

ORDINANCE No. 10-2016
BOROUGH OF SEA BRIGHT

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF SEA BRIGHT BY THE ADDITION THERETO OF CHAPTER 172, "SIDEWALK CAFES AND RESTAURANTS".

BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright, as follows:

SECTION ONE: The Code of the Borough of Sea Bright be and the same is hereby amended and supplemented to incorporate a new Chapter 172 entitled, "Sidewalk, Cafes and Restaurants", to read in full as follows:

"Chapter 172: Sidewalk Cafés and Restaurants.

§ 172-1 License Required. Sidewalk cafes and restaurants may be established as an ancillary use to a permitted restaurant in the B-1 zoning district. No person, however, shall establish, maintain, own or operate a sidewalk café or restaurant nor serve food, liquor or other beverages on any public street, sidewalk or alleyway without first having obtained a license from the Borough Clerk.

§ 172-2 Application for License.

- A. *Application to Borough Clerk.* All applications for a sidewalk café license shall be made to the Borough Clerk upon forms provided by the Clerk.
- B. *Referral of Application.* Once a completed application is received by the Clerk with the appropriate fee, it shall

be forwarded to the Chief of Police and the Director of Public Works who shall conduct an investigation and review the data contained in the application with regard to public safety. The Chief of Police and Director of Public Works will each make a report and recommendation to the Mayor and Council within fifteen (15) days of referral of the application by the Borough Clerk.

C. *Action by Mayor and Council.* The Mayor and Council shall review the report of the Chief of Police and the report of the Director of Public Works. The Mayor and Council shall issue or deny the license as they deem appropriate, taking into consideration the location, potential interference with pedestrian or vehicular traffic, appropriateness of design, the Americans with Disability Act and other accessibility considerations, the business record of the applicant and any other applicable public safety, health and welfare considerations. It is contemplated that no less than four (4') feet of unobstructed sidewalk shall be open and maintained for pedestrians, and that no chairs, tables, or other property shall be located, whether in use or not, within three (3') feet of any curb. Any umbrella or

other cover shall maintain a clearance of not less than seven (7') feet for the fabric and not less than eight (8') feet for any frame or rigid material. No license shall be issued until a resolution of the Mayor and Council of the Borough authorizing the issuance of a license shall have been adopted.

§ 172-3 Application Fees and Licensing Fees. Any person submitting an application for a sidewalk café or restaurant shall submit an application fee in the amount of one hundred (\$100) dollars with said application. Should an application be approved by the Mayor and Council by resolution as specified herein, the applicant shall pay an annual licensing fee in the amount of two (\$2.00) dollars per square foot of sidewalk utilized for said sidewalk café or restaurant prior to the issuance of a license. Applicants seeking a renewal of said license shall pay an annual licensing fee in the second and all subsequent renewal years in the amount of four (\$4.00) dollars per square foot of sidewalk area utilized for the sidewalk café or restaurant.

§ 172-4 Season. Any and all licenses issued pursuant to the terms of this section shall permit sidewalk café operations to begin no earlier than April 1st. Any and all sidewalk café operations so established shall terminate no

later than November 1st of the year in which the permit is issued. There shall be no application fee for a license renewal, unless changes are proposed. In such cases, an application fee in the amount of one hundred (\$100.00) dollars shall be submitted with the application.

§ 172-5 Annual Renewal. Any license for a sidewalk café or restaurant issued pursuant to the terms of this section shall be renewed annually, in the discretion of the Mayor and Council.

§ 172-6 Violation; Penalty. Any person violating any of the provisions of this section shall, upon conviction, be punished by imprisonment in the county jail for a term not exceeding six (6) months or by a fine not exceeding five hundred (\$500) dollars or both in the discretion of the court.”

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on April 5, 2016 and will be further considered after a Public Hearing held on April 19, 2016 at the Municipal Building at 7:00 pm.

INTRODUCED: April 5, 2016
PUBLIC HEARING: April 19, 2016
ADOPTED: April 19, 2016

Witness

Christine Pfeiffer
CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT,

Dina Long
DINA LONG, MAYOR