



## BOROUGH OF ROSELAND

ESSEX COUNTY, NEW JERSEY

140 EAGLE ROCK AVENUE, ROSELAND, NEW JERSEY 07068

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

### RESTAURANT OUTDOOR SEATING APPLICATION

Name of Business: \_\_\_\_\_

Name of Business Owner: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Business Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

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 and seating capacity 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 have read and understand all of the requirements of Resolution No. 204-2020

Applicant's Name (*please print*) \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Title of Applicant: \_\_\_\_\_

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

RESOLUTION NO. 204-2020

BOROUGH OF ROSELAND  
COUNTY OF ESSEX, STATE OF NEW JERSEY

TEMPORARILY AMENDING CHAPTER 4, SECTION 11 OF  
THE BOROUGH CODE ENTITLED "LICENSING OF  
TEMPORARY OUTDOOR SEATING AREAS"

**WHEREAS**, Chapter 4, Section 11 of the Borough Code provides that no person shall operate a temporary outdoor eating area without first obtaining a license from the Borough; and

**WHEREAS**, the COVID-19 Global Health Pandemic has had a significant negative economic impact on the Borough's restaurants and;

**WHEREAS**, because of this impact the Borough Council wishes to temporarily ease the Borough's outdoor seating area license regulations in order to help the Borough's restaurants;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Borough Council of the Borough of Roseland, in the County of Essex, and State of New Jersey that the annual license fee for a temporary outdoor seating area license for 2020 be and hereby is waived; and

**BE IT FURTHER RESOLVED** that the Borough Administrator, upon application to the Borough Clerk and in consultation with the Construction Code Official and/or Borough Police Department, as appropriate, may permit any existing restaurant to expand outdoor dining during the 2020 outdoor season upon issuance of the appropriate Executive Order by Governor Murphy authorizing said activity, subject to the following:

1. Outdoor dining may be conducted on any restaurant property within the Borough; and
2. Any restaurant may create outdoor dining on private property, the public sidewalk in front of their business and the public sidewalk next to their establishment with the consent of the property owner and adjoining business; and

3. Outdoor dining may be permitted on premise-owned parking lots in spaces that may have been previously required by zoning or other agreements, subject to approval from the Borough Police Department; and

4. Service of alcoholic beverages shall be permitted in outdoor areas licensed or allowed by temporary ABC or state regulations; and

**BE IT FURTHER RESOLVED** that any such restaurant must submit an application with a map detailing the location, number of tables and seating capacity of the outdoor dining space, complying with Borough regulations and New Jersey COVID-19 guidelines and regulations; and

**BE IT FURTHER RESOLVED** that the Borough Administrator, in consultation with the Borough Attorney, may further waive additional provisions within Chapter 4, Section 11 and may enact such other regulations as are appropriate to maintain order, enhance public safety and to help the Borough's restaurants during this global health crisis; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Council President Bardi							
Councilwoman Fishman							
Councilman Freda							
Councilwoman Perrotti							
Councilwoman Tolli							
Councilman Trillo							
Mayor Spango (In case of tie)							
		VOTE:					

I do hereby certify that the forgoing is a true and exact copy of a Resolution adopted by the Mayor and Borough Council of the Borough of Roseland on June 16, 2020.

\_\_\_\_\_  
James R. Spango, Mayor

\_\_\_\_\_  
Jock H. Watkins, Borough Clerk

**LICENSE FOR TEMPORARY OUTDOOR SEATING AND  
HOLD HARMLESS AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_\_ day of June 2020, 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 requested that the Borough permit the Business Owner, located at \_\_\_\_\_ New Jersey (hereinafter referred to as the "Property") to provide outdoor dining in accordance with the Governor Murphy's Order number 150 executed on June 3rd, 2020 which allows outdoor dining to begin on June 15, 2020 and Chapter 4, Section 11 of the Borough Code; and

**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 Borough has agreed to waive its permit fees and grant permission to the Business Owner to open for outdoor seating at the Premises under certain conditions as required by the Governor's Order 150 and all local rules, regulations, ABC rules and County requirements, as applicable; 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 be 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 the Governor's Order 150 and 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, COUNTY (as applicable) AND THE GOVERNOR'S ORDER #150.

DATED: \_\_\_\_\_

Business Owner: \_\_\_\_\_

## **INSURANCE REQUIREMENTS**

### **Commercial General Liability**

Occurrence Form - Insurance Services Offices – (ISO) Form CG0001 (Ed. 4/2013; 12/07; 12/04; 10/01)

Limits: \$1,000,000 Each Occurrence

\$1,000,000 Personal & Advertising Injury Limit

\$2,000,000 General Aggregate

\$2,000,000 Products-Completed Operations Aggregate

The following endorsements are to be attached and made a part of the Certificate of Insurance:

- Additional Insured – Designated Person or Organization (CG 20 26 04 13)  
Borough of Roseland its elected officials, officers, directors and employees.  
Or,  
Additional Insured-Owners, Lessees or Contractors (CG2010 Ed 04 13,)   
Borough of Roseland its elected officials, officers, directors and employees.
- Waiver of Transfer of Rights of Recovery Against Others To Us (CG2404 Ed 05/09) – Applies to: Borough of Roseland its elected officials, officers, directors and employees
- Earlier Notice of Cancellation of Cancellation Provided by Us (CG0224) – Number of Days' Notice: 30 Days except 10 days for non-payment of premium.  
Endorsement specifically applying to: Borough of Roseland (insert address).