

ORDINANCE 2025-#9
AN ORDINANCE AMENDING CHAPTER 255 OF THE CODES OF THE TOWNSHIP
OF RIVERSIDE REGULATING LAND DEVELOPMENT

NOW THEREFORE BE IT ORDAINED by the Township Committee for the Township of Riverside that the following Ordinance shall be amended as follows:

ARTICLE XXII: Outdoor Seating Areas

§255-158. Outdoor Cafes and Seating Areas

- A. Purpose The purpose of this article is to establish a procedure and authorize rules and regulations thereunder for the licensing of outdoor cafes located on public property or within the public right-of-way in the Township of Riverside. The Township has determined that outdoor cafe seating areas will promote the public interest by adding to the active and attractive pedestrian environment created by them and provide the opportunity for creative, colorful, pedestrian-focused commercial activities on a day, night and seasonal basis, which activities are aesthetically pleasing and will add to the excitement, charm, vitality and diversity of the Township.
- B. Applicability. The provisions of this article apply only to outdoor facilities on public property and/or within the public right-of-way. Outdoor cafes must also meet any and all requirements imposed by any other applicable statutes, regulations and ordinances, including Burlington County Board of Health requirements. Outdoor seating regulated by this article shall only be operated by, and adjacent to, an existing commercial service establishment, which excludes convenience retail stores, both terms as defined below. Permits issued pursuant to this article shall be nontransferable.
- C. Definitions. For the purpose of this section, the following words shall have the following meanings:

COMMERCIAL SERVICE ESTABLISHMENT

An establishment located in a building that sells food or beverages to patrons for their consumption while on the premises. No food or drinks served at the outdoor cafe shall be prepared or stored other than in the interior of the service establishment.

CONVENIENCE RETAIL STORE

"Convenience retail store" means an establishment not exceeding 3,000 square feet in gross floor area that does not contain as an approved use the consumption of food and/or drink on the premises. Typical uses include small food stores, drug stores, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter. This use does not include cannabis, medical or retail sales.

DISPOSABLE FOOD SERVICEWARE

Single-use disposable products used by a food provider for serving or transporting prepared, ready-to-consume food or beverages including but not limited to plates, cups, cup lids, plastic straws, bowls, trays, and hinged or lidded containers or utensils.

OUTDOOR CAFE SEATING AREA ("OUTDOOR CAFE")

Temporary dining area located upon public property, the public right of way, or the sidewalk; being authorized to operate during the business hours of a commercial service establishment and during the period from April 1 to November 30 of each year. All outdoor facilities in this area are

temporary in nature, are not permanently affixed on or above the sidewalk, involve no penetration of the sidewalk surface, are not attached to any building, and are readily removable without damage to the surface of the sidewalk.

PERSON

The individual(s), firm, partnership, corporation, association or organization of any kind who or which shall create, establish, operate, maintain or otherwise be engaged in the business of conducting an outdoor cafe.

SIDEWALK

That area of the public right-of-way reserved for pedestrian traffic from the curb to the front line of the building housing the commercial service establishment.

- D. Requirement of License. It shall be unlawful for any individual(s), firm, partnership, corporation, association or organization of any kind (hereinafter collectively referred to and defined above as "person") to create, establish, operate, maintain or otherwise be engaged in the business of conducting an outdoor cafe unless such person shall hold a currently valid license issued pursuant to the terms of this section. No outdoor cafe license shall be issued hereunder unless the person submits an application which demonstrates that the outdoor cafe meets the requirements of the zoning district in which the outdoor cafe is to be located.
- E. Application for License. Application for the license required hereunder shall be made to the Zoning Officer and shall be signed by the person as "applicant." The application shall contain the following information:
 - A. For the owner, proprietor, partnership, corporation, limited liability company or other form of business entity applying for the license, the name, address, email, and telephone number of each owner as well as the names of the persons who will be present to supervise the operations during regular business hours.
 - B. A copy of the trade, corporate, business, or fictitious name upon which the applicant intends to do business pursuant to this section.
 - C. The address and description of each place where the applicant intends to establish or operate an outdoor cafe.
 - D. The name and address of the person owning the premises, if other than the applicant, and the consent of the owner of the premises to the application.
 - E. One set of a proposed layout plan containing scaled drawings prepared and drawn to scale clearly illustrating the number, type of materials, color and location of all tables, chairs, umbrellas, or other furnishings or fixtures intended to be located in the outdoor cafe which shall be consistent with Riverside's outdoor cafe design guidelines as set forth below. The scaled drawings shall also illustrate the following:
 - (1) The location of any doors leading from the commercial service establishment to the outdoor cafe. No such doors may be obstructed in any manner.
 - (2) The number of feet and location of unobstructed space permitting free passage of pedestrian traffic around each outdoor cafe.
 - (3) The location and boundaries of the place where any food or drink is intended to be prepared and served outdoors.
 - (4) The enclosure or protective barrier separating the dining or activity area of each outdoor cafe from pedestrian traffic, which shall be indicated by a plan, elevation and section.

