

TOWNSHIP OF FAIRFIELD
230 FAIRFIELD ROAD, FAIRFIELD, NJ 07004
PHONE: 973-882-2700, DEPT. EXT. 2501
clerk@fairfieldnj.org FAX: 973-882-0365

MUNICIPAL CLERK / VITAL STATISTICS

APPLICATION FOR SPECIAL EVENT OR SEASONAL OUTDOOR DINING

Business Name: _____

Applicant's Name: _____

Site Address: _____

Block: _____ Lot: _____

Business Phone Number: _____ Cell # _____

Mailing Address (if different than above): _____

Email Address: _____

Date(s) of Special Event or Seasonal Outdoor dining: _____

Hours of Operation: _____

Describe Special Event: _____

• **Special Event**

Temporary Signs / Banner(s): () YES # _____ () NO (*Zoning permit required*)

Temporary Tent(s): () YES Size? _____ () NO (*Fire Prevention permit required*)

BBQ - Propane / Open flames: () YES () NO (*Fire Prevention permit required*)

Food Trucks / Catering Company: () YES # _____ () NO (*Health permit required*)

Alcohol being served? () YES () NO (*ABC permit may be required*)

• **Seasonal Outdoor Dining** (*valid from April 1st thru November 30th*)

Current approved (zoned) capacity of indoor restaurant area: _____ (# of seats)

Proposed capacity of outdoor dining area: _____ (# of tables) _____ (# of seats)

Total # of existing parking spaces on site: _____

Will the outdoor dining location eliminate any existing parking spaces? () Yes How Many: _____

Number of Tent/Canopy (s): # _____ Size of Tent/Canopy (s): _____

**** TENTS MUST BE REMOVED BY DECEMBER 1ST OF THE LICENSE YEAR ****

****** Submit contract of installation, picture of actual tent and how it being anchored******

TENTS MUST BE COMMERCIAL GRADE AND TAKEN DOWN BY DECEMBER 1ST

POP-UP TENTS OR TARPS ARE NOT PERMITTED

Electrical Outlets: () YES How many? # _____ () No

Proposed Lighting: () YES Describe: _____ () NO

Generators: () YES How many? # _____ () NO

Heating/Cooling Unit(s): () YES How many? # _____ () NO

Emergency Egress Lighting: () YES (*required if tents have sides*) () NO

(Electrical/Lighting/generator/Heating/Cooling require Building permits)

(See below requirements)

- a. All dates of the proposed Special Event or Seasonal Outdoor Dining application, must have starting and ending time. All Special Event or Seasonal Outdoor Dining permits are for a specific time pursuant to Township Ordinances.
- b. Permit for Seasonal Outdoor Dining (*only*) shall be issued from **APRIL 1st thru NOVEMBER 30th of the license year** pursuant to Township Ordinance.
- c. Must provide written permission from the owner of the property for the space or area to be utilized if different from the applicant.
- d. A sketch describing the proposed area for the Special Event or Seasonal Outdoor Dining must be included. The drawing should include, but not be limited to, any and all temporary structures, equipment, temporary signs, tents, umbrellas, tables, chairs, electrical outlets, generators, lighting, barricades, any approved fire lanes and/or traffic control equipment to be used in connection with its operation.
- e. Permit will be issued for tents under 900 sq. ft. by the Fire Prevention Department. Over 900 sq. ft., the permit will be issued by the Fairfield Building Department. **TENTS MUST BE REMOVED BY DECEMBER 1ST OF THE LICENSE YEAR.**
- f. Combined indoor and outdoor seating **MAY NOT** exceed approved maximum seating capacity for existing facility.
- g. Special Event or Seasonal Outdoor Dining seating near vehicular circulation must provide for the following protections, subject to review and approval by the Police Chief or designee:
 - a. In cases where barricades are absolutely needed to protect the event area from vehicular traffic because of the location of the outdoor space, the Police Department shall require the establishment to provide barricades that are sufficient for preventing a vehicle from entering the outdoor event space, either accidentally or on purpose.
- h. All electrical must follow the current National Electrical Code, which does not permit the use of extension cords. A licensed electrical contractor must obtain the electrical permit.
- i. All mechanical heating must be located outside temporary tents and completed by a licensed HVAC contractor. **(NO PATIO OR UMBRELLA HEATERS ARE PERMITTED UNDER THE TENTS AT ANY TIME)**
- j. The applicant shall submit a copy of certificate of insurance, providing for the payment of not less than \$1,000,000.00 to satisfy all claims for damage by reason or bodily injuries, to, or the death of, any person as a direct result of the approved Special Event or Seasonal Outdoor Dining Permit and further providing for the payment of not less than \$50,000.00 to satisfy all claims for property damage occurring as a result of the said Special Event or Seasonal Outdoor Dining Permit and naming the Township of Fairfield as an additional insured.

