



BOROUGH OF ROSELAND

ESSEX COUNTY, NEW JERSEY

140 EAGLE ROCK AVENUE, ROSELAND, NEW JERSEY 07068

Phone: (973) 226-8080 Fax: (973) 403-6031

SEASONAL OUTDOOR SEATING APPLICATION

The following application is required to allow for temporary outdoor seating areas in the B-1 and B-2 Zones of the Borough of Roseland for the consumption of food and beverages for patrons of an eating establishment.

Name of Business: _____

Name of Business Owner: _____

Address of Business: _____

Business Phone #: _____ Fax #: _____

Email Address: _____

Per **Borough Code Section 4-11.4**, "When located within the public right-of-way, a temporary outdoor seating area shall only be located on the eating establishment sidewalk directly in front of the eating establishment to which the temporary outdoor seating area is accessory. For purposes of administering this provision, the term "directly in front of" means an area of the sidewalk represented by an extension of each side of the store or premises: occupied by the eating establishment projected directly to the curbline immediately in front thereof. Such temporary outdoor seating area will be required to maintain an unobstructed paved surface for pedestrian traffic at least fifty-two (52) inches wide from the curbline, located on the sidewalk, around or through such temporary outdoor seating area."

"When located on private property, a temporary outdoor seating area may be located in front of, on the: side of and/or to the rear of the eating establishment to which the temporary outdoor seating area is accessory. Such temporary outdoor seating area shall be located on the property containing the eating establishment and/or within the public right-of-way as permitted by this section. In the case of temporary outdoor seating area that is located on property containing multiple tenants or occupants, such temporary outdoor seating area shall not be permitted to be located in front of, on the side of and/or to the rear of any other establishment, store, office, business or other rentable space on the same property. Such temporary outdoor seating area shall be required to maintain an unobstructed paved surface for pedestrian traffic at least fifty-two (52) inches wide from the curbline around or through such temporary outdoor seating area."

Where will the outdoor seating area be located?

- ☐ Public Sidewalk
- ☐ Premise Owned Parking Lot (*If you are a tenant, please provide consent from the property owner and any adjoining businesses*)

Number of Seats _____

Number of Tables _____

☐ I have attached a map detailing the location, number of tables, seating capacity, etc. of the outdoor dining space

☐ I am licensed by the State of New Jersey to sell alcoholic beverages and wish to serve them in the permitted outdoor seating area

☐ I understand that outdoor seating is only permitted during the period of the calendar year from April 1 through October 31 and that the license, when issued, shall be valid for the license period and will terminate on October 31 of the license period. I understand that I will need to reapply next year for a new license if I wish to provide outdoor seating again.

☐ I have read, understand, and have attached all necessary paperwork to fulfill all of the requirements of Borough **Code Section 4-11** (attached), including Borough **Code Section 4-11.4** listed above.

Applicant's Name (*please print*) _____

Applicant's Residence Address: _____

Applicant's Phone Number: _____

Applicant's Signature: _____

Date: _____ Title of Applicant: _____

This application must be submitted with the insurance certificate, hold harmless agreement and detailed map.

If your business is set up as a corporation, partnership, LLC, or other similar entity, please provide the following on the lines below and/or attached to this application:

- (1) the names, residence addresses and telephone numbers of each director, officer, member, manager, managing member, partner or principal who own or hold a five (5%) percent or greater interest in such business entity; and
- (2) the name and principal address of the business entity and the name, principal address and telephone number of the managing officer, member, agent or other official of the business entity for the purpose of process within the State of New Jersey; and
- (3) a copy of the documentation that formed the business entity such as a certificate of formation or certificate of incorporation together with written proof that the business entity is qualified to conduct business in the State of New Jersey and is in good standing under the laws of the State of New Jersey or other applicable jurisdiction in which the business entity is organized.

INSURANCE REQUIREMENTS

1. No license required by this section shall be granted to any person to operate a temporary outdoor seating area until such person shall have first filed with the Construction Code Official a certificate of insurance for a comprehensive general liability policy issued to such person by a public liability insurance company authorized to do business in the State of New Jersey affording the coverages set forth below in the amounts specified. Such insurance policy shall name the Borough of Roseland, its agents, officers, servants, representatives and employees as additional named insured with respect to the operation and maintenance of the temporary outdoor seating area in the following amounts.

