



BOROUGH OF FAIR LAWN

TEMPORARY OUTDOOR DINING PERMIT

PER NEW JERSEY P.L. 2021, C.15

2024 RENEWAL

PERMIT No. _____

INSTRUCTIONS

1. In accordance with NJ State statute under P.L. 2021, c.15, local restaurants and bars will be allowed to provide Outdoor Dining, subject to the rules established by the State of New Jersey and the Borough of Fair Lawn until **November 30, 2024**.
2. Before being allowed to commence Temporary Outdoor Dining, a Temporary Outdoor Dining Permit Application must be filed with and approved by the Borough of Fair Lawn. The Temporary Outdoor Dining Permit Application can be found on the Borough's website: www.fairlawn.org.
3. Along with the Temporary Outdoor Dining Permit Application, all applicants and establishments following must adhere to the following (where applicable):
 - a. Site Plan/Sketch: A scaled site plan/sketch must be submitted and must include dimensions showing the layout and arrangement of the proposed outdoor seating area, including its overall dimensions, aisle widths, access to the adjacent building and restrooms, the locations of chairs, tables, umbrellas, barriers, outdoor heating devices, and all other appurtenances to be located within the boundaries of the proposed Temporary Outdoor Dining Area. If outdoor dining is located in a designated parking area, the applicant must show the location of available parking and identify traffic control measures to ensure that the dining area does not block traffic, obstruct views of oncoming traffic, interfere with parking for or hinder egress from any tenant of the building. Along with the Temporary Outdoor Permit Application, a scaled site plan/sketch must be submitted and identify:
 - Location and dimensions of the proposed Outdoor Dining Area;
 - Location and dimensions of any tents or canopies to be placed in the Outdoor Dining Area;
 - Location and dimension of all tables and seats in the Outdoor Dining Area, including if any umbrellas are being utilized with tables.
 - Per P.L. 2021, c.15, if a business premises' parking lot is used for the service and sale of either food or beverages, or both, the restaurant, bar, distillery, or brewer shall not encumber more than 75% of the lot's total parking spaces for such service and sale, unless the parking lot contains less than eight (8) parking spaces, and shall maintain at least one (1) handicapped parking space.
 - Dimensions of proposed aisles;
 - Location of ingress to and egress from the Outdoor Dining Area;
 - Location of ingress to and egress from the restaurant for use of the indoor bathrooms;
 - Location and dimension of barriers or fencing to protect the Temporary Outdoor Dining Area from the parking area and/or other vehicular traffic;



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- Location of all ADA parking spaces and routes to ensure compliance; and
 - Location of all exiting fire hydrants, fire department connections (FDCs) and fire lanes in the vicinity of the Temporary Outdoor Dining Area.
- b. Litter Control, Refuse Storage & Maintenance Plan: A plan for the control of litter, the removal and storage of garbage, and the cleaning of fixtures and public sidewalks, where utilized, shall be provided.
- c. Municipal Public Sidewalk Use Provisions: Owners and operators desiring to utilize public sidewalks are subject to the following conditions, which also must be provided on the submitted sketch:
- A walking path of 4' wide must be maintained on the public sidewalk at all times so as to not obstruct pedestrian traffic;
 - All fixtures must be removed from public sidewalks at the conclusion of each day; and
 - The Borough of Fair Lawn reserves the right to order the temporary suspension of outdoor dining and the removal of all fixtures from public sidewalks due to road or utility construction, predicted high winds or severe weather, predicted snow or ice storms, the need to remove snow or ice from the sidewalk, or any other public health emergency that may arise.
- d. Written Consent of Owner: A written consent of the owner of the premises, if different from the applicant, shall be provided.
- e. Indemnification Agreement: An Indemnification Agreement with the Borough of Fair Lawn with respect to losses arising solely from the operation of the outdoor dining facility shall be provided.
- f. Alcoholic Beverage Service: There shall be no table service of alcoholic beverages by the establishment UNLESS the appropriate approval to do so is first obtained by the New Jersey Division of Alcoholic Beverage Control (ABC).
- g. General Requirements & Conditions: The following requirements shall also be reviewed by the appropriate Department as part of approving or denying a Temporary Outdoor Dining Permit:
- The capacity for Temporary Outdoor Dining areas shall not exceed 50% of the indoor maximum seating capacity, as approved the Borough.
 - Temporary Outdoor Dining areas must provide security fencing or some other form of acceptable barrier.
 - Temporary Outdoor Dining areas must be properly lit.
 - Smoking in Temporary Outdoor Dining Areas shall be prohibited.
 - The use of public rights-of-way (ROWs) for Temporary Outdoor Dining Areas are prohibited.



