

PERMIT APPLICATION FOR OUTDOOR DINING

Name _____

Address _____

Telephone Number _____

Business Name _____

Business Address _____

Business Telephone Number _____

Name of Property Owner _____

Address of Property Owner _____

Property Owner's Telephone Number _____

Requested Use Dates: From: _____ To: _____

Please note the following information must accompany the permit in order to be brought before Mayor and Council for approval.

- Certificate of Insurance naming the Borough of Maywood as an additional insured in an amount not less than \$1 million and containing a provision whereby such insurance policy shall not be canceled unless and until the Borough of Maywood receives written notice thereof at least (thirty) 30 days prior to such cancellation.
- Sign and have witnessed the attached Hold Harmless Agreement.
- \$ 50.00 Fee
- Written description of request
- Survey of the abutting property showing the building and structures located thereon, the adjoining sidewalk and public right-of-way, the location of the curb line, existing obstructions (e.g. bollards, parking and traffic signs, trash receptacles, planters, benches, etc.). The survey shall also include measurements respecting the width of the sidewalk, the distances between all existing obstructions and the adjoining building, the location of the proposed obstructions, and the distance between the proposed obstructions and the existing building and existing obstructions.

Applicants Signature _____ Date: _____

Property Owners Signature _____ Date: _____

Any person who violates the provisions of the said requirements in accordance with Borough Ordinance # 5-05 shall, upon conviction thereof, be subject to a fine, not exceeding \$1,000.00 per violation hereof, or imprisonment for a term of 90 days or both.

Mayor and Council Approval - Date: _____

Approval Signature _____ Title _____

HOLD HARMLESS AGREEMENT

Between the Borough of Maywood

And

Organization Name

Address (Not Post Office Box)

Telephone Number

Organization Type: (Please circle one)

Individual

Non-Profit Organization

Profit Making Organization

**In consideration for use of municipally owned facilities _____ on the
(Location)**

following dates: _____ for the purpose of _____

the undersigned agrees to indemnify, defend and hold the Borough of Maywood and its officers, agents, members, servants, employees and assigns harmless from any and all liability, demands, claims, suits, losses, injuries, damages, judgments, expenses, costs and attorney's fees arising out of the use of the property referred to above. I understand that this Hold Harmless Agreement also requires that the Borough of Maywood is indemnified from any and all liability, claims, demands, damages, judgements, expenses and costs of any kind resulting from the acts or omissions from any guest, participant, visitor or other person attending the event herein referred to. Unless waived in writing by the Borough of Maywood.

I agree to furnish a Certificate of Insurance as to Workers Compensation coverage (except for an individual) and a Certificate of Insurance specifically naming the Borough of Maywood, as an additional insured, providing general liability, bodily injury and property damage coverage with minimum limits of liability not less than:

- o \$ 300,000 for an individual**
- o \$ 500,000 for a non-profit organization**
- o \$1,000,000 for a profit making organization or corporation**

The following information concerning the intended use of the premises is furnished:

- a) Alcoholic beverages (will) or (will not) be served.**
- b) Total number of persons anticipated is**
- c) Live Entertainment (will) or (will not) be provided.**
- d) Other _____**

Signed this _____ day of _____, 20__ as the binding act in deed of

(Name of Organization or Party)

Authorized Signature

Witness



CLERK
Jean M. Pelligra

ADMINISTRATOR
Jack Terhune, CPM

201-845-2900
Fax: 201-909-0673

BOROUGH OF MAYWOOD

15 Park Avenue, Maywood, NJ 07607-2015

www.maywoodnj.org

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Thomas H. Richards
COUNCIL PRESIDENT
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Lorraine LaPietra
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ORDINANCE # 5-05

AN ORDINANCE REGULATING OUTDOOR DINING AND OTHER OBSTRUCTIONS ON, OVER, UNDER AND UPON THE PUBLIC RIGHT-OF-WAY WITHIN THE BOROUGH OF MAYWOOD AND AMENDING CHAPTER 287 OF THE CODE OF THE BOROUGH OF MAYWOOD

WHEREAS, the Borough of Maywood have received requests from various merchants and businesses along West Pleasant Avenue requesting permission to place tables and chairs for outdoor dining and for other obstructions on, over, under or upon the sidewalks and public right-of-ways within the Borough of Maywood; and

WHEREAS, rather than address each such request on an ad hoc basis, the Mayor and Council find that it would be in the best interests of the Borough of Maywood to regulate such obstructions and provide for a revocable permit therefor;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, BERGEN COUNTY, NEW JERSEY as follows:

SECTION 1. Chapter 287 of the Code of the Borough of Maywood, relating to Streets and Sidewalks, is hereby amended to add thereto Article VII, respecting permits for obstructions, to read as follows:

“Article VII Permits for Street and Sidewalk Obstructions

287-53 Permit required

No person shall suffer or permit any obstruction or encroachment upon a public street or sidewalk or other public property or public right-of-way without first obtaining a permit therefor and the payment of the required fee therefor.

