

NOTICE IS HEREBY GIVEN that Ordinance #14-11 was introduced and passed on first reading on regular meeting of the Mayor and Council on the 20th day of May, 2014, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 17th day of June, 2014, at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE 14-11
AN ORDINANCE AMENDING CHAPTER 195, ARTICLE XXI, OUTDOOR
DINING REGULATIONS

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood that Chapter 195, Land Use and Development, be amended as follows:

Part 4. Supplementary Provisions
Article XXI. Outdoor Dining Regulations
§ 195-168. Regulations.

The following regulations apply to outdoor dining in the Borough:

- A. A minimum four-foot-wide area of unobstructed paved surface will be available for pedestrian movement around or through the outdoor cafe.
- B. No food or drink shall be prepared or stored other than in the interior of the eating establishment.
- C. Outdoor cafes shall be permitted to operate from April 1 to November 30 in any calendar year. The permit, when issued, shall be subject to a renewal each year by the Zoning Officer.
- D. No tables, chairs or other equipment shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk, or property of the Borough.
- E. No outdoor loudspeaker, public address system, radio or similar device shall be utilized.
- F. No outdoor cafe shall be open for business prior to 6:30 a.m., nor remain open for business after 11:00 p.m. All persons occupying the outdoor cafe shall vacate the same no later than 11:30 p.m.

G. The applicant shall remove all chairs and other equipment from the sidewalk within 30 minutes of the time in which the outdoor cafe is vacated at the end of each business day.

H. The Borough shall not require additional parking for outdoor cafe seating.

I. Tables shall be arranged so that the side of each table shall be sited as close as practical to the adjacent wall of the food establishment it is associated with, provided that in no event shall the establishment be allowed more than one table and four chairs for every five feet of storefront of the facility requesting outdoor dining. Benches may be installed in place of tables and chairs, provided that the back of the bench shall abut the wall of the food establishment it is associated with, and further provided that in no event shall the food establishment be allowed benches that exceed the number of seats as permitted in this section, based on a standard that equates 24 inches of seat length to one seat.

J. Tables shall be limited to four-seat tables. The maximum permitted depth of the table, as measured from the nearest wall it abuts, shall be 40 inches.

K. The applicant shall be responsible for keeping the area of the outdoor cafe and the adjacent walks and streets free and clear of any debris or litter occasioned by the cafe. Areas must be cleaned as needed and at the time that business is closed for the evening.

L. No signs shall be permitted in the area of the outdoor cafe except for signs on the awnings complying with Article XIX, Sign Regulations, of this chapter of the Code of the Borough of Westwood.

M. No carts or other physical features, other than those which are specifically permitted herein, shall be permitted to be placed within the sidewalk area.

N. Table umbrellas are permitted for outdoor cafes on sidewalks, subject to the following:

(1) Umbrellas for outdoor cafes, as regulated herein, shall be permitted only in the CBD District and the CBD/SPE District.

(2) Umbrellas shall only be permitted at the permitted outdoor cafe tables, and the number of umbrellas shall be no more than the number of tables permitted.

(3) The size of the umbrella shall allow at least a vertical clearance under the umbrella of six feet eight inches. The width of the umbrella and its placement shall be such as to leave a four-foot-wide, unobstructed path of sidewalk parallel to the curb across the entire frontage of the property in question.

~~(4) The umbrellas on premises shall be a maximum of three colors.~~

(4) All umbrellas shall be vented and properly secured with pins or bolts through the table framework, with weighted umbrella stands of at least 20 pounds directly beneath the table to prevent toppling in high winds.

(5) Umbrellas shall not be illuminated, and signs are only permitted on the valance of the umbrella.

(6) The maintenance and daily removal of umbrellas shall be in conformance with the standards of this article.

O. A moveable barrier to define the dining space shall be required.

P. Smoking shall be prohibited in any outdoor dining space

Q. All establishments holding a valid liquor license must comply with all statutory provisions and regulations of the Alcoholic Beverage Control Commission and obtain any and all necessary licenses and/or permits pursuant thereto in order to serve alcohol in conjunction with an outdoor dining permit.

R. The consumption of alcoholic beverages on public sidewalks for BYOB establishments is regulated by Chapter 87 of this code.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk