



# BOROUGH OF HADDONFIELD

Camden County, New Jersey

February 27, 2023

2023-01

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF HADDONFIELD, IN THE COUNTY OF CAMDEN, STATE OF NEW JERSEY CHAPTER 151 "OUTDOOR EATING AND SEATING FACILITIES" TO BE AMENDED TO CHAPTER 151 "OUTDOOR DINING", SECTIONS 151-1 "PURPOSE", 151-2 "APPLICABILITY", 151-3 "OPERATION, FURNITURE, AND LITTERING REGULATIONS", 151-4 "PERMIT REQUIRED", 151-5 "APPLICATION PROCESS; FEE", 151-6 "MATERIAL STANDARDS", 151-7 "APPROVAL PROCESS", 151-8 "APPEALS", 151-9 "MAINTENANCE, COMPLIANCE AND ENFORCEMENT", 151-10 "VIOLATIONS AND PENALTIES", OF THE CODE OF THE BROUGH OF HADDONFIELD**

**WHEREAS**, the Board of Commissioners of the Borough of Haddonfield (hereinafter "Borough") deems it appropriate to allow out, necessary, and proper to amend Chapter 151 "Outdoor Eating and Seating Facilities" of the Borough Code;

**BE IT ORDAINED** by the Board of Commissioners of the Borough of Haddonfield in the County of Camden, State of New Jersey as follows:

## **SECTION I**

Chapter 151, "Outdoor Eating and Seating Facilities" is hereby amended to Chapter 151 "Outdoor Dining".

## **SECTION II**

Chapter 151 "Outdoor Dining" Section 151-1 "Purpose", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:

### **§ 151-1 Purpose.**

This chapter permits certain outdoor dining adjacent to existing restaurants and businesses selling prepared food in order to encourage the viability of restaurants and food-service establishments and to enhance the vitality of the Borough of Haddonfield. This chapter also permits an Outdoor Dining Facility adjacent to a brewery, distillery and winery salesroom, provided the Division of Alcoholic Beverage Control (ABC) has also granted approval for outdoor seating and dining for the same. All such facilities described will herein be referred to as "Outdoor Dining Facilities".

## **SECTION III**

Chapter 151, "Outdoor Dining" Section 151-2 "Applicability", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:



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## **§ 151-2 Applicability.**

- A. The provisions of this chapter apply only to outdoor dining on public property and/or within the public right-of-way. Outdoor Dining Facilities proposed at or on private property is subject to Chapter 135, Land Development, of the Code of the Borough of Haddonfield.
- B. Outdoor Dining Facilities regulated by this chapter shall only be operated by, and adjacent to, existing, approved, breweries, distilleries, winery salesrooms and restaurants, and/or retailers which sell prepared foods.
- C. Outdoor lighting, furniture, fixtures and equipment for Outdoor Dining Facilities lighting for such facilities is also subject to this Chapter and any such items shall be unlawful in the Borough of Haddonfield without first making application for and obtaining an Outdoor Dining Facility permit.

## **SECTION IV**

Chapter 151, "Outdoor Dining" Section 151-3 "Operation, furniture, and littering regulations", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:

## **§ 151-3 Operation, furniture, and littering regulations.**

All Outdoor Dining Facilities permitted by this chapter must comply with the following:

- A. A safe, continuous, and level path not less than four (4) feet in width on the public right-of-way (sidewalk) shall be maintained for pedestrian traffic to pass in front of the property operating the Outdoor Dining Facility.
- B. No outside furniture or other item may be located within two feet of the curb line, with the exception of approved planters.
- C. All outside furniture or other items shall be removed from the public right-of-way (sidewalk) at the end of business each day and stored inside the business.
- D. Logos, words, signs or symbols may not be visible on any furniture or other outdoor items.
- E. All trash and litter must be contained, cleaned up and/or removed for appropriate storage so that there is no blowing paper or other trash on or coming from the site.
- F. Disposable items including, but not limited to dishes, cutlery, cups, table covers, and napkins:



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- (1) Shall not be used as part of any outdoor eating facilities or seating facility where employees of the business serve patrons.
- (2) May be used by patrons using outdoor furniture where restaurant food and drinks or alcoholic drinks are obtained inside the business premises and there is a satisfactory plan to ensure that these disposable items do not become litter. Businesses meeting this requirement must include appropriately located trash receptacles in their plan along with regular monitoring and cleanup by employees of the business.

G. Pedestrian traffic shall not be impaired due to the operations of restaurants serving food and drinks or brewery, distillery or winery salesrooms serving drinks or during set up or removal of the outdoor furniture, fixtures and equipment.

H. There must be a satisfactory operating plan that covers the following for each Outdoor Dining Facility:

- (1) Cleaning and preventing the accumulation of trash, garbage and/or litter;
- (2) Ensuring that pedestrian traffic will not be impaired; and
- (3) Removing all furniture, fixtures, and equipment such as tables, chairs, storage items, and other items from the right-of-way when the operations cease each day with the exception of approved planters and lighting.

## SECTION V

Chapter 151, "Outdoor Dining" Section 151-4 "Permit Required", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:

### **§ 151-4 Permit Required.**

It shall be unlawful to place furniture and other items on the outside of any property to be used in connection with a proposed, or existing Outdoor Dining Facility in the Borough of Haddonfield without first making application for and obtaining an Outdoor Dining Facility Permit, to be done annually. Outdoor Dining Facilities must also meet all other applicable statutes, regulations and ordinances.



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## SECTION VI

Chapter 151, "Outdoor Dining" Section 151-5 "Application process; fee", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:

### § 151-5 Application process; fee.

- A. All businesses desiring to operate an Outdoor Dining Facility shall obtain permission therefor annually on a calendar-year basis from the Borough of Haddonfield by submitting a written application to the Zoning Officer. All applications for Outdoor Dining Facility permits, including applications for outdoor lighting of these facilities shall be submitted on such forms and in such quantity and with such attachments as may be required by the Borough of Haddonfield. The application will contain a hold-harmless provision, as determined by the Borough Solicitor, that the applicant must agree to as part of the application.
- B. The fee for an initial Outdoor Dining Facility permit application shall be \$75, which is the application for all requests related to outdoor dining. The fee for a renewal application for substantially the same arrangement shall be \$25 each year thereafter. For an application to be considered a renewal application, it must include substantially the same information as was on the initial application with no change in the furniture, fixtures, and equipment including but not limited to the tables, chairs, umbrellas, storage items, including colors, fabrics, materials, etc. or the lighting materials or display method.
- C. Once an application for an outdoor dining facility permit application is submitted, the Zoning Officer shall review it within 10 days in order to determine whether it is complete. A complete application for an outdoor eating or seating facility permit shall consist of the following items:
  - (1) A scale drawing of:
    - (a) The entire right-of-way from the building facade to the curb line in front of the building (or other proposed outdoor location) where approval for an outdoor dining facility and/or outdoor lighting is desired.
    - (b) The location of all existing and proposed features, such as trees, tree wells, planters, sidewalk materials and conditions, sidewalk width, benches, trash cans, signs, hydrants, utility poles and similar publicly installed fixtures.



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- (c) The location, size, layout, etc., of proposed tables, chairs, umbrellas, planters, storage items, etc.
  - i. Planters may be placed along the curb and to section off seating perpendicular to the curb but may not protrude into the four (4) foot pedestrian path.
  - ii. Businesses located in areas known as Haddy Lane and Kings Court may not have planters.
- (2) Drawings, photographs, or catalog cuts of the proposed tables, chairs, umbrellas, planters, storage items, including colors, fabrics, materials, etc. and/or of the proposed lights and poles to be used. Specifications should detail how many light strings can be strung together safely.
- (3) Details of the operational plan for serving of food and/or drinks, for cleaning any accumulation of trash, garbage and/or litter; for ensuring that pedestrian traffic will not be impaired; and for removing all tables, chairs, storage items, and other items which must be removed when the operations cease each day.
- (4) Details of the number of lighting strings to be used if outdoor lighting is requested or required.
- (5) Details on installation of any and all lighting poles requested or required to provide the applied for outdoor lighting. These poles include but are not limited to:
  - i. Poles are required to uphold outdoor lighting.
  - ii. Poles can be mounted to planters or secured within the planters.
- (6) A certificate of insurance or written commitment from the applicant's insurer that a certificate of insurance will be issued upon approval of the permit, providing for a minimum of \$1,000,000 of general liability coverage applicable to the outdoor dining facility and including a written provision including the Borough of Haddonfield as an additional named insured to cover any claims related to the outdoor dining facility in order to safeguard and protect the public.



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- (7) Signature of the applicant or the owner of the proposed outdoor dining facility (who is presumed to be the applicant).
- (8) Signature of the owner, or designated representative, of the tax lot for which the application is made.

## **SECTION VII**

Chapter 151, "Outdoor Dining" Section 151-6 "Material Standards", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:

### **§ 151-6 Material Standards.**

#### A. Tables and chairs

- (1) must be made of powder-coated steel, metal, resin, or steel of commercial grade.
- (2) Tables and chairs shall be one color.

#### B. Umbrellas

- (1) must be made of nylon, polyester or pongee with aluminum poles.
- (2) Umbrellas may be table umbrellas or tilt cantilever.

#### C. Planters

- (1) Must be made of fiberglass, metal or heavy plastic.
- (2) Shall be all one color and must be charcoal, dark grey or black.
- (3) Maximum total height of plant and planter shall not exceed four (4) feet with a minimum of three (3) feet.
- (4) Shall be square or rectangular in shape.