287-54 Issuance of Permits

Permits may be issued by the Building Department of the Borough of Maywood upon the approval thereof by the Mayor and Council to the owners of real property abutting the sidewalk or public right-of-way for which the obstruction or encroachment is sought. The tenant or occupant of the property may also apply for such permit provided the owner of the property consents in writing and agrees to be bound by the terms and conditions respecting the issuance of the permit.

287-55 Revocation of Permits

The permit shall be revocable by the Borough of Maywood at any time, with or without cause. Upon revocation of such permit, the Permittee shall cause the encroachment to be removed within thirty (30) days of such revocation. In the event that the Permittee fails to remove said encroachment within said time period, the Borough of Maywood shall be authorized to remove said encroachment and to charge the cost thereof to the Permittee. In addition, the Permittee shall reimburse the Borough of Maywood for all costs incurred in connection therewith, including costs of suit and reasonable attorneys fees to enforce the provisions hereof. In addition, the Borough of Maywood may charge such costs against the real property of the owner and collect same in the same manner as real estate taxes. Unless sooner revoked, permits issued hereunder shall take effect upon issuance but no earlier than May 1st of the year in which they were issued and shall expire no later than October 25th of the year in which they were issued.

287-56 Insurance

The Permittee shall furnish to the Borough of Maywood a certificate of insurance, naming the Borough of Maywood as an additional insured, in an amount not less than \$1 million and containing a provision whereby such insurance policy shall not be canceled unless and until the Borough of Maywood receives written notice thereof at least thirty (30) days prior to such cancellation. In the event such insurance shall be terminated or lapse for any reason, the Permittee shall immediately remove said encroachment unless, prior to such termination or lapse, a substitute insurance certificate is furnished to the Borough of Maywood.

287-57 Indemnification

The Permittee shall indemnify and hold harmless the Borough of Maywood, its officers, agents and employees, from any and all claims for damages or liability in any way arising from the grant of the within permit or by reason of such encroachment, including, but not necessarily limited to, the cost of defending any such action for damages, including reasonable attorneys fees.

287-58 Limitations

- a. No permit shall be issued for any obstruction or encroachment which interferes with the free flow of pedestrian and vehicular traffic.
- b. No permit shall be issued unless there is a free and unobstructed sidewalk area of five (5) feet within commercially zoned areas and four (4) feet within residentially zoned areas.
- c. No permit shall be issued for an overhang or awning unless there is at least a ten (10) foot clearance between the surface of the sidewalk and the lowest point of the overhang or awning.

287-59 Outdoor dining

- a. Any permit allowing for outdoor dining shall require that the tables and chairs placed upon the sidewalk or public-right of way be removed and stored nightly at a location other than the public right-of-way.

- b. In addition to complying with the terms of the permit, any outdoor dining shall obtain the necessary approvals from the Board of Health.
- c. The permittee shall not suffer or permit any litter, garbage or refuse to collect upon the public right-of-way

287-60 Application

Any person requesting a permit shall submit an application therefor setting forth the following information:

- a. The name, address and telephone number of the person requesting the permit.
- b. The name, address and telephone number of the owner of the real property abutting the sidewalk or public right-of-way for which the permit is sought.
- c. A written description of the obstruction or encroachment for which a permit is requested.
- d. The duration for which the permit is requested.
- e. A survey of the abutting property showing the building and structures located thereon, the adjoining sidewalk and public right-of-way, the location of the curb line, existing obstructions (e.g. bollards, parking and traffic signs, trash receptacles, planters, benches, etc.) The survey shall also include measurements respecting the width of the sidewalk, the distances between all existing obstructions and the adjoining building, the location of the proposed obstructions, and the distance between the proposed obstructions and the existing building and existing obstructions.

287-61 Fees

Any person applying for a permit shall submit with the application a fee in the sum of \$50.00 or such other amount as may be hereafter established by ordinance of the Borough of Maywood.

287-62 Penalties

Any person who violates the provisions of this ordinance shall, upon conviction thereof, be subject to a fine, not exceeding \$1,000.00 per violation hereof, or imprisonment for a term of 90 days or both.

SECTION 2. Severability

If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be determined by a court of jurisdiction to be invalid, such judgement shall not affect, impair or repeal the remainder of this ordinance.

SECTION 3 Inconsistency

All ordinances or parts thereof inconsistent herewith, are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date

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

Introduction(1st Reading) 4-21-05 Publication 4-28-05

Adoption (2nd & Final Reading) 5-05-05 Publication 5-12-05

Date: May 5, 2005

Approved: THR
Thomas H. Richards

Attest: Jean M. Pelligra
Jean M. Pelligra, Borough Clerk