales Temporary Permit for the purposes of expanded outdoor dining and retail sales during the winter months.

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

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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

3. Applicants may be permitted to relocate existing, or locate newly acquired, tables/chairs (seating) or retail displays in outdoor enclosed structures.
4. No outdoor enclosed structures shall encroach on or obstruct the free flow of pedestrian traffic on the pedestrian walkways or any of its approaches.
5. Outdoor enclosed structures may only be secured using sandbags, concrete block or similar device. Outdoor enclosed structures cannot be secured in any way to the sidewalk or street.
6. Outdoor enclosed structures may be heated by electric power only.
7. Outdoor enclosed structures must be placed at least five feet away from any building, light fixture, street furniture, or heating device.
8. Outdoor enclosed structures must not obstruct access to Fire Department Connections (FDCs) or fire hydrants.
9. Approved outdoor enclosed structures may be permitted to be utilized between the hours of 7:00 A.M. and 12:00 A.M. each day.
10. The City of Asbury Park may at any time revoke the privileges of utilizing outdoor enclosed structures and/or change parameters such as day and time they may be utilized, based on changing weather conditions and/or conditions surrounding the State of Emergency.

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OUTDOOR ENCLOSED STRUCTURES**

NAME OF APPLICANT* _____

PHONE* _____ **EMAIL*** _____

BUSINESS NAME TO BE LICENSED* _____

BUSINESS ADDRESS* _____

ITEMS TO BE PLACED IN PUBLIC RIGHTS-OF-WAY (SIDEWALK/STREET)* (Please describe: i.e. plastic domes and please include quantity)

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 (CofI) 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 NJIF) 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 outdoor enclosed structures 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 outdoor enclosed structure 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*

*Required

Date*