(5) Existing sidewalk conditions and features located within the boundaries of the proposed outdoor cafe and within 10 feet of such boundaries: bus stops and passenger shelters, fire hydrants, utility poles, benches, handicap ramps, street furniture (such as trash receptacles and bike racks), trees, traffic signal poles, traffic and parking signs, parking meters, and any other fixtures permanently located on the sidewalk in front of the commercial service establishment or within 10 feet thereof on either or any side; and the boundaries of any existing adjacent commercial service establishment.

(6) The type and location of any proposed outdoor lighting and fixtures including the following information: mounting height, lamp type and lumens. Any open-flame-type fixture shall only be permitted with the approval of the Fire Official.

(7) The existing sidewalk paving material and width measured from the building to the face of the curb and from the proposed commercial service establishment seating area to the face of the curb.

(8) An application fee as set forth in the Codes of the Township of Riverside, as applicable.

(9) Photographs or other graphic representations, together with specifications, which depict the design, materials and colors of chairs, tables, umbrellas, barriers and other appurtenances to be located within the boundaries of the proposed outdoor cafe.

(10) Photograph(s) of the proposed site of the commercial service establishment and within 10 feet thereof, showing the relationship of the site to the adjacent building and showing the features enumerated in this section.

- F. Zoning Officer Review. The Zoning Officer shall review the application for completeness and compliance with the terms of this section. If the application is complete, the Zoning Officer shall act upon the same within 10 business days after the application becomes complete, as determined by the Zoning Officer. If the application is not complete, the Zoning Officer shall so notify the applicant within 10 business days of the submission and specifically detail the areas in which the application lacks compliance with the requirements of the section.
- G. License Issuance. If the application complies with this section, the Zoning Officer shall issue a license strictly subject to the terms and conditions of this section. Issuance of a license for an outdoor cafe shall also include the right to utilize street furniture and two permits or fees shall not be required, only a fee for outdoor cafe licensure.
- H. License Renewal. An approved one-time license shall be considered valid until a change of ownership, tenancy, use or a violation is recorded. All local fees and taxes required by law relative to the commercial service establishment with which the proposed outdoor cafe is associated and the property on which the establishment is located shall be paid in full and all other required licenses shall be current prior to issuance of an outdoor cafe license.
- I. License Transfer. The license is personal to the applicant, and any change or transfer of ownership or tenancy of the outdoor cafe seating area shall terminate the license and require a new application in conformance with all of the requirements of this section.
- J. Inspection. Acceptance of the license by the applicant shall operate as a consent to the Health, Fire, Police and Building Officials of the Township to inspect the outdoor cafe for

continued compliance with the terms and conditions of this section and any federal, state, county or local law, ordinance or regulation affecting the same.

