

Ravinder S. Bhalla, Mayor
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030



Ann Holtzman, CFM
Zoning Officer &
Floodplain Administrator
Ph. 201.420.2000 ext. 3100
aholtzman@hobokennj.gov

2019 SIDEWALK CAFÉ LICENSE APPLICATION

PLEASE PRINT NEATLY

Business Name: _____

Business Address: _____

Owner/Operator Name: _____

Owner/Operator Address: _____

24-Hour Contact Phone: _____

Email Address: _____

Check list of documents that must be submitted with application:

- Certificate of Liability Insurance
- Letter from Health Department authorizing cafe
- Letter from landlord authorizing sidewalk café in front of building **OR** Business owner owns property
- If this is the first time applying for a café license, or if the café area has changed since last year, a photo and sketch of the proposed café area must be provided showing the following details:
 - a. Width – the distance from side to side
 - b. Depth – the distance from lot line to outer divider
 - c. Width of public sidewalk – the distance from outer divider to the curb
 - d. Identification of building entrances, including the establishment’s entrance & any residential entrances
 - e. Number and placement of tables, chairs, any other café equipment, signs
 - f. Photo or rendering of intended dividers

_____ (business name) **agrees to indemnify, defend,**

and hold harmless the City from any and all liability or claims, including but not limited to death, serious bodily injury, and property damage, arising from

_____ (business name’s) **implementation and utilization**

of a sidewalk café in accordance with this Agreement.

I, _____ (signature) _____ (print name),
as a representative of the above named business, do hereby acknowledge that I have received, read and am legally bound by all sidewalk café compliance requirements as set forth in chapter §168, Article V of the Municipal Code of the City of Hoboken and the “Sidewalk Café Licensing Requirements” attached hereto, and that noncompliance with said requirements may result in citations, fines and/or the loss of my café license.



H O B O K E N

City of Hoboken

94 Washington Street
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Sidewalk Café Licensing Requirements

Term of License and Hours of Operation

- A. Licenses are annual, starting on January 1st and expiring on December 31st of each year
- B. Sidewalk café operations are permitted year round, **except that no cafés shall be operated on the (first Saturday in March, or when there is snow obstructing any part of the sidewalk.**
- C. Hours of operation are between 8:00 a.m. and 11:00 p.m. seven (7) days a week; except that no alcoholic beverages, where permitted, shall be served in a sidewalk café before 11:00 a.m. or when restricted by State or Local Alcoholic Beverage Control (ABC) laws.
- D. Between Memorial Day and Labor Day each calendar year, on Thursday, Friday, and Saturday of each week, hours of operations shall be between 8:00 a.m. and 12:00 midnight.

Application, Insurance Requirements, and Annual Fees for Sidewalk Cafes

- A. Applicants for a sidewalk café shall submit the following documents;
 1. A completed application form available through the Zoning Office and on the City's website.
 2. Proof of insurance:
 - a. A copy of the establishment's certificate of liability insurance in a minimum amount of one million (\$1,000,000) dollars per occurrence and two million (\$2,000,000) in aggregate, naming the City of Hoboken and its agents, servants, and employees as additional insured.
 - b. The policy shall be kept in full force and effect during the licensing period.
 - c. The policy of insurance must be occurrence based coverage.
 - d. Each Certificate of Insurance required hereunder shall include a thirty (30) day cancellation clause which shall provide notice to the Office of the City Clerk of the City of Hoboken. Any lapse in insurance coverage, for any reason, will result in the immediate suspension of the café license.
 - e. Sidewalk cafés extending onto an adjacent property require additional insurance. Contact the Zoning Office for details.
 3. A letter from the building owner authorizing a sidewalk café in front of the building.
 4. A letter from the City of Hoboken Health Department confirming that the applicant establishment is in good standing.
 5. **First time applicants** shall submit scale drawings of the proposed sidewalk café by a licensed architect or engineer and photos of the storefront and sidewalks including:
 - a. All buildings, trees, street furniture and other obstructions in front of the property within ten (10) feet of the proposed cafe; and,
 - b. All proposed partitions, tables, chairs, signs and accessories.
 6. **First time applicants for a sidewalk café located in an historic district** shall also provide a copy of their Certificate of Approval issued by the Historic Preservation Commission.
- B. Fees. Upon approval, a successful applicant for a sidewalk café shall pay an annual license fee of two (2) dollars per square foot of café area, with no proration for a partial year.