- k. Pursuant to Township Code Book C3-3.6: (specific Noise Prohibition)
Sound reproduction System: operating, playing or permitting the operations or playing of any radio, television, stereo, live entertainment or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance for any person other than the operator of the device. After 11:00pm, such noise or any sound reproduction system is ***NOT PERMITTED***.
- l. Issuance of Special Event or Outdoor Dining Permit shall not be considered a variance under the “Municipal Land Use Law” P.L. 1975 c291 (C.40:55D-1 et seq).”
- m. If the business holds a current on-premise retail consumption license and intends to serve alcoholic beverages in the designated outdoor area, a separate permit must be obtained from the State of New Jersey using the POSSE Online Licensing System (POSSE). A copy of the ABC permit request must be attached to the application before a permit will be issued. Said area must be barricaded accordingly.
- n. A permit may be revoked by the Township if the applicant fails to comply with the terms of approval of the “Special Event or Seasonal Outdoor Dining Permit”. Should any issued be identified after the issuance of a permit that the Township identifies as necessary and proper for the preservation of the public health, safety and welfare, applicant will be required to revise said Special Event or Seasonal Outdoor Dining permit plans to the satisfaction of the Township or failure to do so will result in the revocation of the Special Event or Seasonal Outdoor Dining permit.
- o. Fee of **\$200.00** for Special Event or Seasonal Outdoor Dining Permit made payable to the Township of Fairfield.

Signature of Applicant

Date

***Please include the following with application:**

- 1. Application fee made payable to the Township of Fairfield **\$200.00**
- 2. Include design/sketch of proposed space or outdoor area for any Special Event or Seasonal Outdoor Dining
- 3. Signed Hold Harmless Agreement
- 4. Copy of Certificate of Insurance naming “Township of Fairfield” additionally insured
- 5. Property owner letter permitting use of space or outdoor area (if applicable)

TOWNSHIP APPROVAL

CONSTRUCTION OFFICIAL

ZONING OFFICER

HEALTH OFFICER

FIRE MARSHAL

POLICE CHIEF/DESIGNEE

MUNICIPAL CLERK

**USE OF SPECIAL EVENT OR SEASONAL OUTDOOR DINING PERMIT
HOLD HARMLESS AGREEMENT**

THIS AGREEMENT, by and between the **TOWNSHIP OF FAIRFIELD** (hereinafter referred to as the “Township”) and _____ (herein referred to as “Business Owner”) in connection with premises known as _____ Fairfield, New Jersey (herein referred to as the “Premises”).

WHEREAS, the Business Owner has requested that the Township permit the Business Owner, located at _____ New Jersey (herein referred to as the “property”) to provide a Special Event or Seasonal Outdoor Dining Permit; and

WHEREAS, the Business Owner will be required to complete the Township’s, County of Essex (if applicable) and NJ State Alcohol and Beverage Control (if applicable) necessary forms and applications and obtain all required inspections: and

WHEREAS, the Business Owner is aware that if they are requesting from the Township, permission to set up tables for outdoor seating within the right-of-way of the Township and the Township grants that permission, it would be the responsibility, both physically and financially, of the Business Owner to take the necessary steps to make the area safe for pedestrian and customer use; and

WHEREAS, the Township must inspect and approve all requests for use of public properties or public right of ways; and

WHEREAS, the Business Owner acknowledges that the New Jersey Alcohol and Beverage Control has to approve any use related to alcohol for outdoor seating or an extension or expansion of an existing distribution license; and

WHEREAS, the Business Owner will provide proof of applicable insurance as required by the Township; and

WHEREAS, the Business Owner and his/her successors and/or assigns, agree to indemnify and hold harmless the Township and its officers, agents and employees for any loss, damage, expenses, or liability directly or indirectly arising from or in connection with the permit and use requested by this document.

IN WITNESS WHEREOF, I CERTIFY AND AFFIRM THAT I WILL COMPLY WITH ALL REQUIREMENTS OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY, STATE OF NEW JERSEY.

DATED: _____

Signature of Business Owner

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2021-06**

**AN ORDINANCE CREATING A SPECIAL EVENT/SEASONAL OUTDOOR
DINING PERMIT TO BE PLACED IN CHAPTER 3, SECTION 24, OF THE
CODE OF THE TOWNSHIP OF FAIRFIELD**

WHEREAS, as a result of COVID-19 many eating establishments have created outdoor dining areas,

WHEREAS, the public is satisfied with the outcome, and whether due to continued disease concerns or due to the ambience of outdoor dining, the public generally supports its continuation,

WHEREAS, the Governing Body of the Township of Fairfield wholeheartedly agrees with those sentiments provided public safety is maintained and the number of seats per restaurant are not increased and the necessary parking is not diminished.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

Seasonal Outdoor Dining

SECTION 1. Notwithstanding that the zoning code defines a *Conventional Restaurant* as a business or establishment where food or beverages are sold or dispensed for consumption by patrons who are served *within the building at tables*, all restaurants shall be permitted to create a seasonal dining area provided the total number of restaurant seats remains unchanged and further subject to the following conditions:

- a. The restaurant maintains a valid certificate of occupancy.
- b. Nothing in this section shall authorize the loss of existing parking spaces.
- c. A non-cloth canopy is to be provided and be compliant with the IBC.
- d. The seasonal dining area is to be cordoned off.
- e. All fire codes must be satisfied.
- f. No seasonal dining area shall obstruct driveways, sidewalks or right of ways unless approved by the appropriate authority.
- g. The seasonal dining plan is to be reviewed and approved by the Construction Official, Zoning Official, Township Engineer, Health Inspector, Fire Marshal, Police Chief and Municipal Clerk for basic safety compliance.
- h. Any request for outdoor seating for an area in excess of 900 sq. ft. will also require the review of the Fire Official.
- i. Outdoor seating near vehicular circulation must provide for the following protections, subject to review and approval by the Police Chief or designee:

In cases where barricades are absolutely needed to protect the dining area from vehicular traffic because of the location of the outdoor dining space, the police department shall require the establishment to provide barricades that are sufficient for preventing a vehicle from entering the outdoor dining space, either accidentally or on purpose.

