

**BOROUGH OF WOODLAND PARK
COUNTY OF PASSAIC, STATE OF NEW JERSEY
ORDINANCE NO. 25-17**

**AN ORDINANCE TO AMEND NO. 20-13 AND SECTION 22-24
“CONDITIONAL USES” OF CHAPTER XXII,
ZONING OF THE GENERAL CODE
OF THE BOROUGH OF WOODLAND PARK
TO INCLUDE UPDATES AUTHORIZED BY NEW LEGISLATION**

WHEREAS, the Mayor and Borough Council desire to amend this Ordinance; namely, 20-13, and Section 22-24 “Conditional Uses” of Chapter XXII “Zoning” of the General Code of the Borough of Woodland Park to establish guidelines to procure and maintain a limited authorization license to permit outdoor dining, which is also in accordance with recently enacted legislation by the State of New Jersey, known as: S-3608/A-4866 (2024). Which allows for the expansion of the use of licensed premises within designated outdoor spaces. As this new law will permanently allow the State’s Commercial Food and Beverage industry to provide additional opportunities to expand their Outdoor Dining experience and to further serve the needs and demands of their clientele, the Borough sees the need to update this ordinance; and

WHEREAS, the Mayor and Borough Council have determined that the adoption of such an amendment to the Ordinance permitting outdoor dining facilities with a limited authorization license will stimulate public interest, benefit economic productivity, provide an aesthetically pleasing atmosphere in the business community and promote the general welfare of the residents of the Borough of Woodland Park;

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Woodland Park, in the County of Passaic and the State of New Jersey, that Section 22-24 “Conditional Uses” of Chapter XXII Zoning of the General Code of the Borough of Woodland Park shall be amended to include Section 22-24.19 entitled “Outdoor Dining”:

A) Purpose

The Borough of Woodland Park recognizes the allowance of outdoor dining facilities for purpose of stimulating public interest, benefiting economic productivity, providing an aesthetically pleasing atmosphere in the business community and promoting the general welfare of the residents of the Borough of Woodland Park. The purpose of this chapter is to establish guidelines to procure and maintain a limited authorization license to permit outdoor dining.

B) Accessory use

Outdoor dining shall be permitted as an accessory use of any eating and or drinking establishment as more fully described in the Borough of Woodland Park General Code.

C) Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

1. **Outdoor Dining Area**

- a) The designated area prescribed by title to the property of the retail food establishment or tavern to be used for purposes of the outdoor dining facility. The outdoor dining area shall be limited to the rear yard or side yard of the property or the sidewalk area immediately in front of the establishment’s building or storefront and must be on solid surface, which shall include but not be limited to: decks and rooftops.
- b) Outdoor dining areas shall include, without limitation: any café, coffee shop, diner, dining room, delicatessen, luncheonette, restaurant, soda fountain shop, tearoom, tavern and other retail food establishments as defined hereunder. Outdoor dining will be restricted to only those facilities currently conducting indoor dining or licensed tavern businesses.

2. **Owner**

As defined by Chapter 22, Zoning and Land Use, 22, Definitions in the General Code.

3. **Property**
A lot, parcel or tract of land, together with the building and structures located thereon.
4. **Restaurant**
As defined by Chapter 22, Zoning and Land Use, 22-3 Definitions in the General Code.
5. **Sidewalk**
That area of the public or private right-of-way reserved for pedestrian traffic from the curb to the front line of the building housing an eating establishment.
6. **Tavern**
An establishment licensed to sell alcoholic beverages to be consumed on the premises.

D) License Required

The Borough of Woodland requires the owner of a retail food establishment or tavern to apply for and obtain an outdoor dining facility license to operate said facility within the outdoor dining area. No person shall operate an outdoor dining facility within the Borough of Woodland Park without first obtaining an outdoor dining facility license and satisfying all of the requirements of this chapter.

E) Application for License

1. An applicant for an outdoor dining facility license must annually file for said application with the Borough Clerk on forms supplied by the Clerk. These forms shall require the following information and any such additional information as deemed necessary:
 - (a) The name, address, and telephone number of the applicant;
 - (b) The name, address, and telephone number of the retail food establishment or tavern where outdoor dining shall be maintained;
 - (c) A detailed description of the proposed outdoor dining or tavern facility that shall include a diagram of the dimensions of the area and the number of tables, chairs, benches, umbrellas,
 - (d) and receptacles for garbage and recyclables to be used for outdoor dining purposes;
 - (e) Consent of the owner of the premises, if other than the applicant;
 - (f) The signing of said forms and the providing of an insurance certificate as more fully described herein.
2. The license fee for each and every premise on which outdoor dining facilities is conducted shall be one hundred and fifty dollars (\$150). Each application for a license shall be accompanied with cash or a check payable to the Borough of Woodland Park in the amount of the \$150. The renewal fee for each subsequent year shall be \$150.
3. The Mayor and Council reserve the right to waive or revise fees as deemed necessary.

