

Pedestrian Mall Operating Plan

Definitions.

“Cookman Avenue Pedestrian Mall” or “Pedestrian Mall” or “Mall”: The street surface area of Cookman Avenue from Bangs Avenue to Emory Street Monday at all times, Cookman Avenue from Emory Street to Main Street 1:00 p.m. Friday to 7:00 a.m. Monday

I. Vehicular Access

- a. The Pedestrian Mall shall be limited at all operating times to pedestrians, no vehicles other than emergency vehicles will be permitted to enter the Pedestrian Mall
- b. The City of Asbury Park reserves the right to further restrict traffic in and around the Pedestrian Mall at any time.

II. Pedestrian Mall Access Lane and Loading Zones

- a. At least one 20-foot-wide span of the street surface and 5-foot-wide span of sidewalk surface on both sides of the roadway shall remain clear of all permanent and/or temporary Pedestrian Mall features other than roadway barriers in order to allow for safe access for emergency vehicles. This lane shall not be marked as a travel lane or have any other noticeable markings so as to avoid confusion that the Pedestrian Mall may be used for general vehicle traffic purposes during active hours.
- b. Specific areas around the Pedestrian Mall shall be designated as loading zones. These loading zones shall be made available and signed by the City of Asbury Park for the use of deliveries and curbside pickup for 15-minute intervals. Loading Zones shall be a minimum length of 20 feet and shall remain clear of permanent and temporary Mall features. Loading Zones shall be located
 - i. Bond Street 200 Block intersection with Cookman Avenue
 - ii. Bond Street 100 Block intersection with Cookman Avenue
 - iii. Emory Street 200 Block intersection with Cookman Avenue
 - iv. Emory Street 300 Block intersection with Mattison Avenue
 - v. Bangs Avenue 500 Block intersection with Cookman Avenue
- d. Temporary ADA ramps must be provided by businesses to connect sidewalks to pedestrian access in the street.

III. Pedestrian Mall Features

- a. Any permanent and/or temporary Pedestrian Mall features, including but not limited to planters, and other barriers, shall be installed and maintained only by the City of Asbury Park.
- b. Open flames, light emitting devices, heavy machinery or other gas-powered devices, and food preparation or food storage devices (including but not limited to refrigerators, freezers, stoves, microwaves, portable burners, and/or hot plates) will not be allowed within 50 feet of any Pedestrian Mall boundary or

within the Pedestrian Mall during sanctioned events or any other time.

- c. Restaurants, cafés, and retail operations utilizing the mall for outdoor dining, seating, or displays of any kind are responsible for providing, installing, insuring, and maintaining their own outdoor furniture that must meet the standards set forth in Section IV of this document.

IV. Pedestrian Mall Furniture and Maintenance

- a. All outdoor furniture shall be removed or secured before severe storm events, The City of Asbury Park will not be responsible for any property damage caused by storms, and any property damage caused by on street furniture will be the responsibility of the furniture's owner.
- b. Furniture shall be kept in good condition; The City of Asbury Park has the right to demand the removal of poorly maintained furniture not becoming of the Pedestrian Mall.
- c. A 5-Foot walkways shall be maintained on sidewalks at all time, the walkway shall not be obstructed by furniture, signage, work stations, advertisements, or barriers of any kind.
- d. The use of umbrellas shall be permitted, the use of pop-up canopies is permitted, provided:
 - i. The establishment removes any pop-up canopies from the street and/or sidewalk no later than 10:00pm every day.
 - ii. The dimensions of the pop-up canopy does not exceed 10' x 10'.
 - iii. The pop-up canopy is properly secured using weights or other such devices.
 - iv. The pop-up canopy is not secured or affixed to the sidewalk, street, or any other public utility asset or object in any way, shape, or form.
 - v. All pop-up canopies are removed from the street and/or sidewalk immediately following notice by the City of Asbury Park due to impending weather conditions, or for any other reason.
 - vi. Failure to remove pop-up canopies at 10:00pm or upon the request of the City of Asbury Park shall result in fines and prohibition of future use of pop-up canopies.
- e. Must comply with all provisions of EO #150 and DOH Executive Directive No. 20-014 – Monmouth County Health Department will inspect

V. Non-motorized vehicles

- a. Non-motorized vehicles (bikes, scooters) are prohibited from operating through closure area

VI. Public Safety

- a. Any person(s) creating undue amounts of noise, waste, and/or a potentially dangerous or threatening environment for any Pedestrian Mall patrons will be

subject to removal from the Pedestrian Mall and to additional penalties allowed by law, if applicable.

