

§ 296-79. Definitions.

As used in this article, the following terms shall have the meanings indicated:

RESTAURANT -- An indoor facility established primarily for the serving of food and drink and offering tables and chairs for the use of dining patrons. A facility established primarily for the serving of alcoholic beverages, e.g., bar, pub, and saloon, is not a restaurant for purposes of this article. A facility which is solely "take-out" is also not a restaurant for purposes of this article.

SIDEWALK -- That portion of the public easement which lies between the building line and the curb.

SIDEWALK CAFE -- The use of partitioned sidewalk space beyond the building line to accommodate tables, chairs, and the serving of food and drink to patrons of a restaurant fronting on that space.

[<< previous](#) | [next >>](#)

§ 296-80. Projection into streets.

- A. No person may operate a sidewalk cafe without obtaining a license from the Division of Commerce.
- B. No sidewalk cafe shall be permitted to project into a sidewalk more than half the width of said sidewalk or eight feet, whichever is less, but in no case shall it extend so far as to leave less than six feet for pedestrian traffic; except in areas where the sidewalk is 20 feet or more wide from the building line to the curb, then a sidewalk cafe may be permitted to project into a sidewalk a maximum of 10 feet.

[<< previous](#) | [next >>](#)

§ 296-81. Permitted location; regulations.

A. Sidewalk cafes shall only be permitted in front of an operating restaurant that is a permitted current conforming use under the city's zoning ordinances.* Restaurants seeking to expand a prior nonconforming use shall be required to obtain the appropriate variance from the Jersey City Zoning Board of Adjustment. In those situations where an operating restaurant is located on a corner, both the front and side sidewalk areas fronting the restaurant may be used for the sidewalk cafe.

* **Editor's Note: See Ch. 345, Zoning.**

B. All sidewalk cafes shall comply with the following regulations:

(1) The sidewalk cafe area shall be partitioned by a three-sided, movable structure separating the sidewalk cafe from the public portion of the sidewalk, and which is no less than 30 inches in height and no more than 36 inches in height, providing one opening for entrance and exit which is no less than 42 inches in width and no more than 60 inches in width, and whose boundaries allow patrons and pedestrians to clearly ascertain the entrance and exit to the sidewalk cafe area.

(2) The sidewalk cafe shall have an overhead covering, consisting of either an individual umbrella over each table or a retractable awning covering all tables and chairs.

(3) The sidewalk cafe partition and overhead covering shall be appropriate in style to the facade of the building and shall not contain advertising.

(4) The sidewalk cafe partition, overhead covering, and all tables, chairs, and other cafe furniture shall be removed from the sidewalk at the close of business each day.

(5) Food service shall be available during all times in which the sidewalk cafe is open for business.

(6) 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 cafe.

(7) All areas comprising the sidewalk cafe, including tables and chairs, shall remain clean and orderly at all times.

(8) The number of patrons served in the sidewalk cafe shall be limited to the maximum number indicated on the sidewalk cafe license. No persons other than those being served and restaurant personnel shall be within the sidewalk cafe area except for those persons passing through the sidewalk cafe area to enter or exit the restaurant proper.

§ 296-82. Permitted months and hours of operation.

Operation of sidewalk cafes shall be permitted from April 1 through October 31, inclusive. The hours of operation shall be between 8:00 a.m. and 10:00 p.m., Sunday through Wednesday; 8:00 a.m. and 11:00 p.m., Thursday; and between 8:00 a.m. and 12:00 midnight, Friday and Saturday; except that no alcoholic beverages, when permitted under this article, shall be served in a sidewalk cafe before noon on any day.

[<< previous](#) | [next >>](#)

§ 296-83. License fee, term, maximum number of patrons, and application; approvals required; revocation; closure; hearing. [Amended 6-22-2005 by Ord. No. 05-073]

A. The annual license fee for a sidewalk cafe shall be as provided in Chapter 160 (Fees and Charges) with no proration for part year, payable to the Division of Commerce. All licenses shall be renewable no later than March 31 of each year. The license shall indicate the maximum number of patrons to be served in the sidewalk cafe. The Division of Commerce shall issue such license upon duly presented application, together with plans and specifications detailing the sidewalk cafe area to be licensed, including number of patrons to be served, and adherence to all conditions set forth in this article as well as all applicable city and state laws and regulations.

B. Prior to the granting of any license, the Division of Commerce shall notify the Departments of Police and Fire, the Directors of Zoning and Health, the Construction Official and, in the case of restaurants possessing a liquor license, the Alcoholic Beverage Control (ABC) Board. If no objection is received within thirty days, the approval will be granted; provided, however, if a restaurant with a liquor license seeks an outdoor cafe that would constitute an expansion of the licensed premises, a permit will not be issued until the ABC Board approves the expansion. Any objection shall be in writing and shall set forth the reasons therefor. Sidewalk cafes located within the Historic District shall obtain a certificate of appropriateness from the Jersey City Historic Commission for the partition, tables, chairs and overhead covering. Upon receiving an application for a certificate of appropriateness, the Historic Commission shall decide whether to grant the certificate within one month of the receipt of the application.

C. The City of Jersey City, through its duly authorized agent, shall revoke the license of any sidewalk cafe licensee who, upon the expiration of five days after receipt of notice from the City of Jersey City or its agents of a violation of city or state law or any of the requirements set forth in this article, fails to cure the violation.

D. The City of Jersey City may require the immediate closure and removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained, or which otherwise create a hazard to the public.

E. A licensee aggrieved by any decision to revoke a license, or to close or remove a sidewalk cafe, shall be afforded a hearing before the Director of the Department of Housing, Economic Development, and Commerce, or his or her designee. Such request for hearing shall be in writing and delivered to the Director of the Division of Commerce, 30 Montgomery Street, Jersey City, New Jersey, 07302. Thereafter, a hearing shall be scheduled and a written decision explaining the reasons for affirming or reversing the decision aggrieved shall be issued. Any revocation shall render the licensee ineligible to receive another license under this article for a period of at least one year from the effective date of the revocation.

§ 296-84. Enforcement.

The Jersey City Police Department and the Division of Commerce shall have the authority to enforce this article.

[<< previous](#) | [next >>](#)

§ 296-85. Insurance required.

The applicant shall file with the City Clerk and the Division of Commerce, a certificate of liability insurance in the minimum amount of \$1,000,000, naming the City of Jersey City and its agents, servants, and employees as additional insureds, which policy shall be kept in full force during the operation of the sidewalk cafe. The policy of insurance must be occurrence based coverage.

[<< previous](#) | [next >>](#)