

Borough of Franklin Lakes

480 DE KORTE DRIVE
FRANKLIN LAKES, NEW JERSEY 07417
PHONE 201-891-4000 FAX 201-847-1361

APPLICATION FOR OUTDOOR CAFÉ LICENSE

License valid from MARCH 1ST through NOVEMBER 30TH per calendar year
and must be renewed yearly

Name of Establishment _____

Establishment Address/Suite #-----

Fee \$50.00 Cash _____ Check _____

Owner Name _____

Address _____

Owner Contact Number _____

Owner Email Address _____

Is this a full service restaurant? _____ YES _____ NO

Will alcohol be served? _____ YES _____ NO

(If Yes, copy of ABC License required)

Number of Tables _____ Number of Seats _____

Please see attached for required items which must accompany application.
Applications will be reviewed within 10 business days.

SIGNATURE

DATE

PRINTED NAME

FOR OFFICE USE ONLY:

REMARKS _____

SIGNATURE OF ZONING OFFICER

DATE

[Added 11-20-2012 by Ord. No. 1557]

A.

Purpose. The purpose of this section is to establish a procedure and adopt rules and regulations for the licensing of outdoor cafes in the RB-1 and RB-2 (Retail Business) Districts.

[Amended 4-5-2016 by Ord. No. 1668]

B.

Definitions. For purposes of this section, the following phrases and words shall have the meanings indicated:

OUTDOOR CAFE

That part of an indoor restaurant or eating establishment which has interior seating and public restrooms where food and other refreshments are served outdoors. The tables for patrons at an outdoor café must be immediately next to the restaurant, cafe, cafeteria or place of business of which it is part. The outdoor cafe shall not be separated from the associated establishment by a parking area or other site feature, except for a sidewalk or other pedestrian walkway.

[Amended 4-5-2016 by Ord. No. 1668; 9-19-2017 by Ord. No. 1724]

SIDEWALK

The area of the public right-of-way reserved for pedestrian traffic from the curb to the front line of the building housing an eating establishment.

C.

License required. It shall be unlawful for any person, firm, partnership, corporation, association or organization of any kind (hereinafter collectively referred to as "person") to create, establish, operate, maintain or otherwise be engaged in the business of conducting an outdoor cafe upon the sidewalks of the Borough of Franklin Lakes, or on private property, unless such person shall hold a currently valid license issued pursuant to the terms of this section.

D.

Requirements. No license shall be issued hereunder unless the licensee shall demonstrate that a minimum of four feet of continuous, unobstructed paved surface will be available for pedestrian traffic around or through such outdoor cafe and that such outdoor cafe will be directly next to an eating establishment as hereinabove defined. The minimum requirement for continuous, unobstructed paved surface on a walkway within a shopping plaza shall be four feet. The term "directly next to" shall confine the cafe to the area represented by an extension of each side of the store occupied by the eating establishment projected directly to a curbline immediately in front thereof, with the exception that a sidewalk or other pedestrian walkway may separate the establishment and the cafe.

[Amended 4-5-2016 by Ord. No. 1668; 11-12-2019 by Ord. No. 1806]

E.

Application. Application for the license required hereunder shall be made to the Construction Code Official and shall be signed by the applicant. The application shall contain the following information:

(1)

The name, residence address and telephone number of each individual, owner, or partner; or, if a domestic corporation, the names, residence addresses and telephone numbers of the directors and officers owning a ten-percent or greater interest in the corporation and the chief operating executive of the corporation; or, if a nondomestic corporation, the name, residence address and telephone number of the managing officer for service of process within the State of New Jersey and a copy of the qualification of said nondomestic corporation to conduct business in the State of New Jersey.

(2)

A copy of the trade, corporate, business or fictitious name upon which the applicant intends to do business pursuant to this section.

(3)

The address and description of each place where the applicant intends to establish or operate an outdoor cafe.

(4)

The name and address of the person owning the premises, if other than the applicant, and the consent of the owner of the premises to the application.

(5)

A copy of a valid retail food establishment license issued by the Board of Health.

(6)

Three sets of a proposed layout plan containing scaled drawings clearly illustrating the number, type of materials, color and location of all tables, chairs, umbrellas, or other furnishings or fixtures intended to be located in the outdoor cafe. The perimeter of the outdoor cafe shall be defined and set off by a portable-type enclosure, which may include live plantings. The enclosure shall define the perimeter of the area to be used as an outdoor cafe and shall separate it from the pedestrians traversing the adjacent sidewalk. The enclosure shall not contain doors or windows nor air-conditioning or heating equipment and shall be open at all times to the air from a height of not more than three feet. Awnings or outdoor umbrellas extending over the enclosure are permitted.

(7)

The scaled drawings shall also illustrate the following:

[Amended 11-12-2019 by Ord. No. 1806]

(a)

The location of any doors leading from the eating establishment to the outdoor cafe. No such doors may be obstructed in any manner.

(b)

The number of feet and location of unobstructed space permitting free passage of pedestrian traffic around or through each outdoor cafe.