- K. Indemnity. No license required by this section shall be granted to any person to operate an outdoor cafe until such person shall have filed with the Zoning Officer a statement agreeing to indemnify and hold harmless the Township of Riverside, its agents, servants, representatives or employees from any or all claims, damages, judgment costs or expenses, including attorneys' fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor cafe for which the license is issued.
- L. Revocation. Any license issued hereunder is issued solely as a revocable license, which shall be subject to revocation or suspension by the Zoning Officer for failure of any licensee to comply with this section or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. Any license issued hereunder is issued upon the express understanding that the licensee obtains no property right thereunder nor any interest in the continuation of said license. Before revocation of an outdoor cafe license, the Zoning Officer shall provide written notice to the commercial service establishment and property owner setting forth the effective date of the revocation and the grounds therefore.
- M. Responsibilities:
 - A. Cleanliness of area. Each licensee is responsible for keeping the area of the outdoor cafe and the adjacent sidewalks and streets free and clear of debris or litter occasioned by the outdoor cafe. Areas must be cleaned as needed and at the time that business is closed and at the beginning of each business day, but not later than 9:00 a.m.
 - B. Vending machines. No vending machines of any kind are permitted on the exterior of any building operating an outdoor cafe.
 - C. Public disturbance. The outdoor cafe shall be operated in such manner that will not create a public nuisance or constitute a hazard to the public health, safety or welfare.
 - D. Superseding public need. If the Zoning Officer determines that there is a superseding public need relative to the portion of the sidewalk occupied by or otherwise affected by the outdoor cafe, the outdoor cafe shall be dismantled and removed by the owner-operator within 10 days upon written notice by the Zoning Officer, unless the Zoning Officer determines that there is a public necessity for earlier removal upon which the Zoning Officer shall specify an earlier date of removal.
- N. Provisions. The approved license and related plan for layout and arrangement shall be available on the premises of the food or beverage commercial service establishment. In addition to the powers of suspension or revocation as set forth above, the Township reserves the right to modify, suspend or revoke any license on 10 days' written notice if the Township determines that the pedestrian operation of the outdoor cafe has violated the terms and/or conditions of its approval, is a hazard to public safety or because of any other safety issue within the Township because of such operation. The license may also be suspended or revoked on 10 days' written notice in the event the Township determines that it is necessary to utilize the area or any part thereof for the maintenance or installation of underground utilities. In accordance with N.J.S.A. 40:55D-72(a) and related Township ordinances, an applicant may file an appeal with the Township of Riverside Joint Land Use Board within 30 days of a decision of the Zoning Officer. Any

change or transfer of ownership shall terminate the license; or, in the event that the license is temporarily or permanently suspended or revoked, the licensee will at its own cost and expense vacate the sidewalk space and promptly remove any property placed thereon. Failure to do so on five days' written notice shall grant to the Township the right to remove any property on the sidewalk, and the licensee agrees to reimburse the Township for the cost of removing and storing the same. No tables, chairs or other equipment used in the outdoor cafe shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk or property for the Township of Riverside within or near the licensed area. All equipment used in connection with the operation of an outdoor cafe shall be of sufficient size and weight to avoid being blown about by the wind. All outdoor seating area related equipment shall be removed at the end of each and every evening and secured within the confines of the building. No equipment, tables, chairs or any other material of any kind shall be permitted to remain outdoors during hours in which the business is not open to the public and operating.

- O. Signs. No signs shall be permitted in the area of the outdoor cafe except easel, sandwich board and awning signs complying with the Township of Riverside Code, as may be amended from time to time. There shall be no logos or advertising upon any umbrellas without prior approval of the Riverside Joint Land Use Board.
- P. Guidelines. Design guidelines for outdoor cafes shall comply with applicable provisions of the uniform statewide building code, the current edition of ADA standards for accessible design and other applicable codes, ordinances and regulations as may be promulgated from time to time. All tables, chairs, umbrellas, barriers and other fixtures and appurtenances shall be removed from the outdoor cafe in case of a severe storm or as directed by the Township Administrator or Chief of Police from time to time. No establishment shall permit smoking. Additional sidewalk clearance may be required by the Zoning Officer and the Township, where pedestrian traffic or other circumstances warrant, such as commercial streets that have higher volumes of pedestrians than residential streets. Clear unobstructed height of seven feet must be maintained between the sidewalk surface and overhead objects including umbrellas. Outdoor areas may be defined with approved nonstationary barriers. Lighting must not cause glare to pedestrians or vehicular traffic. Outdoor areas subject to compliance with all ADA regulations.
- Q. Violations and Penalties. Any person who violates or neglects to comply with any provision of this article or the code established herein, on notice issued pursuant thereto shall, upon conviction thereof, be liable for a penalty of not less than \$50 nor more than \$100 for each violation to the applicant.

BE IT FURTHER ORDAINED by the Township Committee for the Township of Riverside that this Ordinance shall take effect upon final passage and publication as required by law.

RIVERSIDE TOWNSHIP COMMITTEE