(a) Bodily injury:

- (1) Each person - \$1,000,000.00; and
- (2) Each accident - \$3,000,000.00.

(b) Property damage:

- (1) Each person - \$ 500,000.00; and
- (2) Each accident - \$1,000,000.00.

2. The insurance coverage required by this section shall at all times be maintained for the full amount. The certificate of insurance required by this section to be filed with the Borough Clerk shall contain clause obligating the company issuing the same to give not less than thirty (30) days written notice to the Borough Clerk before cancellation or amendments of any of the terms thereof. Notice of cancellation shall not relieve the company; issuing such policy of liability for any injury or claim arising before the cancellation becomes effective. The cancellation of any such insurance policy shall have the immediate effect of suspending the license of such person to operate the temporary outdoor seating area covered thereby until a new policy complying with the provisions of this section is filed with the Construction Code Official and a letter in writing confirming the new effective date of the license is issued by the Construction Code Official.

3. Every insurance policy required hereunder shall contain a provision for continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon, that the liability of the insured shall not be affected by the insolvency or the bankruptcy of the insured, and that until the policy is canceled the insurance company will not be relieved from liability on account of nonpayment of premium or of any act or omission by the named insured. Such policy of insurance shall be further conditioned for the payment of any and all judgments up to the limits of such policy. Every insurance policy must be issued by an insurance company that is licensed to do business in the State of New Jersey.

BOROUGH CODE 4-11: LICENSING OF TEMPORARY OUTDOOR SEATING AREAS

§ 4-11.1 Purpose. [Ord. No. 17-2008 § 4.11-1]

The purpose of this section is to establish a procedure and authorize rules and regulations thereunder for the licensing of temporary outdoor seating areas in the B-1 and B-2 Zones of the Borough of Roseland for the consumption of food and beverages for patrons of an eating establishment.

§ 4-11.2 Definitions. [Ord. No. 17-2008 § 4.11-2]

For the purpose of this section, the following words shall have the meanings respectively ascribed in this section:

EATING ESTABLISHMENT

shall mean any restaurant, cafe; cafeteria or other place of business in the B-1 and B-2 Zones of the Borough where food and/or other refreshments are served or consumed, except that an eating establishment does not include: an establishment that is a supermarket, convenience store or grocery that does not have seating where food and/or other refreshments are served or consumed; any establishment providing service primarily from vending machines; any other retail food establishment that is defined at subsection 4-9.1 et seq; and any drive-in restaurant defined in subsection 4-10.1 et seq.

EATING ESTABLISHMENT SIDEWALK

shall mean that area or portion of the public right-of-way or street between the curbline and the adjacent property line which has been paved with concrete or other approved material and is intended for pedestrian traffic from the curb to the front line of the building housing an eating establishment.

TEMPORARY OUTDOOR SEATING AREA

shall mean the area of an eating establishment sidewalk where food and other refreshments are served or consumed outside the interior of the eating establishment on or upon the public right-of-way, namely, the sidewalk immediately in front of the eating establishment where food and/or other refreshments are served or consumed or, as provided in this section, the area of private property where food and other refreshments are served or consumed outside the interior of the eating establishment.

§ 4-11.3 License Required. [Ord. No. 17-2008 § 4-11.3]

It is unlawful for any person, firm, partnership, corporation, association, organization or business entity 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 temporary outdoor seating area upon any sidewalk of the Borough or on private property, unless such person holds a currently valid license issued pursuant to the terms of this section.

§ 4-11.4 Location. [Ord. No. 17-2008 § 4-11.4]

a. Area.

1. When located within the public right-of-way, a temporary outdoor seating area shall only be located on the eating establishment sidewalk directly in front of the eating establishment to which the temporary outdoor seating area is accessory. For purposes of administering this provision, the term "directly in front of" means an area of the sidewalk represented by an extension of each side of the store or premises: occupied by the eating establishment projected directly to the curbline immediately in front thereof. Such temporary outdoor seating area will be required to maintain an unobstructed paved surface for pedestrian traffic at least fifty-two (52) inches wide from the curbline, located on the sidewalk, around or through such temporary outdoor seating area.

