



SIDEWALK CAFÉ APPLICATION



****PLEASE PRINT CLEARLY****

For an application to be deemed complete, application must be legible and include required attachments.

Establishment Name:	Establishment Address:
Establishment Phone:	Establishment Email:
Applicant Name:	Title:
Applicant Phone:	Applicant Email:
*Building Owner Name:	*Building Owner Address:
*Building Owner Phone:	*Building Owner Email:
* If the Applicant is not the Building Owner, you MUST provide a written letter from the Building Owner giving permission for your establishment to operate a Sidewalk Café.	

CAFÉ PLAN INFORMATION:

Café Plan Preparer Name:	Café Plan Preparer Address:
Café Plan Preparer Phone:	Café Plan Preparer Email:

Café Plan Checklist:

- must** be accompanied by the written authorization and approval of the building owner, if other than the applicant.
- must** also be drawn to scale per ordinance, not to exceed 11” x 17”
- must** include identification of all contiguous properties (4-20.4b.1), all structures, fixtures, equipment, etc. to be used for operating Sidewalk Café
- must** include any permanent fixtures (fire hydrants, signs, tree wells, utility poles, etc.)
- must** show required 4-foot pedestrian passageway (4-20.4b.2)
- must** show pedestrian barrier with description
- must** abide by all applicable requirements in Section 4-20.9, Rules, Regulations and Specifications.
- must** provide statement of inside/outside storage (equipment brought inside each night OR where and how it will be secured outside)
- must** provide statement of seating capacity and tables

If the Café Plan is not drawn to scale and does not meet the above requirements, you will be denied.

CHECKLIST

- **Fee**

_____ \$116.00	1 to 10 seats, no more than 2 tables
_____ \$289.00	11 to 25 seats
_____ \$404.00	26 to 50 seats
_____ \$473.00	Over 50 seats

- **Plan**
 - Identification of adjacent properties, equipment, and fixtures such as fire hydrants, signs, tree wells, utility poles, etc.
 - 4-foot pedestrian passageway and pedestrian passageway barrier with description
 - Drawing must be drawn to scale not to exceed 11” x 17”
 - Statement of seating capacity
 - Statement of inside/outside storage - Sidewalk Café equipment (tables, chairs, umbrellas, etc.), whether it will be brought inside each night OR where and how it will be secured outside.

Note: Café Plan must be accompanied by the written authorization and approval of the building owner, if other than the applicant. Café Plan must also be drawn to scale per ordinance, not to exceed 11” x 17”, including identification of all contiguous properties (4-20.4b.1), all structures, fixtures, equipment, etc. to be used for operating Sidewalk Café, any permanent fixtures (fire hydrants, signs, tree wells, utility poles, etc.), required 4-foot pedestrian passageway (4-20.4b.2), pedestrian passageway barrier with description, and all applicable requirements in Section 4-20.9, Rules, Regulations and Specifications. If Café Plan is not drawn to scale, you will be denied.

- **Insurance**
Must list the following on the Certificate:
 - “The certificate holder, City of Summit, is included as an additional insured as respects losses arising solely from the operation of the Sidewalk Café. The City of Summit shall be provided with 10 days written Notice of Cancellation.”
 - \$1 Million Liquor Liability for Plenary Retail Consumption Liquor License or permitting alcohol consumption (BYOB) at Sidewalk Café.
 - Proof of minimum coverages as follows:

General Aggregate \$1 million	Fire Damage (any one fire) \$50,000.00
Products and Completed Operation Aggregate \$1 million	Medical Expense (any one person) \$5,000.00
Personal and Advertising Injury \$1 million	Workmen’s Compensation Statutory requirements
Each Occurrence \$1 million	Employers Liability - \$100,000.00 each accident; \$500,000.00 Disease – policy limit; \$100,000.00 Disease – each employee

- **Indemnification**
 - Signed Hold Harmless Agreement
- **Written Permission from Building Owner** *(if other than applicant)*
 - Written authorization and approval to conduct Sidewalk Café per Plan submitted.

Sidewalk Café Alcohol Service License Agreement and Fee *(for Liquor License Holders Only)*

- | | |
|----------------|--------------------------------------|
| _____ \$116.00 | 1 to 10 seats, no more than 2 tables |
| _____ \$289.00 | 11 to 25 seats |
| _____ \$404.00 | 26 to 50 seats |
| _____ \$473.00 | Over 50 seats |

HOLD HARMLESS CLAUSE

The Licensee shall indemnify and hold harmless the City of Summit and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the Sidewalk Café, providing that such claims, damages, losses or expenses (1) are attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom and (2) are caused in full or in part by any negligent acts or omission of the licensee or any one directly or indirectly employed by it regardless of whether or not it is caused in part by a party indemnified hereunder.

Signature of Licensee

Date

LIQUOR LICENSE AND BYOB

CAFÉS WITHOUT RETAIL CONSUMPTION LIQUOR LICENSE

Will beer/wine consumption (BYOB) be permitted at your sidewalk café? Yes ___ No ___

(If yes, patrons may bring their own beer and/or wine and it is **not** to be sold or provided in anyway by the café license holder. Proof of \$1 million Liquor Liability insurance required.)

Signature of Café License Holder

CAFÉS WITH RETAIL CONSUMPTION LIQUOR LICENSE

Will alcohol consumption be permitted at your sidewalk café? Yes ___ No ___

If yes, have you been granted a place-to-place liquor license transfer? Yes ___ No ___

(If yes, you MUST request a Lease Agreement from and receive approval by Common Council EACH YEAR by resolution. Proof of \$1 million Liquor Liability insurance REQUIRED.)

Signature of Café License Holder



Sidewalk Café Plan Checklist

The following information is required on / attached to your Sidewalk Café Plan.



Office use only

SIDEWALK CAFÉ PLAN ITEMS	Applicant	N/A	City
Plan is on paper size of 11x17 or less showing location of all tables and chairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plan is drawn “to scale” Your plan must show locations and distances precisely and accurately on a single sheet of paper. The proportion chosen for your plan is its scale. Simply defined, scale is the relationship between the distance on the plan and the distance on the ground (e.g. 1 inch on the plan equals 10 feet on the sidewalk).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The “scale” is stated on the plan (e.g. 1 inch on the plan equals 10 feet on the sidewalk)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exact table/chair distances and 4-foot pedestrian pathway is written on the plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Properties need to comply to ADA door requirements. For corner properties, a 5-foot ADA clearance radius at sidewalk entrance appears on plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plan contains name, phone, email of person who drafted plan with draft date	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plans shows width of restaurant frontage, entrance door and curb line	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plan shows All tables and chairs and adjacent features including but not limited to trees, walls, light poles, fire hydrants, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Details of proposed barrier(s) Product description, specs, catalog photo, or prior year photo acceptable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Details of umbrella(s) if proposed Umbrella(s) must clear sidewalk by at least 7 feet and is/are no higher than 10 feet. Signs not permitted on umbrella(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Details of proposed heater(s) if proposed (Production description, specs, catalog photo, or prior year photo acceptable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Details of proposed signage if proposed Product description, detailed measurements, or prior year photo acceptable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Statement on how sidewalk café will be stored (storage statement)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Signed letters for sidewalk café permission from adjacent tenant(s) if applicable (i.e. café is in front of adjacent business(es) in addition to applicant business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

By signing below, I confirm/agree to the following:

- 1) I have read the city’s sidewalk café ordinance - § 4-20: REGULATING OF SIDEWALK CAFES
- 2) submittal of an incomplete sidewalk café application and/or café plan not “to scale” or other missing information will delay the review/approval of my application as will failure to promptly reply with requested information.

Applicant signature:		Date:	
City Officer Signature		Date:	

CITY OF SUMMIT
HOLD-HARMLESS AGREEMENT

1. "I/we me/my" shall mean one of the following:

AN INDIVIDUAL: Name: _____

or

ORGANIZATION: Name: _____

or

AN INDIVIDUAL: Name: _____

2. "You/Your" shall mean the municipal corporation known as THE CITY OF SUMMIT, its agents, servants, employees, or contractors.

3. GENERAL INFORMATION

Date: Sidewalk Café Season March 1, or upon approval and issuance of Sidewalk Café License, through February 28

Street Address of Sidewalk Café: _____

Sidewalk Café Hours: 7:00 am – 10:00 pm

ACTIVITY TO BE HELD: Operation of Sidewalk Cafe

4. I sign this Hold - Harmless as my voluntary act and by this act agree to hold you harmless and indemnify you from any claims, suits, or other actions arising from, caused by, or which are the alleged result of any act or omission of any organization, corporation, guest, invitee, licensee, visitor or other person present on the premises listed above in order to participate in, organize, assist, enjoy, supervise or in any other way further the activity to be held (as described above) on the dates listed above.

5. I state that the activity listed above will not include the consumption of alcoholic beverages but should any person described in paragraph 4 consume alcohol or allow or permit others to consume alcohol then I agree to be bound by the terms of paragraph 6 below.

6. I state that the activity listed above will include the consumption of alcoholic beverages and that because of such consumption I have the following additional duties to You related to the use of the site listed above:

a) that I am solely responsible for the dispensing and consumption of alcohol, including the prudent and responsible dispensing and consumption of alcohol by all persons involved in the activity described above, including but not limited to those persons described in paragraph 4 above;

b) to acknowledge by the signing of this Hold-Harmless that You have no authority, control, or participation in the dispensation or consumption of alcohol on the site and date listed above and that I Will take no step, action, or measure to convey the idea that You in any way have promoted, assisted, or participated in the dispensing and consumption of alcoholic beverages on the site and date listed above;

c) that I will not allow persons under the age of 21 to dispense or consume alcohol at the site during the activity to be held on Your property;

d) to comply with all municipal Ordinances relating to the consumption of alcoholic beverages, including but not limited to obtaining any necessary permits.

