

TOWNSHIP OF MAPLEWOOD

ORDINANCE

2235-03

**AN ORDINANCE
TO AMEND ORDINANCE CHAPTER 187
OF THE CODE OF THE
TOWNSHIP OF MAPLEWOOD
Entitled
AOUTDOOR CAFES@**

"Interpretive Statement"

This Ordinance is designed to clarify Rules and Regulations with regard to outdoor cafes that may be located on Springfield Avenue.

BE IT ORDAINED by the Township Committee of the Township of Maplewood (Township), in the County of Essex and State of New Jersey that Chapter 187 of the Code of the Township of Maplewood entitled AOutdoor Cafes@ be amended as follows:

FIRST:

Section - 187-2 Definitions; Word Usage:

- A. Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give them the meanings they have in common usage and to give this Chapter its most reasonable application;
- B. As used in this Chapter, the following shall have the meanings indicated:

OUTDOOR CAFÉ - An eating establishment where food or other refreshments are served upon the public right-of-way; namely the sidewalks immediately in front of any restaurant, café or place of business where food and/or other refreshments are served, or in a public plaza immediately adjacent to any restaurant, café or place of business where food and/or other refreshments are served, or in the case of a restaurant, café or place of business where food and/or other refreshments are served located on a corner any sidewalk abutting the establishment but not encroaching upon a residential area. Said outdoor area shall be considered as part of the building structure and shall be limited in use only for patrons for the eating establishment. No seating provided in said outdoor café shall be used for the seating requirements of the Fast-Food Ordinance.

PUBLIC PLAZA - That area of the public right-of-way reserved for pedestrian traffic from the curb to the front of the building housing an eating establishment, but excluding that portion of the public right-of-way occupied by shade trees, fire hydrants, parking meters and utility poles.

Section - 187-5 Eligibility Standards - No license shall be issued hereunder unless the licensee shall demonstrate that a minimum of four feet of unobstructed paved surface will be available at all times for pedestrian traffic. No food or drink served at such outdoor café shall be prepared or stored other than in the interior of the eating establishment.

SECOND: Severability - If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD: Repeal of Prior Ordinances - All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH: Effective Date - This Ordinance shall take effect after final passage and publication according to law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read for the first time at a meeting of the Township Committee of the Township of Maplewood, held on November 17, 2003 and the Committee met again on December 2, 2003 at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk