

# Ordinance of the City of Jersey City, N.J.

File No. Ord. 22-020  
Agenda No. 3.3 (1st Reading)  
Agenda No. 4.3 (2nd Reading and Final Passage)



**AN ORDINANCE AMENDING CHAPTER 296 (STREETS, SIDEWALKS AND PUBLIC RIGHTS-OF-WAY) AND CHAPTER 160 (FEES & CHARGES) SECTION JJ (STREETS, SIDEWALKS AND PUBLIC RIGHTS-OF-WAY) OF THE JERSEY CITY MUNICIPAL CODE.**

**COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:**

**WHEREAS**, the City of Jersey City (the “City”) established “Sidewalk Cafés and Sidewalk Parklets” via Ordinance in 2020 to help restaurants combat the financial burden of the COVID-19 pandemic; and

**WHEREAS**, the City has established regulations and fees for Sidewalk Café and Parklet permits; and

**WHEREAS**, the fees are intended to cover the cost of utilizing valuable space on the street and offset the loss of parking revenue and overnight parking space that would be available if the space were to remain a typical parking space; and

**WHEREAS**, the City wishes to revise its regulations and fees as they pertain to permits for Sidewalk Cafés and Parklets.

**NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

## **CHAPTER 296 ARTICLE VII**

### **§ 296-7.1. Sidewalk Cafés - Permit required.**

No person may operate a Sidewalk Café without obtaining a license from the Division of Commerce pursuant to the procedures provided for herein. There shall be two types of Sidewalk Café licenses:

1. Full-year Sidewalk Café licenses: These licenses permit the licensee to operate during all 12 months of the year from March 15 to March 14 of the following year so long as the licensee has installed the required semi-permanent sheltering structures and heating/ventilation devices as required by § 296-7.2.C.

1. Seasonal Sidewalk Café licenses: These licenses permit the licensee to operate only during warm weather months as set forth in § 296-7.3 from March 15 to November 30 of the same year.

### **§296-7.2 Sidewalk Cafes and Parklets - Permit Required**

E. Applicants with underground conduits beneath their parklet must grant temporary access to any City staff or other public utility company when necessary. Applicants understand and agree that necessary road/resurfacing work done by either the City or a utility company may require temporary removal of all or a portion of the constructed parklet to provide access. The applicant further understands the removal and replacement of the parklet, as well as associated costs, will be the responsibility of the applicant.

F. All Outdoor Dining Structures, including Sidewalk Cafés and Parklets must comply with the rules, regulations, and standards provided in the Jersey City Outdoor Dining Guide and any applicable regulations provided by the State of New Jersey.

G. All applicants must possess a valid ‘Class A’ Jersey City Health Food Establishment license in order to be eligible for a Sidewalk Café License and Parklet Permit.

H. Seasonal Outdoor Dining structures, inclusive of Sidewalk Cafés and Parklets, are permitted from March 15 to November 30 of the same year.

I. Full-Year Outdoor Dining structures, inclusive of Sidewalk Cafés and Parklets, are permitted from March 15 to March 14 of the following year.

### **§ 296-7.3. Permitted months and hours of operation, entertainment.**

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

**An ordinance amending Chapter 296 (Streets, Sidewalks and Public Rights-of-Way) and Chapter 160 (Fees & Charges) Section JJ (Streets, Sidewalks and Public Rights-of-Way) of the Jersey City Municipal Code.**

Operation of seasonal Sidewalk Cafés shall be permitted from March 15 through November 30 ~~inclusive, or on any day December 1 through March 14 that the temperature rises above 55 degrees Fahrenheit.~~ The hours of operation of all Sidewalk Cafés, whether full-year or seasonal, shall be between 8:00 a.m. and 10:00 p.m., Sunday through Wednesday; 8:00 a.m. and 11:00 p.m., Thursday; and between 8:00 a.m. and 12:00 midnight, Friday and Saturday, except that no alcoholic beverages, when permitted under this article, shall be served in a Sidewalk Café before noon on any day. Unless otherwise regulated by a Pedestrian Mall operating plan, entertainment is permitted within the boundaries of Sidewalk Cafés no more than two events per week and shall be limited to four performers. All entertainment is required to conclude by 8:00 p.m.