7. I also agree that where the municipal officer signing this Hold - Harmless on your behalf feels I should provide to You a "Certificate of Insurance" and proof of "Special Events Insurance" that I shall provide same to that municipal officer as soon as practicable and not less than five (5) business days before the date of the planned activity. The appropriate municipal officer will check below if this paragraph is applicable to the activity listed above. Said Insurance shall be written with a company maintaining a rating of at least "A-", according to A.M. Bests. Said policy shall be in an amount of not less than one million dollars (\$1,000,000) per occurrence (\$3,000,000 per occurrence if liquor is being served). It is understood You will be listed as an additional insured on the policy and Certificate of Insurance.

Applicable Not Applicable

**In the event said certificate of insurance is not provided as set forth above,
I recognize the event must be canceled and not be held as scheduled.**

8. (Applicable to Corporations Only) I also agree that I am obligated to reimburse You for all reasonable attorney's fees incurred by You to enforce the terms of this Hold-Harmless or to defend Yourself against any claim, suit, demand for subrogation, or other action which a court of competent jurisdiction later determines by final order or judgment should have been defended by Me at My sole cost and expense pursuant to this Hold-Harmless.

9. LEGAL SIGNATURE

(a) Individual _____

or

(b) Individual _____ on behalf

Of _____
(organization)

or

(c) Individual _____ Title _____

On behalf of _____ (Corporation)

Address of Individual, Organization or Corporation:

Home phone: _____ - Work Phone _____

And

Signature of Person on behalf of the CITY OF SUMMIT:

(signature) (title)

CORPORATE ACKNOWLEDGMENT

STATE OF NEW JERSEY, COUNTY OF SS.:

I CERTIFY that on _____, 20____

_____ personally came before me and this person acknowledged under oath, to my satisfaction, that:

- a) this person is the _____ of _____ the corporation named in the attached document;
- b) this person is the attesting witness to the signing of this document by the proper corporate officer who is _____, the _____ of the corporation;
- c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- d) this person knows the proper seal of the corporation which was affixed to this document; and
- e) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me

on _____, 20

Applicant Signature

Date

Notary Signature

AFFIRMATION

Please be advised of the following regarding the operation of a Sidewalk Café (*MUST CHECK ALL BOXES*):

- In case of snow and/or inclement weather that has the potential to create dangerous or hazardous conditions, the sidewalk café equipment must be removed immediately from the sidewalk.
- The Sidewalk Café shall be operated and maintained in accordance with the Café Plan approved.
- No furniture, apparatus, decoration or appurtenance used in connection with the operation of the sidewalk cafe shall be located in or project or protrude into the required pedestrian passageway. Umbrella heights should be at a minimum of 7 feet clearance to the sidewalk and a maximum of 10 feet from the sidewalk.
- The sidewalk cafe shall be separated from the required pedestrian passageway by a suitable temporary and portable barrier designed for such or similar use and not exceeding four feet in height, which shall have been shown on and approved as part of the Cafe Plan. Such suitable temporary and portable barrier, on which the name of the establishment may be scripted or printed in a pattern along the length of the barrier.
- The sidewalk area utilized by the sidewalk cafe shall be kept clean and free of litter and shall be power washed a minimum of once every six months. Proof of power washing must be available upon the request of a duly appointed official from the Department of Community Services. Trash receptacles shall be provided, maintained and emptied by the permittee as required and approved by the City. If no table service is provided, the trash receptacles shall include those needed for recycling.
- One temporary sign not exceeding six square feet in area, unilluminated and displayed at a height not exceeding the maximum height allowed by the Development Regulations Ordinance shall be permitted. The wording of such temporary sign shall be limited to the name of the person conducting business on the sidewalk cafe and may state the items of food offered for sale. The temporary sign shall not be placed on the adjacent building or on any structure and shall be removed after the closing of the restaurant in accordance with the following paragraph k. The following types of signs and decorations are prohibited: 1. Signs painted or lettered on banner type material; 2. Tent type signs placed on sidewalks; and 3. Moving, fluttering and flapping pennants, flags, balloons and similar decorations.
- Compliance with current City regulations and Americans with Disabilities Act (ADA) requirements pertaining to pedestrian sidewalk access and passage is required.
- All social distancing guidelines must be followed as set forth by the State of New Jersey and the City of Summit.
- The City will retain the right to remove the Sidewalk Café if traffic, health and/or safety concerns arise or if the Sidewalk Café has repeat violations.

By applying the signature below I, _____, of the establishment

_____ agree to the terms above and will comply at all times. I will abide by the City’s Ordinance in which a copy has been provided to me, as well as the terms stated above. I understand that a violation of the City Ordinance may result in fine(s) being imposed as well as the revocation of my Sidewalk Café license.

Signature

Date