Introduced: 03-22-2021

Adopted: 04-26-2021

- j. All electrical elements must follow the current National Electrical Code, which does not permit the use of extension cords. A licensed electrical contractor must obtain the electrical permit as required to install electrical elements.
- k. All mechanical heating must be located outside the dining area and completed by a licensed HVAC contractor.
- l. File for a permit in accordance with section 3 of this ordinance

SECTION 2. Time. Seasonal outdoor dining is limited to the time period of April 1st through November 30th.

SECTION 3. Permit. In order to create an outdoor seasonal dining area a restaurant must obtain a Seasonal Outdoor Dining Permit. The permit will contain the following:

- a. If the permit is for a limited time or situation, the beginning and end date must be listed on the permit.
- b. The permit must provide written permission from the owner of the property for the space or area to be utilized if different from the applicant.
- c. A sketch describing the area and proposed design of outdoor area. The drawing should include but not be limited to any and all temporary structures, equipment, traffic signs, tents, umbrellas, tables, chairs, electrical outlets, generators, lighting, barricades, means of ingress/egress to outdoor dining area, any approved fire lanes and/or traffic control equipment to be used in connection with its operation. The design must show that the seat from one table may not be any closer than 6 feet to a seat from another table.
- d. The applicant shall submit a copy of certificate of insurance, providing for the payment of not less than \$1,000,000.00 to satisfy all claims for damage by reason or bodily injuries, to, or the death of, any person as a direct result of the approved Seasonal Outdoor Dining Permit and further providing for the payment of not less than \$50,000.00 to satisfy all claims for property damage occurring as a result of the said Seasonal Outdoor Dining and naming the Township of Fairfield as an additional insured.
- e. Pursuant to Township Code Book C3-3.6: (specific Noise Prohibition) Sound Reproduction System: operating, playing or permitting the operations or playing of any radio, television, stereo, live entertainment or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance for any person other than the operator of the device. After 11:00pm, such noise or any sound reproduction system is **NOT PERMITTED**.
- f. If the business holds a current on-premise retail consumption license and intends to serve alcoholic beverages in the designated outdoor area, a separate permit must be obtained from the State of New Jersey using the POSSE Online Licensing System (POSSE). A copy of the ABC permit request must be attached to the application before a permit will be issued. Said area must be barricaded accordingly.
- g. A permit may be revoked by the Township if the applicant fails to comply with the terms of approval of the Special Event/seasonal Dining Permit” and may be revoked at any time the Township or any of its agents identify a violation of the public health, safety and welfare. The applicant is required to advise the Clerk of any change to the approved plan failure to advise the clerk within 7 days will result in the revocation of the Special Event/seasonal Dining permit.


Introduced: 03-22-2021
Adopted: 04-26-2021

SECTION 4. Special Event/ seasonal Dining Permit. A fee of \$200 must be paid for every permit sought. This fee will take effect as of December 1, 2022.

SECTION 5. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, paragraph, subdivision, clause of provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

SECTION 7. This ordinance shall take effect immediately after final passage, approval and publication as required by law.



JAMES GASPARINI
Mayor

ATTEST:



DENISE D. CAFONE
Municipal Clerk

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on March 22, 2021 introduced and read by title and passed first reading and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting that is to be held on April 26, 2021 at 7:00 p.m.; at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

DENISE D. CAFONE
Municipal Clerk

Introduced: 03-22-2021
Adopted: 04-26-2021

INTRODUCTION OF ORDINANCE

ORDINANCE #2021-06, AN ORDINANCE CREATING A SPECIAL EVENT/SEASONAL OUTDOOR DINING PERMIT TO BE PLACED IN CHAPTER 3, SECTION 24, OF THE CODE OF THE TOWNSHIP OF FAIRFIELD

INTRODUCED BY: Councilman LaForgia
SECONDED BY: Councilman Cifelli
PUBLISHED: March 25, 2021

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT WILLIAM GALESE	X				
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN MICHEAL B. MCGLYNN	X				
MAYOR JAMES GASPARINI	X				

2ND READING AND PUBLIC HEARING: April 26, 2021

INTRODUCED BY: Councilman McGlynn
SECONDED BY: Councilman LaForgia
PUBLISHED: April 29, 2021

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT WILLIAM GALESE	X				
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN MICHEAL B. MCGLYNN	X				
MAYOR JAMES GASPARINI	X				