**CHAPTER 160**

JJ. Chapter 296, Streets and Sidewalks.

- (1) Fee for sidewalk sale: \$10.00 per day.
  - (2) Fee for sidewalk sale conducted within a special improvement district: \$100.00 per Zoning Determination Letter.
  - (3) Fees and deposits for excavations in public rights-of-way [Amended 1-28-2015 by Ord. No.15-003]:
    - (a) Fees for water service line to each house connection \$150.00 Fee for sewer service line to each house connection \$200.00 Fee for both water and sewer lines to each house connections \$300.00
    - (b) Administrative fee of \$50.00 for each application in which an excavation is proposed. (c) Inspection fee of \$50 for excavations up to 25 square feet and \$2.00 per square foot for each additional square foot thereafter.
- (d) Such additional fees as may be required by § 296-36.
  - (e) Administration fee for a traffic permit is \$50.00, which will be exempt as part of the street opening permit.
  - (f) Any and all permit fees for autonomous agencies seeking to excavate a city street shall be waived.
- (4) Initial fee for permit for use of pay telephone franchise: \$50.00 per year or any part of a year.
- (5) Renewal permit for pay telephone franchise: \$25.00 per year.
- (6) **For the 2022 year, Sidewalk Café and Parklet permit fees shall be reduced by fifty percent (50%) as reflected in the charts labeled “Seasonal Fees for Sidewalk Cafés and Parklets” and “Full-Year Fees for Sidewalk Cafés and Parklets.**
  - (a) ~~The annual license fee for a seasonal sidewalk café license shall be \$225.00 for a sidewalk café seating 16 or fewer patrons and \$275.00 for a sidewalk café seating over 16 patrons renewable on or before March 31 of each year. The annual fee for sidewalk café licenses and parklets shall not be prorated for less than a full year. These fees shall be waived during the State of Emergency declared in New Jersey due to the COVID-19 pandemic.~~
  - (b) ~~The annual license fee for a full year sidewalk café license shall be waived during the state of emergency declared in New Jersey due to the COVID-19 pandemic.~~
  - (c) ~~The annual fee for sidewalk café space in any pedestrian mall shall be waived during the State of Emergency declared in New Jersey due to the COVID-19 pandemic.~~

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(7). Seasonal Fees for Sidewalk Cafés and Parklet

**An ordinance amending Chapter 296 (Streets, Sidewalks and Public Rights-of-Way) and Chapter 160 (Fees & Charges) Section JJ (Streets, Sidewalks and Public Rights-of-Way) of the Jersey City Municipal Code.**

