



THE TOWNSHIP OF MILLBURN

375 MILLBURN AVENUE
MILLBURN, NEW JERSEY 07041

OFFICE OF TOWNSHIP CLERK

(973) 564-7073
FAX (973) 564-7468

January 1, 2026

Re: 2026 Sidewalk Café License

Dear Sir/Madam:

Enclosed please find the application required in order to operate a sidewalk café in the Township of Millburn. If you wish to obtain a license to operate a sidewalk café, please return a fully executed application to the Clerk's Office along with the required documents and fee. Please refer to the attached checklist to be initialed and included with your completed application. Also included is the fee schedule so you may calculate the appropriate fees. This is only for Sidewalk Café.

A friendly reminder that tables and chairs shall not be placed outside until a current license is issued by the Township of Millburn.

Please return your completed application(s) to the Municipal Clerk's Office as soon as possible for processing. Please feel free to contact my office at (973) 564-7092 or Kayla Wrigley at kwrigley@millburntp.org with any questions.

Sincerely,

Jessica Cruz, RMC
Deputy Municipal Clerk

REMINDER: As per 4-40.5 (a) Requirements and Specifications:

"All furniture, equipment or decoration used in connection with a sidewalk cafe shall be located in such a way that there shall be a minimum of five (5') feet of paved sidewalk for use by the public between the curb and the operations of the sidewalk cafe and shall not exceed the width of the storefront unless the owner of the property adjacent to the sidewalk cafe files a written consent to the application for the adjacent property."

Enclosure(s)



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townclerk@millburntwp.org

"CHECK LIST" OF DOCUMENTS TO BE SUBMITTED WITH SIDEWALK CAFÉ LICENSE **PLEASE SUBMIT CHECK LIST WITH ALL DOCUMENTATION AND FEES**

Initial Below:

- _____ Completed application for Sidewalk Café
- *Ensure application is signed and dated*
- _____ Fees (license fee)
- *License Fee (Based on tables and chairs, refer to page 5)*
- _____ Certificate of Insurance
- ***Millburn Township & Essex County** listed as additional insured*
- *Ensure limits are as per the attached ordinance*
- _____ Notarized Indemnification Hold Harmless Agreement
- *Notary services available at Millburn Town Hall Customer Service (1st floor)
(refer to page 6)*
- _____ Sketch of Tables for Sidewalk Café
- *Provide detailed sketch attached or on separate paper with required measurements
(refer to page 4)*
- _____ **CURRENT LIQUOR LICENSE HOLDERS:** If you wish to serve beverages outside the original approved licensed premises you are required to submit a petition to extend the licensed premises to the state.
To apply for a petition to extend your licensed premises visit:
<https://www.njoag.gov/about/divisions-and-offices/division-of-alcoholic-beverage-control-home/posse-online-licensing-system/> or call the state directly with questions at 609-984-2830.
Please initial confirming your understanding of this requirement if you are a liquor license holder or put N/A for those that are not liquor license holders.
- _____ Completed "Check List"
- *Make sure all required documents are included and each item is initialed*

****Applications will not be processed until all necessary documentation is received****



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APPLICATION TO OPERATE A SIDEWALK CAFÉ

Name of Business _____

Address of Business _____

Name/ Address of Owner _____

Phone # _____ Email: _____

1. Describe below how many temporary structures, equipment and apparatus are to be used in connection with the operation of the Sidewalk Café.

Tables	_____	Size	_____	Chairs	_____	Size	_____
Benches	_____	Size	_____	Umbrellas	_____	Size	_____
Fences	_____	Size	_____	Barriers	_____	Size	_____
Planters	_____	Size	_____	Other	_____	Size	_____