F) Insurance required

No outdoor dining license shall be issued unless the licensee shall have first filed adequate proof that the following insurance requirements have been provided:

1. The following language/wording must appear on the insurance certificate: "The

certificate holder (the Borough Woodland Park) is included as an additional insured with respect to losses arising solely from the operation of the outdoor dining facility."

2. Ten ("10") days' written notice of cancellation must be provided to the Borough of Woodland Park.
3. The insurance certificate must be written by a company licensed to do business in the State of New Jersey and rated A or better by A.M Best Rating and the certificate shall also state: "Rated by A.M. Best Rating."
4. The minimum insurance coverage requirements are:
 - (a) General aggregate: \$500,000;
 - (b) Products and completed operation aggregate: \$500,000;
 - (c) Personal and advertising injury: \$500,000;
 - (d) Each occurrence: \$500,000;
 - (e) Fire damage (any one fire incident): \$500,000;
 - (f) Medical expense (any one person): \$500,000;
 - (g) Worker's compensation: statutory requirements;
 - (h) Liability: \$500,000.00
 - (i) Employer's liability (each accident): \$100,000;
 - (ii) Disease policy limit: \$100,000;
 - (iii) Disease (each employee): \$100,000;

G) Indemnification

No outdoor dining facility license shall be issued unless the licensee first executes and files an indemnification agreement with the Borough of Woodland Park. In consideration of the issuance of the outdoor dining facility license, the licensee shall forever agree to defend, protect, indemnify and save harmless the Borough of Woodland Park, its officers, and agents, from damages, expenses, fees and costs, including attorney's fees, that may arise out of the licensee's operation of such outdoor dining facility.

H) Application Review

1. The application for a license is subject to the approval of the Borough Clerk. The application for a license and/or the applicant's investigation report are subject to review from the following offices without limitation: the Building/Zoning Office, and the Health Department. Applications shall not be considered until all reviews are completed.
2. Prior to submitting an application to the Borough Clerk for a license for outdoor dining, site plan review and approval must be obtained from the Zoning Officer. The fee for filing this application is two hundred dollars (\$200). The Mayor and Council reserve the right to waive or revise fees as deemed necessary.
3. Checklist for requirements for site plan approval:
 - (a) Letter of intent.
 - (b) A site plan identifying the location of the outdoor dining area, the required barrier between the seating area and the public circulation areas, table, chair and bench locations, and refuse disposal location which include the existing square footage of the indoor dining area and the square footage of the proposed outdoor dining area;
 - (c) Photographs of lots adjacent to the proposed outdoor dining area;
 - (d) Photographs of the area where the outdoor dining will be located;
 - (e) Detailed screening plan;

- (f) Detailed lighting plan, including details of the fixtures and levels of proposed illumination;
 - (g) Total number of seats in site, both indoor and outdoor;
 - (h) The applicant must comply with the parking requirements for restaurant uses. In calculating the required parking, seasonal outdoor seating will not be counted toward total parking requirements.
4. Any applicant who is denied site plan approval, may request in writing a hearing on the denial decision before the Borough of Woodland Park Planning Board/Zoning Board of Adjustment.

I) License terms and conditions

- 1. An outdoor dining facility license shall be valid only through April 1 through October 31 of a given year.
- 2. A new outdoor dining facility license must be obtained or renewed yearly.
- 3. An outdoor dining facility license may not be transferred in any way.
- 4. The license shall be displayed in a conspicuous place on the premises prior to the use of the outdoor dining facility.

J) Restrictions and requirements

The conduct of outdoor dining pursuant to a license issued under this chapter shall be subject to and inclusive of all of the following restrictions and requirements.

- 1. Outdoor dining may only be in districts zoned for business, designated on the Borough of Woodland Park Zoning Map;
- 2. All outdoor dining areas shall be immediately adjacent to the principal restaurant or tavern;
- 3. The outdoor dining area must be clearly defined and limited by way of a barrier, such as fencing, landscaping, a wall or as approved by the Zoning Officer;
- 4. The outdoor dining area must not block, obstruct and/or inhibit pedestrian traffic on public sidewalks. Pedestrian traffic must have a clear, open and unobstructed access between the edge of the outdoor dining tables and the curb line of the sidewalk. Such pedestrian access shall have a minimum width of at least five (5) feet;
- 5. Any outdoor dining area shall have adequate buffering from adjacent buildings or sites consisting of landscaping and/or fencing or as approved by the Zoning Officer. If the outdoor dining area abuts residentially zoned land, the outdoor dining area shall be located a minimum of fifty (“50”) feet from the common property line;
- 6. Property owners shall not place anything in an alleyway, path, or walkway or set up tables in such a manner as to block, obstruct, or inhibit access to such alleyways, paths or walkways;
- 7. Outdoor dining facility owners, employers, and employees shall not block, obstruct, or inhibit a building's entrance/egress. It shall be unlawful to block or obstruct in any manner the clear width of any exit's discharge passageway, as determined by the clear width opening of the entrance/egress door(s). The exit's discharge passageway shall proceed directly to the street;

