

**ORDINANCE NO. 3644-23**

**AN ORDINANCE TO AMEND CHAPTER 65 “OUTDOOR CAFES” OF THE  
BOROUGH CODE OF THE BOROUGH OF RUTHERFORD**

**WHEREAS, the governing body of the Borough of Rutherford deems it to be in the best interests of the Borough to amend Chapter 65 entitled “Outdoor Cafes”**

**NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Rutherford, County of Bergen, State of New Jersey, as follows:**

**Section 1. Section 65-5 of the Borough Code is hereby amended as follows:**

**§ 65-5 Application for licensing.**

[Amended 5-19-1998 by Ord. No. 2839-98]

**A.**

Application for the license required hereunder shall be made to the Construction Code Official and be signed by the applicant. The application shall be in such form and shall contain the following information:

**(1)**

The full name, residence address and telephone number of each individual, owner or partner, or if a domestic corporation, the names, residence addresses and telephone numbers of the directors and officers owning a 10% or greater interest in the corporation and the chief operating executive of the corporation.

**(2)**

A copy of the trade, corporate, business or fictitious name upon which the applicant intends to do business pursuant to this chapter.

**(3)**

The address of each place where the applicant intends to establish or operate an outdoor cafe.

**(4)**

The full name and address of the person owning the premises, if other than the applicant, and the consent of the owner of the premises to the application.

**(5)**

Three sets of a proposed layout plan containing drawings clearly illustrating the number and location of all tables, chairs and umbrellas intended to be located in the outdoor cafe. The drawings shall also illustrate the following:

**(a)**

The location of any doors leading from the eating establishment to the outdoor cafe. No such doors may be obstructed in any manner.

**(b)**

The number of feet permitting free passage of pedestrian traffic around or through each outdoor cafe.

**(6)**

If the applicant for a café license is also requesting a parklet or just a parklet, the applicant must submit plans showing the dimensions of the concrete barrier curb extensions and the layout of the tables within the parklet, and such other plans and specifications for said parklet as may be requested for review by the Police Department and the Building Department.

[Added 4-26-2021 by Ord. No. 3553-21]

**B.**

The application form, together with an application fee of \$100, shall be filed with the Borough of Rutherford Construction Code Official.

**C.**

Any applicant receiving a license for a parklet shall pay to the Borough, on the first of each month, the sum of \$300 per month, or any part thereof, for each parking space at which a parking meter exists, that is being occupied by the parklet, in order to compensate the Borough for the estimated loss of meter revenue. Failure to pay will result in revocation of license.

[Added 4-26-2021 by Ord. No. 3553-21; amended 3-28-2022 by Ord. No. 3604-22]

**D. In order to defray the labor and other costs to the Borough, when parklet barriers are to be stored by the Rutherford Department of Public Works, the applicant shall pay, at the time of application for the parklet, the sum of \$400.00 for each reserved parking space.**

**Section 2. All ordinances and parts of ordinances inconsistent herewith are repealed.**

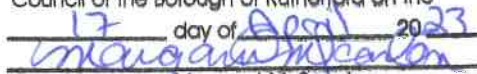
**Section 3. This Ordinance shall take effect immediately after passage and publication according to law.**

**ATTEST:**

**BOROUGH OF RUTHERFORD**

  
Margaret M. Scanlon, Borough Clerk

  
Frank Nunziato, Mayor

I hereby certify that this is a true and exact copy of an ordinance adopted by the Mayor and Council of the Borough of Rutherford on the 17 day of April, 2023  
  
Margaret M. Scanlon  
Borough Clerk