- b. The Asbury Park Police Department will provide directed patrols throughout the Pedestrian Mall as needed and as directed by the Department of Public Safety and the City Administration.
- c. All fire hydrants and Fire Department Connections must have a clear access path from the street
- d. The following Fire lanes must be maintained and kept free of amenities and waste at all times:
 - i. 20-foot access lane in the center Cookman
 - ii. 12-foot access lane along the east side of Emory
 - iii. 12-foot access lane along the north side of Mattison

VII. Events and activities

- a. In addition to other applicable rules and restrictions, all events and other activities held within the Pedestrian Mall are subject to compliance with The City of Asbury Park's Special Events Ordinance.
- b. Events may be held within the Pedestrian Mall during the hours of 3:00 p.m. to 9:00 p.m., Monday through Sunday.
- c. Amplified music or other amplified sounds shall not be allowed within the Pedestrian Mall or within 50 feet of any Pedestrian Mall boundary with certain exceptions permitted for events meeting the standards of the City of Asbury Park's Special Events Ordinance and in accordance with the requirements set forth here. Any other limits on music or noise (including, without limitation, maximum permitted decibel levels) that would otherwise be applicable to this portion of Cookman Avenue with or without the establishment of the Mall shall remain in full force and in effect within this area.
- d. Public art is encouraged and shall be displayed outside of the 20-foot access lane and approved by the Public Arts Commission.
- e. Unused Mall space will be made available to Asbury Park based businesses to reserve upon request.
- f. The City of Asbury Park is not responsible for providing, installing, or maintaining any event, activity, or display furniture and shall not be held responsible for any missing or damaged property.

VIII. Food and Beverage Service

- a. Sidewalk cafés will be permitted on sidewalks adjacent to the Pedestrian Mall and in accordance with the municipal sidewalk café rules and regulations and shall maintain a path of at least 5 feet of open sidewalk.
- c. Alcoholic beverages may only be served through extension of premises licenses at seated tables.
- d. Seating areas must be defined by ropes, planters, or decorative barriers
- e. Pedestrian Mall patrons are permitted to carry and consume food and/or

beverages anywhere within the Pedestrian Mall with the exception of alcoholic beverages.

- f. Alcoholic beverages are not permitted to be consumed and/or open in any areas of the Pedestrian Mall, except within permitted sidewalk cafés, and except during a limited number of approved and permitted events.
- g. Alcoholic beverages not provided by a business directly adjacent to any Pedestrian Mall boundary and/or from an approved vendor during an approved and permitted event are prohibited to be consumed and/or open in any areas of the Pedestrian Mall including sidewalk cafés.
- h. No food or beverage service shall take place in the pedestrian mall after 10:00 p.m.

IX. Outdoor Dining and Retail Permitting

- a. Any business establishment who wishes to participate in outdoor dining and outdoor retail sales activities shall have a 2021 Outdoor Dining and Outdoor Retail Sales Temporary Permit as well as a COVID-19 Expansion of Premises Permit.
- b. Applicants shall provide a Certificate of Insurance demonstrating coverage of bodily injury and property damage with minimum limits of \$1 Million per claim and in the aggregate.
- c. Applicants shall provide a Hold Harmless Agreement which will indemnify the City, its employees, elected officials, volunteers, and its insurance fund from and against any and all liability claims.
- d. Applicants must have a current Mercantile License on file with the City Clerk's Office.
- e. Applicants shall provide a security plan detailing how alcoholic beverage service will be regulated. The City Manager reserves the right to require businesses to provide additional security and/or Asbury Park Police Department resources should any issues occur.
- f. Applicants shall 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 shall provide exact dimensions of proposed layout.
- g. All restaurants and retailers must submit a Litter Control Plan, including a description of the number and location of trash receptacles, when trash and recycling will be picked up and the frequency with which the outdoor dining area will be policed for litter
- h. Applicants are able to expand the footprint of their outdoor space to adjacent storefronts if permission is documented.
- i. Businesses may utilize private property and/or parking lots for outdoor dining/retail without additional zoning approvals by submitting an application for a 2021 Outdoor Dining and Outdoor Retail Temporary Permit for review and

approval by the City of Asbury Park.

- j. All approved 2021 Outdoor Dining and Outdoor Retail Temporary Permits will be subject to sidewalk café square footage fees.