2. When located on private property, a temporary outdoor seating area may be located in front of, on the: side of and/or to the rear of the eating establishment to which the temporary outdoor seating area is accessory. Such temporary outdoor seating area shall be located on the property containing the eating establishment and/or within the public right-of-way as permitted by this section. In the case of temporary outdoor seating area that is located on property containing multiple tenants or occupants, such temporary outdoor seating area shall not be permitted to be located in front of, on the side of and/or to the rear of any other establishment, store, office, business or other rentable space on the same property. Such temporary outdoor seating area shall be required to maintain an unobstructed paved surface for pedestrian traffic at least fifty-two (52) inches wide from the curbline around or through such temporary outdoor seating area.

b. Requirements.

1. The seating in the temporary outdoor seating area must not impinge upon or interfere with or create an unsafe condition with the sidewalk and or with any pedestrian or motor vehicle traffic.

2. If the eating establishment is situated at a corner of an intersection, no temporary outdoor seating area may be situated closer than twenty-five (25) feet of the two (2) roadway right-of-way lines nor shall the temporary outdoor seating area interfere with pedestrian or motor vehicle traffic visibility across and through the street corner.

3. The temporary outdoor seating area may not include seating that exceeds sixteen (16) seats.

4. Any and all persons consuming food or beverages in the temporary outdoor seating area must be seated when consuming such food or beverages in the temporary outdoor seating area.

5. The temporary outdoor seating area must not physically displace or interfere with or create unsafe conditions with regard to vehicle parking spaces, driveways or parking lots.

6. The temporary outdoor seating area must be designed, established and maintained in such a manner as to ensure the safety of the patrons of the eating establishment, pedestrians and motor vehicles and must be in compliance with applicable health and safety laws.

7. Any and all tables, chairs, benches, equipment and other materials associated or used in conjunction with a temporary outdoor seating area that is situated, in whole or in part, along or adjacent to Eagle Rock Avenue or Roseland Avenue: (1) may not be displayed

unless the eating establishment is open for business; and (2) may not be displayed except during the permitted hours of operation as defined in subsection 4-11.22 herein, which subsection is entitled "Hours of Operation;" and (3) must be removed and must be stored away whenever the eating establishment is not open for business; and (4) must be removed and must be stored away except during the hours of operation permitted herein.

§ 4-11.5 Application for License. [Ord. No. 17-2008 § 4-11.5]

a. Application. Application for the license required hereunder shall be made to the Construction Code Official and shall be signed by the applicant as provided for herein. The application must contain the following information and must be completed in the following manner.

1. If the eating establishment is owned by an individual or individuals, the name, residence address and telephone number of each individual owner of the eating establishment. If the eating establishment is a business entity including, but not limited to, a corporation, partnership, limited liability company or other similar entity: (1) the names, residence addresses and telephone numbers of each director, officer, member, manager, managing member, partner or principal who own or hold a five (5%) percent or greater interest in such business entity; and (2) the name and principal address of the business entity and the name, principal address and telephone number of the managing officer, member, agent or other official of the business entity for the purpose of process within the State of New Jersey; and (3) a copy of the documentation that formed the business entity such as a certificate of formation or certificate of incorporation together with written proof that the business entity is qualified to conduct business in the State of New Jersey and is in good standing under the laws of the State of New Jersey or other applicable jurisdiction in which the business entity is organized.
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 a temporary outdoor seating area.
4. Three (3) 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 temporary outdoor seating area. The perimeter of the temporary outdoor seating area must be clearly defined and set-off by a portable-type enclosure, which may include live plantings. The enclosure must define the perimeter of the area to be used as a temporary outdoor seating area and must separate the temporary outdoor seating area from the pedestrians traversing the adjacent sidewalk. The enclosure must not contain doors or windows nor air conditioning or heating equipment and must be open at all times to the air from a height of not more than three (3) feet. The scaled drawings shall also illustrate the following:

- (a) The location of any doors leading from the eating establishment to the

temporary outdoor seating area and no such doors may be obstructed in any manner; and