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## D. Outdoor lighting

- (1) Must be exterior commercial quality, waterproof design only.
- (2) Must be Edison Vintage Look or Globe Bulbs with black strings.
- (3) Lighting color must be between 2200 Kelvin and 3100 Kelvin (warm glow).
- (4) At no point shall outdoor lighting be connected to, hang from, or wrapped around a tree.

## E. Poles

- (1) Must be erected and maintained at a 90-degree angle.
- (2) Must be high enough to allow a sag no lower than ten (10) feet from the ground.
- (3) Pole color must be black.

### **SECTION VIII**

Chapter 151, "Outdoor Dining" Section 151-7 "Approval Process", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:

#### **§ 151-7 Approval Process.**

- A. Once the Zoning Officer or his/her designee, deems the application complete, the Zoning Officer or his/ her designee shall review the application to determine if it conforms to the appropriate sections of this chapter. The Zoning Officer or his/her designee shall issue a permit upon approval of the application or a written decision indicating why the permit has been determined to be unconforming.

### **SECTION IX**

Chapter 151, "Outdoor Dining" Section 151-8 "Appeals", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:



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## **§ 151-8 Appeals.**

- A. Any applicant whose application for an outdoor dining facility permit has been deemed incomplete by the Zoning Officer; or has been deemed to be nonconforming by the Zoning Officer; may appeal such decision, in writing, to the Board of Commissioners
- B. All such appeals shall be made within 30 days of the date of the written decision upon which the appeal is based and shall be on such forms as may be required by the Board of Commissioners.
- C. The Board of Commissioners may, in its review of a written appeal, consider the Zoning Officer's written denial; and any other information deemed to be relevant to the Board's review.
- D. The decision of the Board of Commissioners shall be transmitted, in writing, to the applicant.

## **SECTION X**

Chapter 151, "Outdoor Dining" Section 151-9 "Maintenance, compliance and enforcement", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:

## **§ 151-9 Maintenance, compliance and enforcement.**

- A. All outdoor dining facilities and their accompanying outdoor lighting shall be maintained and operated by the permit holder according to the approved permit(s). This maintenance shall include keeping the furniture and other items clean and in good repair, as necessary and keeping light strands that are in operating order and other items clean and in good repair, as necessary.
- B. If the Enforcement Officer determines that any outdoor dining facility is in a state of disrepair, unclean or not in compliance with the operating plan, layout and approved items per the permit, the Enforcement Officer shall give written notice to the permit holder of the unsatisfactory condition of the facility and/or the violation of the terms of the permit. And further the Enforcement Officer determines that any outdoor lighting or poles are in a state of disrepair, unclean or not in compliance with the operating plan, layout and approved items per the permit, the Enforcement Officer





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shall give written notice to the permit holder of the unsatisfactory condition of the facility and/or the violation of the terms of the permit.

- C. The permit holder shall thereafter have five days to correct the unsatisfactory condition or permit violation. If the unsatisfactory condition or violation is not so corrected within the five-day period, the Enforcement Officer may thereafter suspend the permit, and the outdoor dining facility must cease operation. No furniture, lighting or other items may be placed in the right-of-way until the Enforcement Officer agrees that the violation is corrected.
- D. The Enforcement Officer shall also report the violation to the Board of Commissioners who may, at its discretion, revoke the permit, continue the suspension or lift the suspension, pursuant to the provisions of this chapter.
- E. The Enforcement Officer may, in addition to suspending the permit or, as an alternative, file a Municipal Court complaint against the permit holder.
- F. The Enforcement Officer may file a complaint in Municipal Court against any individual or entity that places furniture, lighting or other items in the right-of-way for the purpose of operating an outdoor dining facility as provided for in this chapter, without obtaining a permit pursuant to this chapter.

## SECTION XI

Chapter 151, "Outdoor Dining" Section 151-10 "Violations and penalties", of the Code of the Borough of Haddonfield, is hereby amended and will read as follows:

### **§ 151-10      Violations and penalties.**

Any person that shall violate any part of this chapter, or do any act or thing prohibited, or refuse to do any act required to be done, or refuse or fail to comply with an order of the Zoning Officer, or an order of the Borough Board or Commission with jurisdiction in this chapter, shall, upon conviction thereof before any judicial officer authorized to hear and determine the matter, be subject to the penalties provided in Chapter **1**, General Provisions, § **1-14**. Whenever such person shall have been officially notified by the Zoning Officer or by service of a summons in a prosecution, or in any other official manner, that such person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.



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## SECTION XII

If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, as to this end the provisions of the Ordinance are hereby declared to be severable.

## SECTION XIII

This ordinance shall take effect immediately upon passage and publication as required by law.

First Reading – February 13, 2023  
Second Reading – February 27, 2023

COMMISSIONERS:	YEA	NAY	ABSTAIN	ABSENT
ROCHE	X			
TROY	X			
BIANCO BEZICH	X			

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HADDONFIELD AT A MEETING HELD ON FEBRUARY 27, 2023.

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Deanna Bennett, RMC