

Date:

COVID-19 Permit #

Township of



West Caldwell

COVID-19 TEMPORARY OUTDOOR DINING

Permit Application
NO Fee is required

In accordance with the Governor’s Executive Order No. 150, the following Sections I-V shall be completed by the applicant and approved by Township of West Caldwell prior to all temporary outdoor dining.

I. Property Information:

Business Name:		
Address:		
Block:	Lot:	Zone:

II. Property Owner Information:

Name:	
Address:	
Telephone (H):	Cell:
Owner’s/Landlord’s Consent Signature:	

III. Applicant Information:

Name:	Email:
Address:	Cell:
Telephone: (H)	Applicant Signature:

IV. Description of Temporary Outdoor Dining/Retail (attach sketch and site plan):

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V. Checklist for Zoning Permit Application:

1. Begin and End Date of Outdoor Dining	
2. Hours of Operation	
3. Applicant has obtained a COVID-19 Expansion Permit to allow licenses to expand the sale and service of alcoholic beverages onto areas adjacent to or contiguous with the licensed premises. A copy of the Expansion Permit shall be attached to this application if applicable.	<input type="checkbox"/> Yes <input type="checkbox"/> No Permit No: _____ <input type="checkbox"/> N/A
4. Will any part of the proposed temporary dining area be located within a public right of way?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. The following items must be submitted with this application: A. Survey or plot plan showing location, size and number of tables and seating area (no tents with sides are permitted; only canopy coverings are permitted). B. Diagram of outdoor seating arrangements with measurements. C. If applicable, temporary canopy covering size and manner of securing. D. If applicable, temporary lighting plan. E. If to be located within a parking lot or sidewalk, temporary public safety plan.	

Specific COVID-19 Operation Conditions of this permit

By submitting its certification below, the applicant acknowledges the following:

1. Applicant has received the Governor’s Executive Order #150 (E.O. 150) and Executive Directive 20-014 (E.D. 20-014) from the NJ Department of Health.
2. In addition to all the requirements of applicable law for retail dining establishments, the applicant has the legal obligation to comply with all applicable directives required by E.O. 150 and E.D. 20-014 as a condition of its receipt of this permit to operate outdoor dining services.
3. Applicant understands and accepts the fact that its failure to fully comply with all of the requirements of E.O. 150 or E.D. 20-014 shall result in the Township’s summarily revoking or suspending this permit until full compliance is deemed to have been achieved by the Township Police Department.
4. Applicant’s failure to comply with each and every aspect of the approved/permitted plan for outdoor dining, shall subject the applicant to the Township’s revocation or suspension of this permit until full compliance has been deemed to have been achieved by the Zoning Officer, the Township Construction Official, the Township Police Department, the Township Fire Official and/or the Township Engineer.
5. Safety is of paramount importance. Applicant must demonstrate that both patrons, employees, pedestrians and/or the general public will be protected from vehicular traffic. Applicant must provide vehicular impact protection if the seating area is adjacent to any parking and/or traffic circulation area. Any proposed protection system must be submitted and reviewed by the Construction Official and Police Department. Means of egress and barrier-free access shall not be diminished with the approval of the endorsement.
6. All outdoor dining equipment including, but not limited to, table, chairs, stools, umbrellas, storage units, etc., must be brought inside each night.
7. Applicant shall be required to sign and return Indemnification and Maintenance Agreement to the Township.

CERTIFICATION AND INDEMNIFICATION:

The Applicant agrees to forever defend, protect, indemnify and save harmless the Township of West Caldwell, its officers, agents and employees, from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of or which may arise out of the Applicant’s operation of such outdoor/sidewalk dining. The Applicant also agrees, at the option of the Township, to repair at its sole cost and expense any damage caused to the sidewalk by the operation of the cafe, or to reimburse the Township in full for all costs and expenses incurred by the Township in making such repairs.

I certify that I have personally examined and am familiar with all of the information contained in this permit application including any attachments. I further certify that if any of the information or statements that I have supplied are willfully false, inaccurate, or incomplete that I am subject to punishment.

Signature of Applicant

Date

FOR OFFICIAL USE ONLY		
Department Review	Approvals	Comments
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Zoning Official Date		
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Health Officer Date		
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Engineer Department Date		
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Construction Official Date		
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Police Department Date		
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Fire Official Date		

INDEMNIFICATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 2020, by and between _____, the Licensee/Applicant, with a place of business located at _____, West Caldwell, New Jersey and the Township of West Caldwell.

