

ORDINANCE NO. 15-2019

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE  
BOROUGH OF SEA BRIGHT, CHAPTER 172, "SIDEWALK CAFES AND  
RESTAURANTS" IN ITS ENTIRETY.

BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE: The Code of the Borough of Sea Bright, Chapter 172, "Sidewalk Cafes and Restaurants" be and the same is hereby amended and revised 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. All applications for a sidewalk café license shall be made to the Borough Clerk upon forms provided by the Clerk.

B. An applicant proposing to establish a sidewalk cafe area shall submit to the Borough Clerk a sketch of the proposed seating areas, which shall include but not be limited to a depiction of all aisles, clearances between tables and between the seating area at the curb. No less than four (4') feet of unobstructed sidewalk shall be open and maintained for pedestrians. 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.

C. Once a completed application is received by the Clerk with the appropriate fee, it shall be forwarded to the Chief of Police and Zoning Officer who shall review the application and provide a recommendation to approve or deny, 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. The Borough Clerk shall issue said license upon receiving all approvals.

D. Applicant shall indemnify and save harmless the Borough of Sea Bright, its employees, agents or officers from all claims, losses, liens, expenses, suits and attorney fees (liabilities) arising from the placement, operation and maintenance of the applicant's sidewalk cafe. Applicant agrees to name the Borough of Sea Bright as an additional insured under the applicant's general liability insurance (minimum required limit of one million (\$1,000,000.00) dollars), bodily injury, property damage and personal injury, and maintains such insurance for such time as the sidewalk cafe exists. Applicants must adhere to all local noise, zoning and construction laws.

§ 172-3 **Licensing Fees.** The annual fee for the operation of a sidewalk cafe shall be set by resolution by the Mayor and Borough Council. No fees shall be pro-rated nor any part thereof refunded for any reason.

§ 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 1<sup>st</sup> and shall terminate no later than November 1<sup>st</sup> of the year in which the permit is issued.

§ 172-5 **Annual Renewal.** Any license for a sidewalk café issued pursuant to the terms of this section shall be renewed annually.

§ 172-6 **Violations and Penalties.** Sidewalk café permits may be revoked for violating any of the provisions of this section and the applicant may be ineligible to obtain a permit hereunder for the year following such violation. Violators shall be subject to the penalties as provided in Chapter 1, General Provisions, Article 1.

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

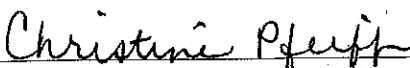
SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

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 May 21, 2019 and will be further considered after a Public Hearing held on June 18, 2019 at Sea Bright Beach Pavilion at 7:00 pm.

INTRODUCED: May 21, 2019  
PUBLIC HEARING: June 18, 2019  
ADOPTED: June 18, 2019

Witness

  
CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT,

  
DINA LONG, MAYOR