- (b) The number of feet and location of unobstructed space permitting free passage of pedestrian traffic around or through the temporary outdoor seating area; and
- (c) The location of the place where any food or drink is intended to be prepared; and
- (d) An illustration of the enclosure or protective barrier separating the eating and serving area of the temporary outdoor seating area from pedestrian traffic; and
- (e) The location of all fire hydrants, parking meters, utility poles, benches, handicap ramps, street furniture, trees, driveways, parking spaces and any other fixtures permanently located on the sidewalk in front of the eating establishment or within twenty-five (25) feet thereof on either or any side; and
- (f) The type and location of any and all proposed outdoor lighting and fixtures; and
- (g) A color photograph or photographs of the property in which the temporary outdoor seating area is to be situated; and
- (h) Delineate the manner in which garbage and other solid waste will be managed and disposed of with the identification of any waste receptacles and the appearance and composition of same, with no dumpsters being situated in or near the temporary outdoor seating area; and
- (i) Delineate the manner in which any and all tables, chairs, benches, equipment and other materials associated with a temporary outdoor seating area that is situated, in whole or in part, along or adjacent to Eagle Rock Avenue or Roseland Avenue, will be removed and will be stored away whenever the eating establishment is not open for business and whenever the eating establishment is not permitted to display such items and whenever the eating establishment is obligated to remove and store away such items.

b. Fees. The payment of an application fee and any other annual fees as established by or set by the Mayor and Council by resolution.

c. Review of Application. The Construction Code Official of the Borough (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 ten (10) business days of the submittal of the application. If the application is not complete, the Construction Code Official will so notify the applicant within ten (10) business days of the submission and specifically detail the areas in which the application lacks compliance with the requirements of this section and upon the determination by the Construction Code Official that the application is complete, the Construction Code Official will act upon the same within ten (10) calendar days of the date of determination that the application is complete.

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

e. Other Governmental Approvals. If the temporary outdoor seating area is situated in a sidewalk or right-of-way which is the subject of the jurisdiction of a governmental entity or agency other than the Borough including, but not limited to, the State of New Jersey or the County of Essex, the applicant will be obligated to apply for and obtain any permits or other approvals that may be required by such other governmental entity or agency and delivery written proof of such approvals to the Construction Code Official.

§ 4-11.6 No Transfer of License. [Ord. No. 17-2008 § 4-11.6]

The license is personal and peculiar to the applicant and is not assignable or transferable by the applicant to any other person. Any change or transfer of the ownership interest in the eating establishment will terminate the license and will require new application and the review and if applicable, issuance of a new license in conformance with all the requirements of this section.

§ 4-11.7 Inspections. [Ord. No. 17-2008 § 4-11.7]

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 temporary outdoor seating area and the eating establishment for continued compliance with the terms and conditions of this section and any Federal, State, County or local law, article or regulation affecting the same.

§ 4-11.8 Indemnification of Borough. [Ord. No. 17-2008 § 4-11.8]

No license required by this section shall be granted to any person to operate a temporary outdoor seating area until such person shall have filed with the Construction Code Official a statement agreeing to indemnify and hold harmless the Borough of Roseland, its agents, servants, representatives or employees from any or all claims, damages, judgments costs or expenses, including attorneys' fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the temporary outdoor seating area for which the license is issued.

§ 4-11.9 Liability Insurance Requirements. [Ord. No. 17-2008 § 4-11.9]

a. Insurance Policy.

1. No license required by this section shall be granted to any person to operate a temporary outdoor seating area until such person shall have first filed with the Construction Code Official a certificate of insurance for a comprehensive general liability policy issued to such person by a public liability insurance company authorized to do business in the State of New Jersey affording the coverages set forth below in the amounts specified. Such insurance policy shall name the Borough of Roseland, its agents, officers, servants, representatives and employees as additional named insured with respect to the operation and maintenance of the temporary outdoor seating area in the following amounts.

(a) Bodily injury:

(1) Each person - \$1,000,000.00; and

(2) Each accident - \$3,000,000.00.

(b) Property damage:

(1) Each person - \$ 500,000.00; and

(2) Each accident - \$1,000,000.00.

2. The insurance coverage required by this section shall at all times be maintained for the full amount. The certificate of insurance required by this section to be filed with the Borough Clerk shall contain clause obligating the company issuing the same to give not less than thirty (30) days written notice to the Borough Clerk before cancellation or amendments of any of the terms thereof. Notice of cancellation shall not relieve the company; issuing such policy of liability for any injury or claim arising before the cancellation becomes effective. The cancellation of any such insurance policy shall have the immediate effect of suspending the license of such person to operate the temporary outdoor seating area covered thereby until a new policy complying with the provisions of this section is filed with the Construction Code Official and a letter in writing confirming the new effective date of the license is issued by the Construction Code Official.