2. Seating Capacity of existing establishment _____

3. Seating Capacity of proposed Sidewalk Café _____

4. Retail Food Establishment License Number _____

Signature of Applicant/Date

Signature of Owner/Date

FOR OFFICE USE ONLY

License Fee Total: _____ *

**License Fees (Refer to Page 5)*

Reviewed/Recommendation to grant ☐ deny ☐

Reviewed/Recommendation to grant ☐ deny ☐

Reviewed/Recommendation to grant ☐ deny ☐

Reviewed/Recommendation to grant ☐ deny ☐

Reviewed/Recommendation to grant ☐ deny ☐

Municipal Clerk

Construction/Zoning Official

Health Official

Police Chief

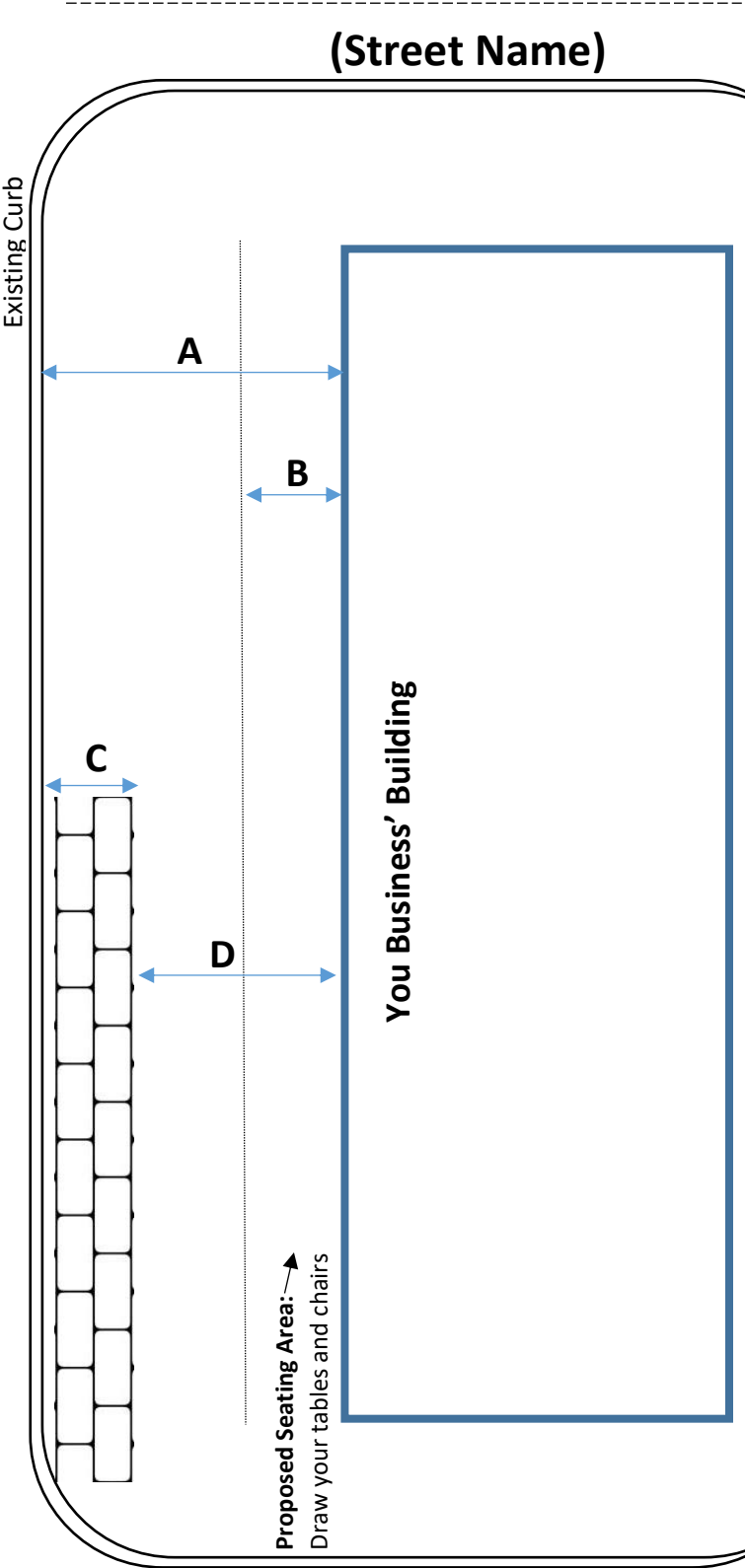
Fire Official

Code Enforcement

THIS PAGE IS A REQUIREMENT.
APPLICATION WILL NOT BE
COMPLETE UNTIL THIS IS
FILLED OUT.



(Street Name)



Please Measure (in Feet):

A: The distance from your building to the curb **A=** _____

B: The distance of your seating area. **B=** _____

C: The width of pavers, if applicable **C=** _____ (if you don't have pavers you don't need to fill out this letter)

D: The distance between the pavers and your seating area. If you do not have pavers, measure the distance from your end of your seating area to the curb (the requirement is 5feet). **D=** _____

BUSINESS NAME: _____

SIGNATURE: _____



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***Sidewalk Café Rates/Fees:**

1 to 8 Seats w/no more than 2 tables	\$150.00
9 to 12 Seats w/no more than 3 tables	\$200.00
13 to 16 Seats w/no more than 4 tables	\$250.00
17 to 20 Seats w/no more than 5 tables	\$300.00
21 or more Seats w/no more than 6 tables	\$500.00



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INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

AGREEMENT made _____, 20____,

BETWEEN

(Business Name),
located at

(Business Address)

AND

THE TOWNSHIP OF MILLBURN, in the County of Essex, State of New Jersey
(the "Township")

AND

THE COUNTY OF ESSEX, State of New Jersey (the "County")

The undersigned hereby releases the Township and their respective officers, employees and agents (collectively, the "Township Parties"), as well as the County and their respective officers, employees and agents (collectively, the "County Parties"), from any liability of any kind whatsoever arising out of, based upon, or resulting from the operation of a Sidewalk Cafe at

_____ in the Township of Millburn.

The undersigned further agrees to forever defend, indemnify and save harmless the Township of Millburn and the County of Essex, their officers, agents and employees, from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of, the licensee's operation of such sidewalk cafe.

Sworn and subscribed to before me this

(Signature)

_____ day of _____, 20____

(Print Name)

Signature of Notary Public

(Title)

(Seal)



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CONSENT FOR SIDEWALK CAFÉ EXTENSION

This Agreement made this _____ day of _____, 20____ between

(Sidewalk Café Operator) and

(Adjacent Property Owner).

Whereas, the Sidewalk Cafe Operator located at _____
has requested permission to extend their Sidewalk Cafe in front of the Adjacent Property
Owner's property located at _____

NOW, THEREFORE, the parties agree as follows: The Adjacent Property Owner agrees
to the location of the Sidewalk Cafe in front of his property on condition that the Sidewalk Cafe
Operator - (1) indemnifies and holds the Adjacent Property Owner harmless for all activities
related to the Sidewalk Café; and (2) maintains the required insurance for the operation of a
Sidewalk Cafe at both locations; and (3) the Adjacent Property Owner agrees to the extension
from _____ to _____.
(Date) (Date)

SIDEWALK CAFÉ OPERATOR SIGNATURE

Sworn and subscribed to before me
this
_____ day of _____, 20____

Signature of Notary Public

(Seal)

ADJACENT PROPERTY OWNER SIGNATURE

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2639-23
ORDINANCE AMENDING SECTION 4-40
OF THE MILLBURN TOWNSHIP ORDINANCE CODE RELATING TO SIDEWALK CAFES**

STATEMENT OF PURPOSE: *the purpose of this Ordinance is make amendments to Chapter 4-40 "Sidewalk Cafes" of the Township's code. These amendments will add fees and regulations for those qualified businesses that place tables and chairs on an authorized street closure in the Township. The road closure must be longer than two (2) weeks and fees will paid at a per table rate of \$50.00 for any additional tables that utilize the roadway and are in addition to a qualified business's normal café seating.*

WHEREAS, the Township Committee of the Township of Millburn wishes to provide a fee structure for additional tables placed in any authorized, extended road closure in the Township; and

WHEREAS, the additional per table fee under section 4-40.6 will go into effect immediately upon adoption of this ordinance; and

WHEREAS, any changes under section 4-40.4 will not go impact any business that has applied for or received a café license already for 2023; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Millburn in the County of Essex and State of New Jersey as follows:

Section 1. Article 4-40 "Sidewalk Cafe", is hereby amended and supplemented by deleting existing text as per ~~strike throughs~~ and adding new text as underlined below.

