

TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY

ORDINANCE NO. 2019-08

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD,
PART II GENERAL LEGISLATION, CHAPTER 367 STREETS AND SIDEWALKS,
ARTICLE III, OBSTRUCTIONS AND ENCROACHMENTS

WHEREAS, the Township Committee wishes to identify the requirements for business owners to obtain a sidewalk café permit in accordance with the provisions set forth in the Municipal Code of the Township of Cranford; and

WHEREAS, the Township Committee of the Township of Cranford is committed to ensuring that public safety is maintained within the community at all times; and

WHEREAS, the Township Committee of the Township of Cranford has recognized the need amend Part II, General Legislation, Chapter 367 Streets and Sidewalks, Article III, Obstructions and Encroachments; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford as follows:

SECTION 1: Part II General Legislation, Chapter 367 Streets and Sidewalks, Article III Obstructions and Encroachments, is hereby amended as follows:

§ 367-12. Sidewalk cafes.

~~A.~~ Any eating establishment or restaurant ("eating establishment") located in the Special Improvement District established by Chapter 355 of this Code or located in the D-C Downtown Core District, D-B Downtown Business District, VC Village Commercial District or NC Neighborhood Commercial District may, upon application for and issuance of a permit pursuant to this section, utilize part of the sidewalk in front of its place of business for a sidewalk cafe.

~~B.~~ A. Application for the sidewalk cafe permit created under this section and operation of any sidewalk cafe shall be in accordance with rules and regulations established by the Downtown Business and Economic Development Office or as created or modified by resolution of the Township Committee. A sidewalk café is defined as any space in between the curb line and the front of any qualified eating establishment utilized to accommodate tables and chairs for patrons to utilize.

~~B.C.~~ Application for such permit shall be made to and such permits shall be granted by the ~~Township Building Subcode Official~~ Zoning Officer.

~~C.D.~~ E.D. A permit shall be granted only if the proposed sidewalk cafe conforms to the following:

- (1) The cafe shall be confined to the area directly in front of the existing eating establishment, unless written permission of any adjacent property owner and ground floor occupant shall be submitted and filed with the application.
- (2) Any cafe shall not interfere with access to the building entrance or exit, any basement entrance or any fire hydrant, bus stop, parking meter or public alleyway.
- (3) A minimum of four feet from the curb line must remain open to maintain pedestrian access and must remain free from any obstructions including existing utilities, fire hydrants, street trees, light poles, etc. and/or from temporary

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obstructions such as garbage cans or wait staff. Existing obstructions such as utilities may negate the suitability of a site for the placement of a sidewalk café.

- ~~E.~~ Applicants shall be required to submit proof of liability insurance for the proposed sidewalk café, naming the Township of Cranford as an additional insured, with minimum limits of liability in an amount established in the rules and regulations provide a plan highlighting the layout of the proposed sidewalk café. This plan must include the placement of tables, chairs, barriers, planter boxes, street utilities and/or street furniture, and the requisite four (4) foot walkable path from the curb line to the café area in relation to the building façade and any doorways to the primary restaurant area.
- ~~F.~~ Applicants shall be required to submit proof of liability insurance for the proposed sidewalk cafe, naming the Township of Cranford as an additional insured, with minimum limits of liability in an amount established in the rules and regulations.
- ~~G.~~ The sidewalk cafe permit shall be an annual permit. There shall be no fee for the permit. Use of the premises for sidewalk cafes shall be permitted seasonally and only as prescribed in the rules and regulations.
- ~~H.~~ The rules and regulations established pursuant to this section shall be filed with the Township Clerk and available for public inspection.
- ~~I.~~ Any sidewalk cafe permit may be suspended or revoked by the ~~Building Subcode Official~~ Zoning Officer or by the Township Committee upon a violation of this section or the rules and regulations. Revocation of the permit can also take place if the sidewalk café is deemed to create an unsafe condition. Such suspension or revocation shall be in writing and delivered personally or mailed by certified mail to the permit holder at the address set forth in the application.
- ~~J.~~ Any suspension or revocation issued by the ~~Building Subcode Official~~ Zoning Officer may be appealed to the Township Committee within 15 days of the mailing of such notice.
- ~~K.~~ The granting of a permit under this section shall not be construed to permit any activity otherwise prohibited by this Code or by other law.
- ~~L.~~ Notwithstanding the provisions of §§ 143-10 and 143-11 of this Code, consumption of permitted alcoholic beverages shall be allowed at a sidewalk cafe holding a valid permit under this section as follows:
- (1) Consumption of alcoholic beverages shall be permitted only at sidewalk cafes with wait staff serving patrons.
 - (2) Beer and wine shall be the only permitted alcoholic beverages to be consumed at permitted sidewalk cafes which do not hold alcoholic beverage control licenses.
 - (3) No alcoholic beverage control licensed premises may serve alcoholic beverages at a sidewalk cafe until and unless the licensee shall have applied for and received approval of a place-to-place transfer of its license for expansion of its premises to include the sidewalk cafe area.
 - (4) Nothing contained in this subsection shall be construed to permit service or consumption of alcoholic beverages at any time or at any place or in any manner other than as permitted under this subsection and the rules and regulations promulgated hereunder.

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SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall become effective upon final passage and publication according to law.

Introduced:

Adopted:

Approved:

Patrick F. Giblin
Chairman, Township Committee

Attest:

Patricia Donahue, RMC
Municipal Clerk

Recorded Vote

Introduced

Adopted

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