3. Every insurance policy required hereunder shall contain a provision for continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon, that the liability of the insured shall not be affected by the insolvency or the bankruptcy of the insured, and that until the policy is canceled the insurance company will not be relieved from liability on account of nonpayment of premium or of any act or omission by the named insured. Such policy of insurance shall be further conditioned for the payment of any and all judgments up to the limits of such policy. Every insurance policy must be issued by an insurance company that is licensed to do business in the State of New Jersey.

§ 4-11.10 Revocation or Suspension of License. [Ord. No. 17-2008 § 4-11.10]

Any license issued hereunder is issued solely as a revocable license, which shall be subject to revocation or suspension by the Borough Administrator 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 article.

§ 4-11.11 No Permanent Rights or Vested Interests. [Ord. No. 17-2008 § 4-11.11]

Any license issued hereunder is issued upon the express understanding that the license obtains no property right thereunder, nor any interest in the continuation of said license. Even if a license is issued or renewed, the issuance or the renewal of said license does not create any permanent rights or vested interests and will not be deemed to be or be construed to be any waiver or deviation in regard to any land use ordinances or laws or zoning regulations in force when the license was issued or renewed and subsequent thereto.

§ 4-11.12 Operation Without License Unlawful. [Ord. No. 17-2008 § 4-11.12]

It is unlawful for any person to operate a temporary outdoor seating area after the suspension or

termination of the applicable license.

§ 4-11.13 Property Maintenance. [Ord. No. 17-2008 § 4-11.13]

Each licensee is responsible for keeping the area of the temporary outdoor seating area and the adjacent walks and streets and sidewalk free and clear of any debris or litter occasioned by the temporary outdoor seating area. Temporary outdoor seating area 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 7:00 a.m. Sidewalks must be washed and kept free of all debris. All foreign substances shall be removed from the sidewalk surface.

§ 4-11.14 Vending Machines Prohibited. [Ord. No. 17-2008 § 4-11.14]

No vending machines of any kind are permitted on the exterior of any building operating a temporary outdoor seating area.

§ 4-11.15 Signs. [Ord. No. 17-2008 § 4-11.15]

No signs shall be permitted in the area of the temporary outdoor seating area except for signs that are in strict compliance with the applicable laws of the Borough of Roseland and any other governmental entities having jurisdiction in such matters.

§ 4-11.16 Additional Rights of Borough. [Ord. No. 17-2008 § 4-11.16]

In addition to the powers of suspension or revocation as set forth above, the Borough reserves the right to modify, suspend or revoke any license on five (5) calendar days prior written notice if the Borough determines that pedestrian traffic is, in fact, impeded or made unsafe because of the operation of the temporary outdoor seating area or because of any other safety issue which the Borough determines adversely affects the Borough because of such operation. The license may also be suspended or revoked on ten (10) calendar days written notice, in the event that 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 an emergency, which emergency is certified by the Borough Administrator or Chief of Police of the Borough, the license may be suspended or revoked without notice.

§ 4-11.17 Service of Consumption of Alcoholic Beverages. [Ord. No. 17-2008 § 4-11.17]

No alcoholic beverages, as defined by the Alcoholic Beverage Control Law and any other applicable laws may be served or consumed in the temporary outdoor seating area unless and until the licensee obtains the required approvals under and pursuant to such laws, to permit the serving of such beverages in the temporary outdoor seating area.

§ 4-11.18 Temporary Period of Time. [Ord. No. 17-2008 § 4-11.18]

Temporary outdoor seating areas shall be permitted to operate on any day during the period of the calendar year April 1 through October 31 for which the license is issued (the "license period"). The license, when issued, shall be valid for the license period and will terminate on October 31 of the license period.

§ 4-11.19 Equipment. [Ord. No. 17-2008 § 4-11.19]

No tables, chairs, benches or other equipment used in the temporary outdoor seating area shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk or property of the Borough of Roseland within or near the licensed area. Any and all tables, chairs, benches, equipment and other materials associated with a temporary seating area that is situated in whole or in part, along or adjacent to Eagle Rock Avenue or Roseland Avenue: (1) may not be displayed unless the eating establishment is open for business; and (2) may not be displayed except during the permitted hours of operation as defined at subsection 4-11.22 herein, which section is entitled "Hours of Operation;" and (3) must be removed and must be stored away whenever the eating establishment is not open for business; and (4) must be removed and must be stored away except during the permitted hours of operation.