4-40 SIDEWALK CAFES.

4-40.1 Definition.

SIDEWALK CAFE

Shall mean a restaurant, fast-food restaurant, ~~or~~ retail food or other properly zoned establishment which is a permitted use under the Township's Development Regulations and Zoning Ordinance. ~~and Restaurants, fast-food restaurants or retail food must hold which holds~~ a valid license to serve food to be consumed by the public at tables located within the restaurant's lot area or on the sidewalk in front of the restaurant. No other businesses shall be permitted to serve food or drinks unless properly zoned and licensed by the Health Department.

4-40.2 License Required; Term.

No person shall operate a sidewalk cafe within the Township without having first obtained a sidewalk cafe license in accordance with the requirements of this section. The license shall be issued by the Township Committee and may contain conditions. The license shall not be transferable and shall be for the period of January 1st through December 31st of the issuing year. The license shall, however, be subject to future amendments to this section or other applicable

regulations.

4-40.3 Application for License.

Each applicant for a sidewalk cafe license shall submit an application to the Township Clerk on forms furnished by the Township Clerk at least two (2) months prior to the commencement of the license period together with the license fee. The application shall set forth:

- a. The name and address of the applicant.
- b. The name and address of the owner of the restaurant of which the sidewalk cafe is a part.
- c. The written consent to the application by the owner of the restaurant (if other than the applicant).
- d. A description of the dimensions of the area and all temporary structures, equipment and apparatus to be used in connection with operation of the sidewalk cafe, including (but not limited to) tables, temporary fences and barriers, planters, benches, chairs and umbrellas (if any).
- e. A statement of the seating capacity of the proposed sidewalk cafe and of the existing restaurant.
- f. A sketch drawn to scale (but not necessarily by a professional) of the proposed design and location of the sidewalk cafe, including the location of all appurtenances, demonstrating that pedestrian traffic will not be impeded and that the provisions of subsection **4-40.5a** will be satisfied. The sketch required by this paragraph shall be reviewed by the Construction Code Official/Zoning Officer.
- g. The entire application shall be reviewed by the Police Department for public safety and Alcoholic Beverage Control issues, the Fire Official for public fire safety, and the Health Officer for health issues. The review and report on the applications shall be completed by Township Officials and acted on by the Township Committee within one month of filing of the application.
- h. Enforcement of the requirements and specifications for sidewalk cafes shall be the responsibility of the Police Department, Fire Official, Health Officer, Zoning Officer and Code Enforcement Officer.

4-40.4 License Fees.

The following fees are set for Sidewalk Café Licenses (refer to 40-40.6 for Temporary Street Closure Additional Fees):

~~Application Fee—~~ ~~\$50.00~~

~~Café Rates/Fees—~~

1 to 8 seats with no more than 2 tables ~~\$100.00~~ \$150.00

9 to 12 seats with no more than 3 tables ~~\$150.00~~ \$200.00

13 to 16 seats with no more than 4 tables ~~\$200.00~~ \$250.00

17 to 20 seats with no more than 5 tables ~~\$250.00~~ \$300.00

21 or more seats with 6 or more tables ~~\$400.00~~ \$500.00

4-40.5 **Requirements and Specifications.**

- a. All furniture, equipment or decoration used in connection with a sidewalk cafe shall be located in such a way that there shall be a minimum of five (5') feet of paved sidewalk for use by the public between the curb and the operations of the sidewalk cafe and shall not exceed the width of the storefront unless the owner of the property adjacent to the sidewalk cafe files a written consent to the application for the adjacent property.
- b. No sidewalk cafe license shall be issued unless the licensee shall have first filed with the Township Clerk a copy of an insurance policy or certificate of insurance, issued by a company duly authorized to transact business under the laws of New Jersey, providing for the payment of not less than one million dollars (\$1,000,000.00) to satisfy all claims for damage by reason of bodily injuries to, or the death of, any person as a direct or indirect result of the operation of the sidewalk cafe or for injury to any person occurring on the premises occupied by such cafe, and further providing for the payment of not less than ten thousand dollars (\$10,000.00) to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such cafe. The policy and certificate shall name the

