



**COUNTY OF ESSEX
DEPARTMENT OF PUBLIC WORKS**

**DIVISION OF ENGINEERING
900 BLOOMFIELD AVENUE
VERONA, NEW JERSEY 07044-1393**

**☎ (973) 226-8500
☎ (973) 226-7469**

**JOSEPH N. DiVINCENZO, JR.
COUNTY EXECUTIVE**

**Philip A. LiVecchi, Director
Department of Public Works**

**Sanjeev Varghese, P.E., P.P.
County Engineer**

**Dennis R. Sedaille
Assistant County Engineer**

COUNTY POLICY ON

**PLACING OUT DOOR ESTABLISHMENTS SUCH AS SIDEWALK CAFES
& RESTAURANTS, VENDORS, SALE AND ETC...
WITHIN COUNTY RIGHT OF WAY**

- 1- Any applicant who intends to create a sidewalk establishment such as café, restaurants, sidewalk sales and etc... in the County right of way shall apply for the County Permit. The following items shall be submitted for the initial review and approval:
 - A scaled location plan depicting and identifying the items that are proposed to be installed within the County right of way. In addition, the plan shall show all existing fixed and temporary objects within the County right of way such as signing, striping, parking regulations, trees, benches, utility poles, parking meters, catch basins, traffic signal equipments, and, etc..... along and in the vicinity of the outdoor establishment.
 - A report to describe the nature of the establishment including duration of the outdoor establishment as applies, months, days and hours of operation. A pedestrian flow analyses shall also be submitted to determine the level of service of pedestrian utilizing the sidewalk within the location of the outdoor establishment.
 - A non-refundable Application Review Fee in amount of \$250.00 payable to the County of Essex. It is to be noted that this fee is only for reviewing the above mentioned items. The applicant shall be required to pay the applicable permit fee when the County grants the initial approval.
- 2- The Office of County Engineer reserves the rights to review the submitted materials, approve or reject them. The applicant may be required to submit additional items and supporting information and document if requested by the Office of County Engineer for completing the review process. The applicant must comply with the County requirements in order to receive the permit.
- 3- Upon the initial approval, the applicant shall submit the following:
 - Fully executed permit application. The permit will be valid for 12 months as of the date of its issue. This permit is not renewable and the applicant must reapply for the initial review process each year to request a new permit,

- Full amount of Permit Fee payable to the County of Essex. The full amount of permit fee will be a minimum of \$205.00, which covers the permit fee plus two inspections fees. The inspections will be performed by the Office of County Engineer during the operation of the out door establishment.
 - Certificate of Liability Insurance carrying a minimum of \$2,000,000 insurance which must indemnify the County safe and harmless from any and all claims on Injury to persons or damage to property attributable, in whole or part, to existence, location and operation of an outdoor establishment in the County right of way. This insurance liability shall be reviewed approved by the County Counsel prior to issuing the final approval
 - A Mylar of the approved plan showing the approved locations, items, hours and days of operation and any other information related to the outdoor establishment This Mylar shall be signed and sealed by a Professional Engineer or Registered Architect registered in the State of New Jersey
 - Copies of any other applicable permits and approvals that may require to be obtained from Municipalities, State, Department of Health, DEP, EPA, Alcoholic Beverages Commissioner, etc.
 - Placing a performance guaranty bond in amount of \$2,000 valid for a minimum of one year with the County. This bond will be used for any expenses that may occurred if the County needs to remove the outdoor establishment items in case of violations, correct an unsafe condition, clean up and/or any other problems that may happened as a result of the outdoor establishment. The bond or the unused portion of it will be returned to the applicant after the expiration of the permit, permanent removal of the outdoor establishment items and equipment and restoration of the County right of way to its original condition.
4. The County will review the application and its supporting documents for completeness. Once every applicable code and requirement were addressed and fulfilled, the final approval and permit will be granted.

General Provisions:

1. Under no circumstances, the items pertains to the outdoor establishment objects shall create any obstacles and/or sight distance obstructions for the motorists and pedestrians to observe the upcoming traffic, signals, signing and striping, pavement marking and/or any other hazardous conditions. The County reserves the right to remove the objects and revoke the permit at any time at the applicant's cost if such hazardous situations are observed. Furthermore, if the outdoor establishment and its related equipment interfere with widening the County roads, intersection improvements or any other modifications that may have been planned for the location of the outdoor establishment, the applicant is required to remove the out door establishment as needed.
2. The applicant shall install only the items specified on the approve plan and permit application. The items shall be installed at the approved locations as shown on the plan. Any deviations from the approved plan and specifications will result revoking the permit and removal of the items.
3. The items for the outdoor establishment shall not be placed prior to and extended beyond the time period specified on the permit application. The permits granted by the County, Municipality and/or other governmental bodies shall be kept on display during the operation of the outdoor establishment.
4. The outdoor establishment shall not be extended to the pavement in the roadway shoulder or traveling lanes. Also, it shall not extend across the frontage of adjacent property unless written permission is obtained from abutting properties owners.
5. The minimum width of sidewalk space where an outdoor establishment is to be approved is 10 feet. Minimum of 4 feet clear and unobstructed sidewalk area shall be provided along the out door establishment for pedestrian traffic.
6. The outdoor establishment may be fenced around the premier not exceeding 3 feet in height. Open fencing is preferred to solid fencing. The visually impaired individuals shall identify fencing if walk along the outdoor establishment. No fencing shall obstruct the motorists and pedestrian views. Fencing shall be pre approved during the initial review process.

7. Installation of accessories such as Awnings and Umbrellas, Signs & Advertising, Landscaping may be permitted within the outdoor establishment as long as they have been pre approved during the initial review process and shown on the plan. They shall not create any types of hazards and obstructions for the motorists and pedestrians. Visually impaired people must be able to identify the accessories. All signs shall be in English language. The number of accessories shall be approved by the Office of County Engineer and indicated on the plan and permit application.
8. No items shall be, attached, leaned or chained to the County, Municipalities and Utility Companies properties such as Traffic Signals, Utility Poles, Fire Hydrants, Sign Posts and etc...
9. All items must be removable and not permanently fixed in place. They must be made of and constructed with durable and weather resistant materials. However, they must be secured enough to withstand high wind and other forces for not being turned over or airborne. All objects must be removed prior to the expiration of the permit. The sidewalk and County and Municipal properties shall be restored to its original condition to the satisfaction of the County and Municipality.
10. Music or any other entertainment provided for patrons of an outdoor establishment shall not provide a nuisance of abutting property owners. No loud noises such as bell, whistle, radio, sound amplifier or similar devices are permitted.
11. The County, Municipality and Utility Companies retain the right of access to the approved outdoor establishment area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, etc. as often and as necessary.
12. The applicant shall maintain a minimum width of 4 feet of unobstructed walkway to the entrance of the building. Also, emergency vehicles shall have rights to enter the outdoor establishment area as often and as needed.
13. Any lighting of the outdoor establishment shall be of a temporary nature and shall not project onto adjacent properties or conflict with the traffic control devices.
14. The month of operation of an outdoor establishment shall be May 1 through October 31. The hours of operation shall be between 7:00 A.M. to 11:00 P.M. unless otherwise approved.
15. The permit issued by the County for the outdoor establishment is not transferable and shall be used only by the applicant.