§ 4-11.20 Vacation of Sidewalk Space; Removal of Property by Borough. [Ord. No. 17-2008 § 4-11.20]

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 (5) calendar days prior 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.

§ 4-11.21 Noise. [Ord. No. 17-2008 § 4-11.21]

The licensee shall not direct or permit to be directed to or from the area occupied by the temporary outdoor seating area any bell, chime, siren, whistle, loudspeaker, public address system, radio, sound amplifier or similar device.

§ 4-11.22 Hours of operation. [Ord. No. 17-2008 § 4-11.22]

No temporary outdoor seating area shall be open for business prior to 7:00 a.m. nor remain open for business after 9:00 p.m. ("permitted hours of operation"). All persons occupying the temporary outdoor seating area must vacate the same no later than 9:00 p.m.

§ 4-11.23 Food Preparation. [Ord. No. 17-2008 § 4-11.23]

No food or drinks served or consumed at the temporary outdoor seating area located either on public or private property shall be prepared or stored other than in the interior of the eating establishment.

§ 4-11.24 Terms and Conditions of Permit. [Ord. No. 17-2008 § 4-11.24]

The Borough shall issue a permit certificate upon payment in full of the appropriate annual fee and compliance by the applicant of the prerequisites set forth in this section. The licensee is required to display the permit certificate prominently in the front window, facing towards the sidewalk of the eating establishment. Failure to properly display the requisite permit certificate shall result in suspension or termination of the license by order of the Borough Administrator.

§ 4-11.25 Laws. [Ord. No. 17-2008 § 4-11.25]

a. Land Use Laws. Except as specifically provided for in this section or except as

otherwise specifically provided for in the Revised General Ordinances of the Borough, the outdoor seating for food or beverage is not permitted and is not provided unless specific site plan approval includes such seating has been granted by the Borough's Planning Board or Zoning Board of Adjustment after proper notice and hearing in accordance with applicable laws.

b. Force and Effect. Except as specifically hereby amended, revised and supplemented, the Revised General Ordinances of the Borough remain in full force and effect.

LICENSE FOR TEMPORARY OUTDOOR SEATING AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 20____ by and between the Borough of Roseland (hereinafter referred to as the “Borough”) and _____ (hereinafter referred to as “Business Owner”) in connection with premises known as _____ Roseland, New Jersey (hereinafter referred to as the “Premises”).

WHEREAS, the Business Owner has completed the Borough’s, County of Essex (if applicable) and NJ State Alcohol and Beverage Control (if applicable) necessary forms and applications and obtained all required inspections; and

WHEREAS, the Business Owner is aware that if they are requesting, from the Borough and/or County, permission to set up tables for outdoor seating within the right of way of the Borough or County, and if the Borough and County grants that permission, it would the responsibility, both physically and financially, of the Business Owner to take all necessary steps to make the areas safe for pedestrian and customer use and to comply with any directives of the Borough Police Department; and

WHEREAS, the Borough must inspect and approve all requests for use of public properties or public right of ways; and

WHEREAS, the Business Owner acknowledges that the New Jersey Alcohol and Beverage Control has to approve any use related to alcohol for outdoor seating or an extension or expansion of an existing alcohol distribution license; and

WHEREAS, the Business Owner has provided proof of applicable liability insurance as required by the Borough’s Temporary Outdoor Seating Ordinance, Chapter 4, Section 11 of the Borough Code; and

WHEREAS, the Business Owner certifies and affirms by signing below that it shall fully comply with all health and safety requirements of the local, county and state government; and

WHEREAS, the Business Owner and his/her successors and/or assigns, agree to indemnify and

hold harmless the Borough and its officers, agents and employees for any loss, damage, expenses or liability directly or indirectly arising from or in connection with the permit and use requested by this document.

IN WITNESS WHEREOF, I CERTIFY AND AFFIRM THAT I WILL COMPLY WITH ALL REQUIREMENTS OF THE BOROUGH CODE AND THE COUNTY (as applicable)

DATED: _____

Business Owner: _____