(c)

An illustration of the enclosure or protective barrier separating the eating and serving area of each outdoor cafe from pedestrian traffic.

(d)

The location of all fire hydrants, parking meters, utility poles, benches, handicap ramps, street furniture, trees, and any other fixtures permanently located on the sidewalk in front of the eating establishment or within 10 feet thereof on either or any side.

(e)

The type and location of any proposed outdoor lighting and fixtures.

(8)

An annual application fee of \$50.

[Amended 11-12-2019 by Ord. No. 1806]

F.

Review of application. The Construction Code Official will review the application for completeness and compliance with the terms of this section. If the application is complete, the Construction Code Official will act upon the same within 10 business days of the submittal of the application or within 10 business days after the application becomes complete. If the application is not complete, the Construction Code Official will so notify the applicant within 10 business days of the submission and specifically detail the areas in which the application lacks compliance with the requirements of this section.

G.

Issuance of license. If the application complies with the section, the Construction Code Official shall issue a license strictly subject to the terms and conditions of this section.

H.

Change of ownership. The license is personal to the applicant, and any change or transfer of ownership of the outdoor cafe shall terminate the license and shall require a new application and a new license in conformance with all of the requirements of this section.

I.

Consent to inspections. Acceptance of the license by the applicant shall operate as a consent to the Health, Fire, Police and Building Officials of the Borough to inspect the outdoor cafe for continued compliance with the terms and conditions of this section and any federal, state, county or local law, ordinance or regulation affecting the same.

J.

Revocation or suspension of license. Any license issued hereunder is issued solely as a revocable license, which shall be subject to revocation or suspension by the Construction Official for failure of any licensee to comply with this section or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. In addition, the license may also be suspended or revoked on 10 days' written notice in the event the Borough determines that it is necessary to utilize the area or any part thereof for the maintenance or installation of underground utilities. In the event of any emergency, which emergency is certified by the Borough Administrator, the license may be suspended or revoked without notice.

K.

Cleanliness. Each licensee is responsible for keeping the area of the outdoor cafe and the adjacent walks and streets free and clear of any debris or litter occasioned by the cafe. Areas must be cleaned as needed and at the time that business is closed and at the beginning of each business day, but not later than 9:00 a.m. Trash receptacles shall be provided. Litter shall not be permitted on adjoining sidewalks or property. Sidewalks shall be washed as necessary.

L.

Food preparation. All food preparation shall be in the regular kitchen area of the restaurant, and such food preparation shall not be permitted within the outdoor café area.

M.

Vending machines prohibited. No vending machines of any kind are permitted on the exterior of any building operating an outdoor cafe.

N.

Signs. No signs shall be permitted in the area of the outdoor cafe except signs on the awnings complying with the sign ordinances of the Borough. Outdoor umbrellas located in the outdoor cafe shall be exempt from the sign ordinances of the Borough.

O.

Liquor license. If the applicant is the holder of an alcoholic beverage control license pursuant to the laws of the State of New Jersey, it shall be the applicant's responsibility to cause the alcoholic beverage control license to be amended to include the premises utilized for outdoor café purposes in order to serve alcoholic beverages therein.

P.

Time period for outdoor cafes. Outdoor cafes shall be permitted to operate from March 1 to November 30 in any calendar year. The license, when issued, shall be valid for the calendar year in which it was issued.

[Amended 11-12-2019 by Ord. No. 1806]

Q.

Other regulations. No tables, chairs or other equipment used in the outdoor cafe shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk or property of the Borough within or near the licensed area.

R.

Vacation of area. The licensee agrees at the end of the license period, or in the event that the license is temporarily or permanently suspended or revoked, that the licensee will, at his own cost and expense, vacate the sidewalk space and promptly remove any property placed thereon. Failure to do so on five days' written notice shall grant to the Borough the right to remove any property on the sidewalk, and the licensee agrees to reimburse the Borough for the cost of removing and storing the same.

S.

Sound system prohibited. There shall not be any public-address systems, loudspeakers, sound systems, radios any other type of exterior sound system.

T.

Hours of outdoor café. No outdoor cafe shall open for business prior to 7:00 a.m. nor remain open for business after 10:00 p.m. All persons occupying the outdoor cafe shall vacate the same no later than 10:30 p.m.

U.

Alcohol permitted. Alcohol shall only be permitted at an outdoor cafe where patrons of the outdoor cafe are able to order a meal from a full-service indoor restaurant and only at tables which have table service. For purposes of this section, "full-service restaurant" shall mean a restaurant where patrons can order a full-course dinner from a broad range of menu items, a server or equivalent takes the order and brings food and drinks to be consumed at the table, meals are paid for after they are eaten, and guests are served throughout the duration of the meal. The outdoor area shall not contain a bar, and alcoholic drinks shall only be consumed with the meal.

[Amended 9-19-2017 by Ord. No. 1724; 11-12-2019 by Ord. No. 1806]

V.

Enforcement. This section shall be enforced by the Construction Official, the Police Department, the Board of Health, as to the Sanitary Code, or any other Borough official as designated by the Mayor and Council.