General Requirements for Operation of a Sidewalk Café

- A. No person may operate a sidewalk café without obtaining a license from the Zoning Officer of the City of Hoboken. The license must be on premises and displayed in an unobstructed location. The license is not transferable.
- B. Sidewalk cafés are permitted to project into the sidewalk according to the following chart:

Sidewalk Width	Sidewalk Café Maximum Projection	Minimum Unobstructed Pedestrian Egress
20' or more	10'	8'
17-20'	8'	6'
under 17'	6' or half the sidewalk, whichever is less	6'

Where non

if none of the above conditions can be met, a determination will be made on a case-by-case basis to assure that safe, unobstructed pedestrian egress is maintained.

- C. Where an operating establishment is located on a corner, both the front and side sidewalk areas fronting the establishment may be used for the sidewalk café.
- D. The sidewalk café area shall be separated from the public portion of the sidewalk, by a partition that is between 30 and 42 inches in height. The partition shall not obstruct, in any way patrons, pedestrians, or public safety personnel from entering or exiting the establishment.
- E. Partitions for seasonal installation shall be constructed of metal, wood, or other substantial material that is not easily moved or disturbed by patrons or pedestrians, and may be easily maintained in good condition throughout the season.
- F. Sidewalk cafes shall be exempt from the partition requirements provided the projection into the sidewalk is less than three (3) feet and the setup has been approved.
- G. At no time shall the sidewalk café partition, tables, chairs, and any other café furniture or accessory block any residential entrance. A clear straight path from door to curb shall be provided and maintained for public safety reasons.
- H. String lights, rope lights, bistro lights, and similar temporary lights are not permitted as part of a seasonal sidewalk café setup. Only those cafés with year-round setups approved prior to the adoption of this amendment, and so recorded with the zoning office, may keep or maintain their existing lighting.
- I. The sidewalk café partition and any overhead covering shall be appropriate in style to the façade of the building, shall be approved by the Historic Preservation Commission when in a historic district, and shall not contain advertising.
- J. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café, unless expressly permitted by the governing body.
- K. Outside speakers or other sound reproduction devices shall not be operated or used within a sidewalk café for any reason.
- L. Smoking shall not be permitted within a sidewalk café.
- M. All tables, chairs, and other café furniture shall be removed from the sidewalk at the close of business each day. Café partitions may remain on the right-of-way overnight, from March 15 through November 15, provided they meet all other conditions and specifications. During the rest of the year, partitions must be removed from the right-of-way during non-operating hours.

- N. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the licensee.
- O. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the establishment.
- P. Establishments that hold a liquor license, and wish to extend alcoholic beverage service to the sidewalk café shall have completed a "Place to Place / Expansion of Premises" application with the Alcoholic Beverage Control Board. Licensees not covered for the sidewalk area shall not be permitted to serve alcoholic beverages in the sidewalk café.
- Q. Sidewalk cafés that permit patrons to bring their own beer or wine shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2 and City of Hoboken Municipal Code, Chapter 68.
- S. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the sidewalk café.
- T. No persons, other than those being served and personnel, shall be within the sidewalk café area except for those persons passing through the sidewalk café to enter or exit the premises. Patrons shall not be served outside of the partition.
- U. Holes drilled into the sidewalk for the support of partitions shall be capped when not in use.
- V. Establishments that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk café partitioned area, and shall be removed from the sidewalk along with other café equipment each day.

Additional Requirements for Expanded Sidewalk Cafes

- A. Sidewalk cafes may expand in front of an immediately adjacent property a maximum of one property width, or 25 feet, whichever is less.
- B. Sidewalk cafes already licensed must submit a new application, which includes revised scale drawings depicting the proposed expanded area.
- C. In addition to the standard required documents, new applicants for expansion shall clearly set forth in the application and drawings the expanded area being requested.
- D. Both property owners must submit a duly executed consent, in a form acceptable to the City, confirming the adjacent property owner's consent to the extension of the sidewalk café. This must be submitted prior to the issuance of a new or amended license.
- E. Expanded sidewalk cafes must continue to abide by all the other regulations, including the regulation prohibiting the sidewalk café area from blocking a residential entrance.