

## BEACH HAVEN BOROUGH

### APPLICATION FOR OUTDOOR DINING PERMIT

Pursuant to Code Chapter 137

Available to all restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, and all holders of a liquor license with retail consumption privileges. Outdoor Dining Permits are valid April 1<sup>st</sup> through November 30<sup>th</sup>. The cost of the administrative review shall be **\$250.00** and shall be non-refundable. Apply to [smason@beachhaven-nj.gov](mailto:smason@beachhaven-nj.gov), Clerk's Office, 300 Engleside Ave., Beach Haven, NJ 08008, or fax #609-492-6262.

APPLICANT BUSINESS NAME \_\_\_\_\_

BUSINESS OPERATING ADDRESS \_\_\_\_\_

BUSINESS OWNER/AGENT \_\_\_\_\_

PHONE # \_\_\_\_\_ EMAIL \_\_\_\_\_

- Attach a plan showing the **existing** layout/location of tables and chairs. \_\_\_\_\_
- Attach a plan showing the **proposed** layout/location of tables and chairs. \_\_\_\_\_

Plans must include:

- ✓ confirmation of the number of existing approved tables and seats \_\_\_\_\_
- ✓ depiction of all aisles, routes of ingress and egress \_\_\_\_\_
- ✓ distances between tables \_\_\_\_\_
- ✓ distance between the seating area of any curb line (6' minimum) \_\_\_\_\_
- ✓ location and purpose of food service areas \_\_\_\_\_
- ✓ trash and recycling receptacles \_\_\_\_\_
- ✓ any proposed lighting \_\_\_\_\_
- ✓ any proposed temporary structures \_\_\_\_\_
- (construction permits may be required)
- There must be an approved site plan on file with the Borough for the site \_\_\_\_\_
- (*Liquor License holders*) Proof of Department of ABC temporary expansion of premise permit \_\_\_\_\_

### **PERMIT STANDARDS**

- A. Outdoor dining areas must be designated and operated in accordance with the State of New Jersey, Department of Health and any applicable County/Local Health Department requirements.
- B. The total amount of seats available to patrons shall not exceed the permitted occupancy of the Establishment
- C. Outdoor dining areas may be located on sidewalks, decks, patios, and private lawns contiguous with the Establishment. Parking areas will not be permitted.
- D. If the contiguous area is located in a County Right of Way, approval from the County must be obtained.
- E. Lighting will be required if the outdoor dining area is proposed to be utilized after dusk and there is inadequate existing lighting. Electrical permits may be required.
- F. A non-enclosed tent, awning or umbrellas may be utilized within an outdoor dining area provided they do not restrict pedestrian access. 6' minimum pedestrian clearance is required. A tent permit from the zoning department must be obtained annually. Fire Department approval must be obtained, if applicable.
- G. Serving stations and a host podium may be located within an outdoor dining area. There shall be no outdoor cooking allowed.
- H. No change in grading will be permitted in order to create an outdoor dining area and no new impervious cover is permitted.
- I. Establishments with existing outdoor dining areas may seek to expand the existing area in accordance with the regulations set forth herein.
- J. The operator of an outdoor dining area shall be responsible to provide, maintain, and empty an adequate amount of outdoor trash and recycling receptacles for the outdoor dining area, and shall not be permitted to dispose of trash or recycling into municipal receptacles.
- K. The operator of an outdoor dining area shall be responsible for maintaining a sanitary, safe, litter-free, and well-kept appearance of the property at all times.
- L. Adequate provision for pedestrian safety must be provided. To allow for pedestrian circulation, a minimum of six feet of sidewalk along the curb and to the entrance of the establishment shall be maintained and free of tables and other encumbrances. Sidewalk seating must be limited to tables of four (4) seats or less.
- M. Planters, posts with ropes, wrought iron railings, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the outdoor dining area.

- N. To the extent possible, all elements of the outdoor dining area shall be compatible with the architectural character of the building where the establishment is located.
- O. Outdoor dining areas may have outdoor heaters, provided same are in locations identified on the plan and subject to inspection by the Borough Zoning Officer and/or the Fire Department.
- P. Establishments with outdoor dining areas shall not be entitled to additional signage, over and beyond what is permitted for the restaurant use.
- Q. Establishments with on-premises retail consumption privileges are responsible for compliance with the New Jersey Alcoholic Beverage Control Commission.
- R. No additional seating may encroach on dunes or natural areas.
- S. No live outdoor entertainment/performances will be permitted in the outdoor dining areas permitted by this code. Any other outdoor music must comply with Borough noise ordinances and be considerate of businesses and residential neighbors.

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\*If requesting to operate in the **right-of-way** the following items are required:

- Executed **Hold Harmless Indemnification** Agreement \_\_\_\_\_
- **Certificate of Liability Insurance** naming the Borough of Beach Haven as an additional insured with a minimum limit of one million (\$1,000,000.00) Dollars, and provide proof that said policies have been amended to reflect coverage for the proposed outdoor dining area. \_\_\_\_\_

An Outdoor Dining Permit may be amended or revoked if the Borough Manager or his/her designee identifies a safety issue that may involve but not be limited to traffic, fire, pedestrian safety or trash management, or if the Establishment fails to comply or if conditions of the permit are not adhered to. Any person or entity who violates any provisions of this Chapter shall be fined as set forth in Borough Code Section 1-16, "General penalty provisions." Every day that a violation continues shall constitute a separate and distinct offense. Each and every violation shall be considered a separate violation.

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Authorized Signatory for the Applicant

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Date

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**FOR OFFICE USE ONLY**

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**Borough Manager**

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**Date****Comments:** \_\_\_\_\_  
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**Chief of Police**

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**Date****Comments:** \_\_\_\_\_  
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**Zoning Department**

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**Date****Comments:** \_\_\_\_\_  
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**Construction Official**

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**Date****Comments:** \_\_\_\_\_  
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**Fire Official**

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**Date****Comments:** \_\_\_\_\_  
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