

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 11.10 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(OUTDOOR CAFES IN THE B-1, B-2 AND PC DISTRICTS)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 25, Section 11.10 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 25, Section 11.10 of the Revised General Ordinances of the Township of West Orange to require additional standards to be met regarding outdoor cafes located in the Township.

**II. CHAPTER 25 SECTION 11.10 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING: §25-11.10 BE AND
HEREBY AMENDED AS FOLLOWS:**

- The portion entitled “Outdoor Cafes in the B-1, B-2 and PC Districts” which specifies the requirements for outdoor cafes in the Township of West Orange, shall be repealed and replaced by the following language:

Outdoor cafes shall be permitted subject to the standards and conditions of § 5-10 of Chapter 5, General Licensing, of the Revised General Ordinances of the Township of West Orange and in conjunction with the following conditions:

- a. Adequate access for emergency response personnel must be allowed to the main entrance of the serving establishment from the outdoor serving area as defined by Township fire regulations.
- b. Adequate sidewalk access (at least four feet) must be maintained for easy passage of pedestrians on any public sidewalk or right-of-way.
- c. Some form of formal space delineation, such as a removal fence, may be required during cafe business hours to define sidewalk space from cafe space.
- d. Outdoor or patio type furniture must be used; upholstered furniture is prohibited.

e. Street furniture (seating, tables, fencing, etc.) must be moved into the serving establishment when the outdoor cafe is not open for business.

f. Cleanliness of the outdoor serving area is the responsibility of the serving establishment.

g. Signage, in addition, to that permitted for the serving establishment pursuant to § 25-15, is prohibited.

h. A sketch showing the proposed location of tables, chairs and umbrellas shall be prepared and submitted to the Director of Planning and Development for approval prior to the use of the sidewalk area.

i. The use of the described locations shall be authorized by a sidewalk cafe permit issued by the Director of Planning upon compliance by the applicant with the requirements of ~~t~~This subsection and the payment of an annual fee to be prescribed by Resolution at the approval of the Township Council.

j. Any permit issued by the Director of Planning shall designate the hours of operation of any sidewalk ~~cafe~~cafe or outdoor cafe which shall not exceed the hours of 12:00 p.m.(noon) to 10:00 p.m. but in no event may a sidewalk cafe remain open after 11:00 p.m. on Sunday through Thursday or after 12:00 midnight on Friday, Saturday and legal holidays.

k. Nothing herein shall be deemed to be a waiver of the provisions of any health and/or licensing ordinance regulating the operation of a sidewalk or outdoor cafe.

l. The use of any sound amplification device on sidewalk or outdoor cafes is prohibited.

m. Whenever amplified sound or music is being played inside an establishment with an outdoor cafe or sidewalk cafe, all doors and windows that open to the outside sidewalk or outdoor café shall remain closed, except as necessary for entry and exit.

n. Effective May 30, 2025, the owner or operator of a restaurant that does not sell alcoholic beverages seeking to utilize for purposes other than selling alcoholic beverages in outdoor spaces as an extension of their businesses shall file an application with the Municipal Zoning Officer and such application shall include:

(i) a plan, sketch, picture or drawing that depicts the design, dimensional boundaries, and placement of tents, canopies, umbrellas, tables, chairs, and other fixtures of the outdoor spaces;

(ii) a plan for the control of litter, the removal and storage of garbage, and the cleaning of fixtures and grounds. If a business premises' parking lot is being used for the service and sale of either food or beverages, or both, the owner or operator of a restaurant that does not sell alcoholic beverages shall not encumber more than 75 (75%) percent of the lot's total parking spaces for service and sale, unless the parking lot contains less than eight parking spaces, and shall maintain at least one handicapped parking space in the parking lot.

(iii) written consent of the owner of the premises, if other than the applicant.

(iv) an insurance certificate naming the municipality as an additional insured, with general liability on an occurrence with a limit of liability of at least \$1,000,000, with respect to losses arising solely from the operation of the outdoor dining facility; or an indemnification agreement with the municipality arising solely from the operation of the outdoor dining facility.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

**SUSAN MCCARTNEY
MAYOR**

**JOE KRAKOVIAK,
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: May 6, 2025

ADOPTED: TBD

Legislative History

The purpose of this ordinance is to add additional requirements for establishments located in these B-1, B-2, and PC districts to operate an outdoor cafe. This Ordinance shall apply prospectively.