OUTDOOR DINING FEE SCHEDULE Seasonal (March 15 - November 30)		
Application Type	Application Fees	Description
<b>PARKLET FEE</b> <i>*(required ONLY for outdoor dining structures located in an on-street parking space or pedestrian plaza)*</i>		
Parklet Fee	<b>\$1,917</b>	Annual Fee. Calculated using existing meter rate per hour, including 12 hours per day for 213 days (removing 37 Sundays and 10 City Holidays from a total of 260 days from March 15 to November 30)
Administrative fee	<b>\$383</b>	20% of parklet fee
<b>SIDEWALK CAFE LICENSE</b> Division of Commerce, Department of Housing, Economic Development, and Commerce <i>*(required for ALL outdoor dining structures, including sidewalk cafes and parklets)*</i>		
Seating for 1-16 patrons	<b>\$225</b>	Annual Fee
Seating for over 16 patrons	<b>\$275</b>	
Sidewalk Café Inspection	<b>\$100</b>	Fee per inspection. A minimum of two (2) inspections are required annually for all renewal applications, one at the time of the application submission, and one within six (6) months of issuance of permit. A minimum of one (1) inspection is required annually for new applications, within six (6) months of issuance of permit.
<b>TRAFFIC PERMIT</b> Division of Engineering, Traffic, and Transportation <i>*(required ONLY for outdoor dining structures located in a parking space or pedestrian plaza)*</i>		
Engineering & Traffic Review	<b>\$100</b>	Annual Fee
Engineering & Traffic Inspection	<b>\$100</b>	Fee per inspection. A minimum of two (2) inspections are required annually for all renewal applications, one at the time of the application submission, and one within six (6) months of issuance of permit. A minimum of one (1) inspection is required annually for new applications, within six (6) months of issuance of permit.
<b>ZONING AND PLANNING PERMITS</b> Divisions of Zoning and Planning, Department of Housing, Economic Development, and Commerce <i>*(required ONLY for outdoor dining structures with enclosures or signage, including sidewalk cafes and parklets)*</i>		
Zoning Review	<b>\$100</b>	One-time fee*
Historic Preservation Review	<b>\$100</b>	One-time fee*
Signage Review		One-time fees*
Exterior installed signage	<b>\$100</b>	
Unlit or temporary signage	<b>\$40</b>	Signage is considered temporary if it is unlit and on a seasonal parklet that fits the zoning guidelines for signage
<b>CONSTRUCTION PERMIT</b> Divisions of Zoning and Planning, Department of Housing, Economic Development, and Commerce <i>*(required ONLY for outdoor dining structures with enclosures, including sidewalk cafes and parklets)*</i>		
Construction Code Review	<b>\$15 per thousand of construction costs</b>	One-time fee*
Construction Code Inspection	<b>\$100</b>	Fee per inspection. A minimum of two (2) inspections are required annually for all renewal applications, one at the time of the application submission, and one within six (6) months of issuance of permit. A minimum of one (1) inspection is required annually for new applications, within six (6) months of issuance of permit.
<b>FIRE CODE PERMIT</b> Fire Prevention Bureau, Department of Public Safety <i>*(required ONLY for outdoor dining structures with electricity or heating, including sidewalk cafes and parklets)*</i>		
Fire Code Inspection	<b>\$100</b>	Fee per inspection. A minimum of two (2) inspections are required annually for all renewal applications, one at the time of the application submission, and one within six (6) months of issuance of permit. A minimum of one (1) inspection is required annually for new applications, within six (6) months of issuance of permit.

*\*Any proposed changes not included in or not compliant with original approval will be subject to additional review and applicable fees.*

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(8). Full-Year Fees for Sidewalk Cafés and Parklets

**An ordinance amending Chapter 296 (Streets, Sidewalks and Public Rights-of-Way) and Chapter 160 (Fees & Charges) Section JJ (Streets, Sidewalks and Public Rights-of-Way) of the Jersey City Municipal Code.**

<b>OUTDOOR DINING FEE SCHEDULE</b> Full-Year (March 15 - March 14 of following year)		
Application Type	Application Fees	Description
<b>PARKLET FEE</b> *(required ONLY for outdoor dining structures located in an on-street parking space or pedestrian plaza)*		
Parklet Fee	<b>\$2,682</b>	Annual Fee. Calculated using existing meter rate per hour, including 12 hours per day for 298 days (removing 52 Sundays and 15 City Holidays from a total of 365 days from March 15 to March 14 of following year)
Administrative fee	<b>\$536</b>	20% of parklet fee
<b>SIDEWALK CAFE LICENSE</b> Division of Commerce, Department of Housing, Economic Development, and Commerce *(required for ALL outdoor dining structures, including sidewalk cafes and parklets)*		
Seating for 1-16 patrons	<b>\$300</b>	Annual Fee
Seating for over 16 patrons	<b>\$350</b>	
Sidewalk Cafe Inspection	<b>\$100</b>	Fee per inspection. A minimum of two (2) inspections are required annually for all renewal applications, one at the time of the application submission, and one within six (6) months of issuance of permit. A minimum of one (1) inspection is required annually for new applications, within six (6) months of issuance of permit.
<b>TRAFFIC PERMIT</b> Division of Engineering, Traffic, and Transportation *(required ONLY for outdoor dining structures located in a parking space or pedestrian plaza)*		
Engineering & Traffic Review	<b>\$100</b>	Annual Fee
Engineering & Traffic Inspection	<b>\$100</b>	Fee per inspection. A minimum of two (2) inspections are required annually for all renewal applications, one at the time of the application submission, and one within six (6) months of issuance of permit. A minimum of one (1) inspection is required annually for new applications, within six (6) months of issuance of permit.
<b>ZONING AND PLANNING PERMITS</b> Divisions of Zoning and Planning, Department of Housing, Economic Development, and Commerce *(required ONLY for outdoor dining structures with enclosures or signage, including sidewalk cafes and parklets)*		
Zoning Review	<b>\$100</b>	One-time fee*
Historic Preservation Review	<b>\$100</b>	One-time fee*
Signage Review		One-time fees*
Exterior installed signage	<b>\$100</b>	
Unlit or temporary signage	<b>\$40</b>	Signage is considered temporary if it is unlit and on a seasonal parklet that fits the zoning guidelines for signage
<b>CONSTRUCTION PERMIT</b> Divisions of Zoning and Planning, Department of Housing, Economic Development, and Commerce *(required ONLY for outdoor dining structures with enclosures, including sidewalk cafes and parklets)*		
Construction Code Review	<b>\$15 per thousand of construction costs</b>	One-time fee*
Construction Code Inspection	<b>\$100</b>	Fee per inspection. A minimum of two (2) inspections are required annually for all renewal applications, one at the time of the application submission, and one within six (6) months of issuance of permit. A minimum of one (1) inspection is required annually for new applications, within six (6) months of issuance of permit.
<b>FIRE CODE PERMIT</b> Fire Prevention Bureau, Department of Public Safety *(required ONLY for outdoor dining structures with electricity or heating, including sidewalk cafes and parklets)*		
Fire Code Inspection	<b>\$100</b>	Fee per inspection. A minimum of two (2) inspections are required annually for all renewal applications, one at the time of the application submission, and one within six (6) months of issuance of permit. A minimum of one (1) inspection is required annually for new applications, within six (6) months of issuance of permit.