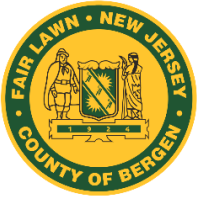
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- Open sided tents may be placed over the provided chairs and tables as permitted. Depending on the size of the tent, compliance with the New Jersey Uniform Fire Safety Code and the New Jersey Uniform Construction Code may be required, as shall additional permits from those agencies.
- There shall be a 10:00 PM curfew for all Temporary Outdoor Dining Areas. No guests are permitted to remain in the Outdoor Dining Area for any reason after 10:00 PM or before 8:00 AM.
- All applications for Temporary Outdoor Dining must comply State and local Department of Health regulations.
- Access must be maintained in accordance with the Americans with Disabilities Act (ADA) and all applicable standards.
- All Temporary Outdoor Dining areas must be maintained and clean of litter and rubbish in accordance with the Borough of Fair Lawn Property Maintenance regulations.
- All applications for Temporary Outdoor Dining shall be restricted to currently permitted zoning activity and shall be related to the principal commercial activities in operation on the subject property.
- All applications for Temporary Outdoor Dining shall not be issued to occupy unimproved properties or areas identified as open space, preserve, drainage or detention areas, or landscape buffers.
- A copy of the approved Permit must be kept on premises for review by Borough officials on request.
- Termination: Temporary Outdoor Dining Permits may be revoked for failure to comply with the outlined submittal requirements and conditions, New Jersey Statutes and Fair Lawn Municipal Code.
- Term of Permit: A Temporary Outdoor Dining Permit Renewal approved per this application shall remain in effect until **November 30, 2023**. By signing said permit application, the applicant will indemnify and hold harmless, the Borough of Fair Lawn, its employees, officers and any other associates, from and against any actions, in law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the issuance of this permit.



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APPLICATION

APPLICANT / PROPERTY INFORMATION

PERMIT No. _____

Business Name: _____ Contact Person: _____

Business Address: _____ Contact Phone: _____

Business Phone: _____ Contact Email: _____

OPERATIONAL INFORMATION

1. Scaled Site Plan/Sketch Submitted (required): Yes No
(Attach separate Operational Narrative & indicate if Sidewalks are to be utilized)
2. Litter/Refuse Plan Submitted (required): Yes No
3. Written Consent of Owner Submitted (required if not owner): Yes No

4. Hours of Operation: _____ AM / PM to _____ AM / PM
(no earlier than 8:00 am and no later than 10:00 pm) (circle one) (circle one)
5. Existing Capacity of Indoor Dining: _____ *(# of seats per approved Occupancy Permit)*
6. Proposed Capacity of Outdoor Dining Area: _____ *(# of seats)*
7. Existing # of Parking Spaces: _____ *(# of spaces)*
8. Proposed # of Parking Spaces: _____ *(# of spaces)*
9. Are interior restrooms accessible to the public? Yes No
10. Additional Exterior Lighting Proposed? *(if yes, may require a Construction Permit)* Yes No
11. Are any tent(s) proposed? Yes _____' X _____' X _____'
(if yes, may require a Fire Safety or Construction Permit) (length) (width) (height) No
12. Will Alcohol Beverage Service be provided? *(if yes, MUST provide a copy of NJ Division of Alcoholic Beverage Control (ABC) Permit)* Yes No



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INDEMNIFICATION

To the fullest extent permitted by law, I, the applicant proposing to use an outdoor dining area, at all times, by executing this Application agrees to defend, indemnify and hold harmless the Borough of Fair Lawn, its officers, employees and/or agents, from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the outdoor dining area.

I, the undersigned, have reviewed, understand and agree to the terms and requirement for the issuance of a Temporary Outdoor Dining Permit, as originally issued, and for the Temporary Outdoor Dining Permit Renewal:

Signature of Applicant

Date

OFFICIAL USE ONLY

Documents Received:

Scaled Site Plan/Sketch Submitted _____

Litter/Refuse Plan Submitted _____

Alcohol Beverage Control (ABC) Permit, *if applicable* _____

Borough Manager or Designee (*Final Approval*) _____ Date _____