Township of Millburn as an additional insured and provide for ten (10) days' written notice plus three (3) days mail service of any proposed cancellation of the policy to the Township Clerk. Any business that is on or abuts a county road shall list the County of Essex County as additional insured on the policy submitted to the Township.

- c. No sidewalk cafe license shall be issued unless the licensee shall have first executed and filed with the Township Clerk an indemnification agreement on the form provided by the Township Clerk pursuant to which the licensee shall agree to forever defend, protect, indemnify and save harmless the Township of Millburn, its officers, agents and employees, from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of, the licensee's operation of such sidewalk cafe.
- d. The property shall be maintained as required by applicable Township regulations including the Property Maintenance Code and Chapter 12 of the State Sanitary Code.
- e. ~~Wine and beer are the only alcoholic beverages which may be consumed at a sidewalk café on the condition that table service is provided.~~ BYOB privileges for wine or malt alcoholic beverages are allowed in Outdoor Dining Areas and Sidewalk Cafe Areas subject to N.J.S.A. 2C:33-7. Any licensed premises must secure and provide copies to the Municipal Clerk of all necessary permits from the New Jersey Division of Alcoholic Beverage Control to extend their licensed premises in accordance with applicable New Jersey law.
- f. Operating hours shall be between the hours of 7:00 a.m. and 11:00 p.m.
- g. The licensee shall be responsible for maintaining good order and control of patrons and the sidewalk cafe premises.
- h. Enforcement of the requirements and specifications for sidewalk cafes shall be the responsibility of the Police Department, Health Officer, Fire Official, Zoning Officer and Code Enforcement Officer. The review and report on the applications shall be completed by Township Officials and acted on by the Township Committee within one month of the filing of the application.
- i. Food preparation, cooking or storage of any food items is prohibited outside the establishment at all times.

4-40.6 Temporary Street Closure Expanded Dining

- a. Businesses that have been approved or received their license for a sidewalk cafe that wish to apply and place additional seating within in a street closure shall submit an addendum sheet to their application, along with the appropriate additional fees, to the Municipal Clerks Office for consideration and approval by the Township Business Administrator. The Business Administrator, in consultation with the Special Improvement District Executive Director, shall have the discretion to regulate the use of this area.
- b. Any outdoor seating by a qualified business that utilizes the roadway portion of a Township approved temporary street closure that exceeds two (2) weeks will be required to pay an

additional fee of \$50.00 per table not to exceed eight (8) seats per table.

- c. All other requirements and specifications of Section 40-40.5 must be adhered to for tables placed within any road closure.
- d. Fees associated with the placement of additional tables within a road closure that exceeds two (2) weeks will not be prorated.
- e. Additional Certificates of Insurance(s) and Hold Harmless(s) may be required to be submitted to the township listing the County of Essex and Township of Millburn as additional insured to ensure the additional road closure areas are properly insured by the business in compliance with 40-40.5(b).

4-40.67Revocation of License; Notice of Hearing; Penalty.

- a. Licenses issued under the provisions of this section may be revoked by the Township Business Administrator after hearing on notice for any of the following causes:
 - 1. Fraud, misrepresentation or false statement contained in the application for license.
 - 2. Any violation of this section or applicable law or Township regulation.
- b. Notice of the hearing for revocation of license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.
- c. The penalty upon an adverse finding for a first offense shall range from a letter of reprimand to a suspension of from one (1) to thirty (30) days of the sidewalk cafe license, for a second offense a suspension of from thirty (30) to sixty (60) days and for a third offense a suspension of sixty (60) days to one (1) year.

Introduced: 05/16/2023

Published: 5/24/2023

Public Hearing/Adopted: 6/20/2023

Published: 6/29/2023