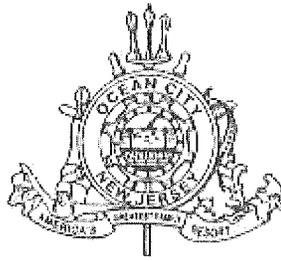


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## APPLICATION FOR BOARDWALK CAFÉ TEMPORARY PERMIT (No Fee)

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Location Address: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

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

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

Business Phone No: (\_\_\_\_) \_\_\_\_\_ Emergency Contact (\_\_\_\_) \_\_\_\_\_

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

Property Owner Name: \_\_\_\_\_

Property Owner Phone No.: (\_\_\_\_) \_\_\_\_\_

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### CHECKLIST:

- Written consent of property owner(s) and the first floor business tenant if separate from the property owner.
  - Survey/ Aerial Photo/ Drawing/ Site Plan: marked with dimensions to demonstrate:
    - Proposed use: removable outdoor dining area: used Noon to Midnight Only
    - Location of café items: tables, chairs, umbrellas, etc,
    - Café shall nproject no more than twelve feet (12') from the store front
    - Café shall be no wider than the façade/ store frontage
    - Café shall be on the east/ocean side of the façade only
  - Signed Indemnification/Hold Harmless Agreement (see below)
  - Certificate of Insurance: City of Ocean City "additional insured/ certificate holder"
  - Approved Mercantile License for Food Handling/ Restaurant. ML# \_\_\_\_\_
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### INDEMNIFICATION AGREEMENT FOR SIDEWALK CAFÉ LICENSE

As further agreement for the City of Ocean City to issue a Sidewalk Café License to the applicant, the applicant agrees that he/she/it will defend and indemnify the City for and against all claims, demands, suits injuries or harm arising out of the applicant's operation of the boardwalk café for which the permit herein is to be issued. In the event that a suit, claim or demand is made against the City arising out of the applicant's operation of the sidewalk café, the applicant shall additionally agree to defend the City and pay all reasonable and necessary counsel fees and costs related to the defense of the claim, demand or suit asserted against the City.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

#### 5-18.4 General Design Standards.

- a. Sidewalk cafes shall be permitted only in conjunction with and adjacent to an existing restaurant. A sidewalk cafe may extend onto the sidewalk in front of an adjacent business with the written consent of the property owner and the first floor business tenant if separate from the property owner.
- b. *Fixtures.* No furniture, apparatus, decoration or appurtenance used in connection with the operation of the sidewalk cafe shall be located in such a way that less than six (6') feet of paved sidewalk remains for the exclusive use of pedestrians, nor shall any such furniture, apparatus, decoration or appurtenance project or protrude into, on or above the required pedestrian passageway.
- c. *Signage.* No signs are permitted on the sidewalk cafe except that the name and type of establishment may appear on umbrellas or the valance of an awning.
- d. *Lighting.* Adequate lighting shall be provided for the sidewalk cafe area to promote safe passage of pedestrians and cafe patrons. It is anticipated that adequate lighting can be accomplished by candles or battery operated lights placed on tables, umbrellas or displays in the sidewalk cafe. No additional lighting shall be placed upon an adjacent building advertising the existence or location of the sidewalk cafe.
- e. *Awnings and/or Umbrellas.* Awnings and/or umbrellas may be used in conjunction with a sidewalk cafe. Awnings shall be adequately secured and retractable. At no point shall the height of the awning including the valance be less than seven (7') feet from the adjacent grade elevation and more than fifteen (15') feet in height.
- f. *Heaters.* Portable propane heaters shall be allowed within the cafe area with permits as required by municipal and State fire codes.
- g. *Pedestrian Passageway.* Each sidewalk cafe shall directly abut the restaurant so patrons and servers do not cross the flow of sidewalk pedestrian traffic. In no case can access be blocked to Fire Department connections or exits from the adjacent buildings.
- h. *Cafe Boundary.* No portion of a sidewalk cafe, such as gates or any objects placed within a sidewalk cafe, shall swing or project beyond the designated exterior perimeter of the sidewalk cafe.
- i. *Planters and Landscaping.* All planters must be able to be removed within a twenty-four (24) hour notice period. No solid walls will be permitted. Plants shall be properly maintained and stressed and dying plants shall be promptly replaced. Permanent landscaping shall be trees as called for as part of the standards of the Special Improvement District.



# CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MAYOR JAY A. GILLIAN

June 15, 2020

Dear Friends:

Governor Murphy's Executive Order 150 permitted municipalities to allow food establishments to expand their footprint in outdoor areas beginning June 15, 2020; it did not authorize businesses to do so without City review, evaluation of safety issues, and approval.

This is a reminder that outdoor dining at Ocean City restaurants and food establishments requires municipal approval and cannot be conducted without a license or permit.

#### Sidewalks

Outdoor dining may occur within the sidewalk area in the public right-of-way in the CB, CB-1, DB and NB zones pursuant to a Sidewalk Café license, adopted in 2002.

A proprietor who has a Sidewalk Café and wishes to expand the area within which customers may be seated outdoors must file an application to expand the existing license. No additional fee will be charged for the expansion of an existing Sidewalk Café License.

#### Boardwalk

Until the Governor lifts the COVID-19 restrictions, food establishments which are licensed for indoor seating and are located on the Boardwalk may apply for a temporary license for outdoor dining on the Boardwalk level only, from noon to midnight. All outdoor tables and chairs must be completely removed from the Boardwalk and the outdoor dining area cleaned by the proprietor by midnight so as to permit the City to maintain the Boardwalk overnight; and cannot be returned until noon, the end of the bike riding hours. The application to the City will require a drawing of the proposed location for the seating, proof of insurance, execution of an indemnification form, and a plan for trash and recyclable refuse removal. There will be no permit fee for this temporary license. Each application will be evaluated to ensure the safety of diners, servers and pedestrians on the Boardwalk.

These licenses are temporary and vest no rights for outdoor dining after the current health crisis has ended.

#### Other Zones

Until the Governor lifts the COVID-19 restrictions, food establishments which are licensed for indoor seating and are located in other zones may apply for a temporary license for outdoor dining. The application to the City will require a drawing of the proposed location for the seating, proof of insurance, execution of an indemnification form, and a plan for trash and recyclable refuse removal. There will be no permit fee for this temporary license. Each application will be evaluated to ensure the safety of diners, servers, vehicles and pedestrians in the public right-of-way.