8. Only tables, chairs, benches, umbrellas, and receptacles for garbage and recyclables are permitted within the outdoor dining area;
9. Outdoor dining facility owners, employers, and employees shall not place any table, chair, bench, sign, umbrella or other item in such a manner as to block or obstruct any municipal sign receptacles for garbage and recyclables, public hydrants, or other public amenity;
10. Outdoor dining facility owners, employers, and employees must provide for the disposal of garbage and recyclables. Public receptacles for garbage shall not be used and outdoor storage of refuse shall not be permitted. All receptacles for garbage and recyclables shall be removed at the time of closing;
11. The outdoor dining area and surrounding sidewalk and property areas shall be kept clean from any and all litter during hours of operation;
12. If dining, customers must be seated in the outdoor dining area during their patronage. Outdoor dining facility owners, employers, employees are prohibited from serving drivers or passengers of all vehicles;
13. All food preparation shall be indoors in the regular kitchen area of the retail food establishment;
14. Alcohol service and/or consumption at the outdoor dining facility is subject to further regulations more fully described herein;
15. All outdoor food service is subject to the regulations contained in Chapter 12 of the New Jersey Sanitary Code;
16. There must be absolutely no offensive odor emanating from the outdoor dining facility and/or outdoor dining area due to food preparation, handling, spoilage, and/or litter;
17. Outdoor dining facility owners, employers and employees are prohibited from using public utility hookups;
18. All lighting shall be directed towards the principal restaurant. No exterior lighting that extends beyond the boundaries of the property or the outdoor dining area shall be permitted;
19. All sound and video systems are prohibited within the outdoor dining area. The licensee shall not direct or permit to be directed to, any bell, chime, siren or whistle, to the outdoor dining area. Bells, chimes, sirens or whistles shall not emanate from the outside dining area All noise emanating from the outdoor dining area shall be kept at such a level as to comply in all respects with the provisions of applicable ordinances. No live entertainment is permitted;
20. No signs of any nature shall be permitted in the outdoor dining area, except as previously expressed;
21. Outdoor dining may commence April 1 and may continue through October 31;
22. Hours of operation shall not be before 11:00 AM or after 10:00 PM. Special Note: This amendment of this Ordinance does not relieve the applicant from its duty and obligation to abide by all of the Borough's already existing Ordinances and laws of the State of New Jersey. Especially, Ordinances and laws controlling noise and loitering.
23. The outdoor dining areas must be secured and washed daily by 10:30 PM.

24. All Sanitary Code, alcoholic beverage requirements, and all other laws and regulations shall apply to the outdoor seating unless specifically excluded;
25. The Borough of Woodland Park retains the right to temporarily suspend an outdoor dining facility license to allow for construction activity, utility repairs, special events, or other appropriate reason as determined by the Borough Council. Reasonable advance notice must be given to the affected outdoor dining facility licensees.

K) Sale and consumption of alcoholic beverages

The outdoor dining area upon which an outdoor dining facility has been authorized to operate pursuant to this chapter may constitute premises duly licensed for the sale and/or consumption of alcoholic beverages, provided:

1. The retail food establishment or tavern of which the outdoor dining facility is a part and an extension of is so licensed;
2. Specific approval has been obtained from the appropriate local and/or state agencies of the ABC for the extension of the alcoholic beverage consumption license to the outdoor dining area. Such approval shall be separate from and must be obtained in addition to the license to operate an outdoor dining facility pursuant to this chapter.

L) Suspension and revocation of license

Any license may be suspended or revoked for good cause by the Borough Council, including but not limited to a misrepresentation of the information supplied by the applicant, the conviction of a crime, a violation of any ordinance, state or governmental regulation, or a violation of this chapter.

M) Enforcement

The Borough Clerk shall be responsible for licensing and the collection of fees. This chapter shall otherwise be enforced by the Building Department/Construction Code Officials, Woodland Park Police Department, and the Board of Health as to the Sanitary Code, Zoning Officer and Property Maintenance Officer.

N) Conflicts and Taking Effect

1. Nothing herein shall conflict with any State, Federal or County requirements. In the event that any provision herein conflicts with any state, federal or county requirement, including any future Executive Orders by Governor Murphy concerning guidelines for re-opening of Stage “2”, that provision shall be stricken and the remainder of the Ordinance shall be in full force and effect.
2. If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.
3. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
4. This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Tracy Kallert, Mayor

Introduced: September 17 2025

Adopted: October 1, 2025