\*Any proposed changes not included in or not compliant with original approval will be subject to additional review and applicable fees.

- I. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- II. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repeals of existing provisions.
- III. This ordinance shall take effect at the time and in the manner provided by law.
- IV. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

NOTE: All new material to be inserted is underscoring and included in the “Full-Year and Seasonal Fees for Sidewalk Cafés and Parklets” table. Material [~~struck through~~] is omitted.

**Ord. 22-020**

**An ordinance amending Chapter 296 (Streets, Sidewalks and Public Rights-of-Way) and Chapter 160 (Fees & Charges) Section JJ (Streets, Sidewalks and Public Rights-of-Way) of the Jersey City Municipal Code.**

<b>RECORD OF COUNCIL VOTE ON INTRODUCTION – Feb 24 2022</b>						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	<b>8-1</b>
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	NAY	GILMORE	AYE	WATTERMAN, PRES	AYE	

<b>RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Mar 23 2022</b>						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		

**SPEAKERS:**

Jeanne Daly

<b>RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY – Feb 24 2022</b>						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	<b>9-0</b>
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

<b>RECORD OF FINAL COUNCIL VOTE – Mar 23 2022</b>						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	<b>8-0</b>
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	ABSENT	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Feb 24 2022**

Adopted on second and final reading after hearing on **Mar 23 2022**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Mar 23 2022



City Clerk



Joyce E. Watterman, President of Council  
Approved: Mar 23 2022



Steven M. Fulop, Mayor  
Date to Mayor: Mar 24 2022  
Approved: Mar 24 2022

**Ord. 22-020**

**An ordinance amending Chapter 296 (Streets, Sidewalks and Public Rights-of-Way) and Chapter 160 (Fees & Charges) Section JJ (Streets, Sidewalks and Public Rights-of-Way) of the Jersey City Municipal Code.**

**FACT SHEET -**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

**Project Manager**

Barkha Patel, Senior Planner	2015475021	BPatel@jcnj.org
Division	Office of the Business Administrator	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

**Purpose**

Ordinance Amending Chapter 296 (Streets, Sidewalks and Public Right-of-Way) and Chapter 160 (Fees & Charges) Section JJ (Streets, Sidewalks and Public Right-of-Way) of the Jersey City Municipal Code
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**Cost (Identify all sources and amounts)**

n/a
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**Contract term (include all)**

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Approved by  
Ray Reddington, Attorney  
John Metro, usiness Administrator

Status:  
Approved - Feb 22 2022  
Approved - Mar 02 2022