WHEREAS, the Licensee/Applicant has applied for a license to operate an outdoor café under Chapter 466 of the Township’s Municipal Code; and

WHEREAS, pursuant to Sections 466-3 and 466-4 of such Code, the Township requires certain undertakings from the Licensee/Applicant in respect to indemnification and maintenance in further consideration of, and as a condition to, the issuance of such License to the Licensee/Applicant; and

WHEREAS, the Licensee/Applicant is willing to give such undertakings to the Township of West Caldwell.

NOW THEREFORE, in further consideration of the issuance by the Township of West Caldwell of a License to the Licensee/Applicant for its operation of an outdoor sidewalk café at its place of business in the Township of West Caldwell, the Licensee/Applicant hereby agrees as follows:

1. To forever defend, protect, indemnify and save harmless the Township, its officers, agents and employees from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of the Licensee’s/Applicant’s operation of such outdoor/sidewalk café; and
2. At the option of the Township of West Caldwell, to either repair, at its sole cost and

expense, any damage caused to the sidewalk by the operation of such outdoor/sidewalk café, or to reimburse the Township of West Caldwell, in full, for all costs and expenses incurred by the Township of West Caldwell by it making any such repairs to the sidewalk.

WHEREUPON, the Licensee/Applicant has caused their duly authorized officer or representative, as the case may be, to execute this Agreement as to the date and year first above written.

Witness

Licensee's/Applicant's Signature

**SUMMARY OF
STATE OF NEW JERSEY
DEPARTMENT OF HEALTH
PROTOCOLS FOR FOOD AND BEVERAGE
ESTABLISHMENTS OFFERING OUTDOOR DINING
EXECUTIVE ORDER NO. 150 – 6/3/20
EXECUTIVE DIRECTIVE NO. 20-014 – 6/3/20**

SET UP/DESIGN PLAN:

1. Obtain all required municipal approvals and permits.
2. Post conspicuous signage at the entrance that states that no one with a fever or symptoms of COVID-19 should enter the premises and that all staff and customers must maintain six (6) feet of physical distance.
3. **Limit seating to a maximum of eight (8) customers per table and arrange seating to achieve a minimum distance of six (6) feet between parties.**
4. Rope off or otherwise mark tables, chairs and bar stools that are not to be used.
5. Provide physical guides, such as tape on floors, sidewalks, and signage on walls to ensure that customers remain at least six (6) feet apart in line for the restroom or waiting for seating.
6. No self-service food or drink options such as buffets, salad bars, and self-service drink stations.
7. Disinfect all tables, chairs and any other shared items (menus, condiments, pens) after each use.
8. Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of six (6) feet is difficult.
9. Ensure six (6) feet of physical distancing between workers and customers, except at the moment of payment and/or when employees are servicing the table.
10. Require infection control practices, such as regular handwashing, coughing and sneezing etiquette, and proper tissue usage and disposal.
11. Require frequent sanitization of high-touch areas like credit card machines, keypads, and counters to which the public and workers have access.
12. Prepare an inclement weather policy that, if triggered, would allow takeout or delivery service only.
13. The outdoor area must be fully smoke-free.

EMPLOYEE REGULATIONS:

1. Require employees to wash and/or sanitize their hands when entering the premises.
2. Conduct daily health checks (e.g. temperature screening and/or symptom checking) of employees safely and respectfully, and in accordance with any applicable privacy laws and regulations.
3. Require employees with symptoms of COVID-19 (fever, cough, or shortness of breath) be sent home.
4. Require all employees to wear face coverings, except where doing so would inhibit the individual's health, and require employees to wear gloves when in contact with customers and when handing prepared foods or serving food, utensils, and other items to customers.
5. Provide all employees with face coverings, gloves, and sanitization materials, such as hand sanitizer and sanitizing wipes to staff.
6. Provide employees break time for repeated handwashing throughout the workday.

CUSTOMER INTERACTION:

1. Inform customers that safety measures such as social distancing, wearing face coverings when they are away from their table and unable to social distance or when they are inside the indoor portion of the premises (unless the customer has a medical reason for not doing so or is a child under two years of age), and hygiene practices must be adhered to while in the food or beverage establishment.
2. Encourage reservations for greater control of customer traffic/volume and require customers to provide a phone number when making a reservation to facilitate contact tracing. Alert customers via calls/texts to limit touching and use of shared objects such as pagers/buzzers.
3. Recommend customers wait in their cars or away from the premises while waiting for a table if outdoor wait area cannot accommodate social distancing.
4. Encourage the use of digital menus.
5. Decline entry to the indoor portion of the establishment to a customer who is not wearing a face covering, unless the customer has a medical reason for not doing so or is a child under two years of age. Entry to any indoor area of the premises shall only be for entering and exiting the outdoor space, to use the restroom or for customers picking up take-out.
6. Provide hand sanitizer station for customers.