X. Outdoor Enclosed Structures

- a. Outdoor enclosed structures are permitted between November 1st and March 31st with the approval of an Outdoor Dining and Outdoor Retail Sales Application for Outdoor Enclosed Structure Application. Umbrellas are the only shade covering permitted at all other times of year.
- b. Enclosed structures such as plastic domes, igloos, and greenhouses shall be permitted in the City public-right-of-way and;
 - i. Shall be permitted in areas approved under the establishment's 2021 Outdoor Dining and Outdoor Retail Sales Temporary Permit,
 - ii. May not be secured to City streets or sidewalks but shall be secured to the satisfaction of the Construction Department,
 - iii. May be heated by electric power only,
 - iv. Shall be placed a minimum of 5-feet from any building, light fixture, street furniture, or heating device,
 - v. Shall be inspected by the Fire and Construction Departments,
 - vi. Require a signed hold harmless agreement stating that the City is not responsible for any injury or damage that may occur.
- c. Extended Vestibules shall be permitted in the City public right-of-way and;
 - i. Require a building permit be submitted to the Construction Department
 - ii. May not be secured to City streets or sidewalks,
 - iii. May be heated by electric power only,
 - iv. Require a signed hold harmless agreement stating that the City is not responsible for any injury or damage that may occur.
- d. Canopies or membrane structures with permanent anchoring systems shall be permitted on private property and;
 - i. Requires a building permit be submitted to the Construction Department,
 - ii. Shall be rated for use with snow loads or a snow plan shall be on file,
 - iii. Require a signed hold harmless agreement stating that the City is not responsible for any injury or damage that may occur.

XI. Outdoor Heaters

- a. The Fire Official or their designee shall have the authority to cease any unsafe operation that will contribute to the spread of fire, endanger any structure, or endanger the occupants. Unauthorized operations, or unapproved operations shall be subject to immediate corrective action that may result in fines, and penalties.
- b. Portable heaters require a Type 1 Fire Permit and are permitted November 1st through March 31st.
- c. Portable heaters shall not be located beneath or within 5 feet of any combustible decorations, overhangs, awnings, sunshades or similar combustible attachments to buildings. Open flames such as from candles, lanterns, kerosene heaters, and

- gas-fired heaters shall not be located on or near decorative material or similar combustible materials.
- d. Heaters must be installed and operated as listed, maintained as per manufacturer recommendations. A copy should be available for review at any time by the Fire Department.
 - e. Heaters shall have a tilt or tip over switch that automatically shuts the source off, and must guard against contact to prevent accidental contact by person, or materials.
 - f. Heaters shall not be stored or used inside of any occupancy when connected to the fuel gas container, inside of any tent, canopy or membrane structure or on exterior balconies or roofs. Fuel shall not be stored within the interior of any structure, or near any location Issued September 1, 2020 near exit access doors, exits, stairways, or areas used or intended to be used as a means of egress.
 - g. Portable heaters shall not be located within 5 feet of exits or exit discharges.
 - h. Tent, Canopy & Membrane Structure Regulations Regarding Heating Devices:
 - i. Electrical heating and cooking equipment shall comply with Electrical Sub-code in compliance with the Uniform Construction Code (appropriate UCC permits must be obtained).
 - ii. Fuel is not to be stored within the tent, and shall follow above mentioned applicable standards.
 - iii. Generators or other internal combustion sources shall be no less than 20 feet away from tent or membrane structure. This device shall be isolated from contact with the public by an approved barrier device.
 - iv. As a reminder, tents/canopies are prohibited from being utilized in the public right-of-way at this time.

XII. Waste Removal and Maintenance

- a. Waste shall not be placed anywhere within the Pedestrian Mall between the hours of 8:00AM and 10:00PM, Monday through Sunday. Exceptions will be made for businesses that close before 10:00PM, which will be encouraged to place waste on the curb as close to 10:00PM as possible.
- b. The Department of Public Works will continue normal waste removal operations and the implementation of a Pedestrian Mall shall not disrupt any prior waste removal operations.
- c. All businesses within the Pedestrian Mall must have all waste removed from the entirety of the Pedestrian Mall by 8:00AM every morning.
- d. Businesses are encouraged to enter into a joint contract for waste removal services or else are encouraged to find alternate means to minimize the number of waste removal vehicles entering the Pedestrian Mall on any given day.
- e. Street sweeper and plowing operations will be modified to accommodate installation of Pedestrian Mall features.

XIII. Mobile Food Vendors

- a. Mobile Food Vendors shall not be permitted within the Pedestrian Mall.

XIV. Planning and Implementation

- a. The City solicited feedback from the following people/groups/entities in the planning and implementation process:
 - i. Fall 2020 Business Survey
 - ii. March 10, 2021 Asbury Park City Council Meeting
 - iii. Multiple meetings of the Asbury Park Business Committee
- b. The City will continue to solicit feedback and information regarding implementation and operation of the Pedestrian Mall and if appropriate, will make changes and revisions to the operating plan and also if appropriate the enabling ordinance.

XV. Insurance and Liability

- a. All restaurant and retail locations are responsible for the safety of patrons inside their seating and shopping areas.