



STEVEN M. FULOP
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CITY OF JERSEY CITY DEPARTMENT OF ADMINISTRATION

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JOHN J. METRO
ACTING BUSINESS ADMINISTRATOR

OUTDOOR DINING REQUIREMENTS

The purpose of this memo is to lay out the various State and City regulations regarding outdoor dining in Jersey City. It is important to note that the regulations at the State level, through both executive orders from the Governor and regulatory guidance from the State Department of Health, are subject to change based upon the COVID pandemic. Accordingly, this memo should be viewed as a document to guide you through the various outdoor dining rules and regulations, but should not be relied upon exclusively.

It is the desire of the City of Jersey City to assist businesses with outdoor dining efforts to the maximum extent possible in mitigating the horrible effects of the COVID-19 pandemic. However, it is essential that outdoor dining be done in accordance with City and State Law. Additionally, it is important that businesses utilizing outdoor dining keep up to date with potential changes to regulations as the circumstances around the COVID-19 pandemic continue to change. This memo and relevant information are available digitally at www.jcnj.org/reopens.

LINKS

- [NJ Executive Order 150](#)
- [NJ Executive Order 157](#)
- [NJ Executive Order 163](#)
- [NJ Uniform Construction Code](#)
- [NJ Uniform Fire Code](#)
- [NJ DCA Guidance](#)
- [NJ DCA Guidance \(Winter\)](#)
- [JC Executive Order 2020-007](#)
- [JC Municipal Code](#)
- [JC Ordinance 20-095](#)

STATE OF NEW JERSEY: Executive Orders

As per Governor Murphy's [Executive Order 150](#), permitted food and beverage establishments to provide in-person service in outdoor areas (ie: outdoor dining) during the COVID-19 pandemic provided that the establishment complies with State requirements.

- Governor has issued several executive orders relevant to outdoor dining. As noted above, these executive orders can be modified at any time to be either more restrictive or more relaxed. It is imperative that you keep up to date regarding any changes related to outdoor dining that may come from the Governor or the State Department of Health.
- Governor's [Executive Order 163](#) states that either "food or beverage establishments are permitted to offer in-person service at outdoor areas, defined as open air spaces that either 1) have no roof or cover or 2) have a fixed roof or temporary or seasonal awning or cover, with at least two open sides that would comprise over 50 percent of the total wall space if the space were fully enclosed.".
- Governor Murphy's [Executive Order 157](#) states that "food and beverage establishments" with outdoor dining must meet the following requirements:
 - Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;
 - Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;
 - Ensure that tables where individuals or groups are seated remain six feet apart in all directions from any other table or seat and that individual seats in any shared area that is not



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reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions from any other table or seat;

- Prohibit patrons being served at outdoor areas from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;
- Require patrons being served at outdoor areas to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age[.]

CITY OF JERSEY CITY: Requirements

Mayor Fulop's [Executive Order 2020-007](#), effective 8:00AM on June 15 the City of Jersey City will permit sidewalk cafes and other outdoor seating at restaurants with the rules and regulations outlined in the sections below. Outdoor dining rules within Jersey City are contained in [Chapter 296](#) of the Jersey City Municipal Code. [Chapter 296](#) was most recently amended at the November 12, 2020 Council meeting and can be found on [this website](#).

- Sidewalk Cafes are defined as the use of partitioned sidewalk space beyond the building line to accommodate tables, chairs, and the serving of food and drink to patrons of a restaurant fronting on that space.
- Parklets are defined as a sidewalk café located in parking spaces in front of a business
- Sidewalk cafés shall only be permitted in front of a food service establishment that is permitted and conforming under the City's zoning ordinances. Food service establishments seeking to expand a prior nonconforming use shall be required to obtain the appropriate variance from the Jersey City Zoning Board of Adjustment.
- Parklets and Sidewalk Cafes that are within a Pedestrian Mall must obtain a permit from the Division of Engineering, Traffic, & Transportation. Sidewalk cafés that are within a pedestrian plaza will also need to comply with the rules for the pedestrian plaza codified in the City Code and in the pedestrian plaza's operating plan.
- Alcoholic beverages may only be served in accordance with [Alcohol Beverage Control rules and regulations](#), and additional permits are required to serve alcoholic beverages in sidewalk cafés.
- Outdoor heating devices and electrical wiring must be in conformity with the [New Jersey Uniform Fire Code](#).
- The City of Jersey City reserves the right to suspend permits in the interest of public safety if the installed café or structure creates an unsafe condition. The City of Jersey City also reserves the right to remove parklet materials if such materials are a threat to public safety by causing an unsafe condition.



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Sidewalk Cafes

Division of Commerce (Maynard Woodson, Director)

Application: <https://www.cognitoforms.com/CityOfJerseyCity/COVID19SidewalkCafeC3A9Application>

Contact: 201-547-5139

All businesses who wish to provide seasonal or full-year outdoor dining must apply for a Sidewalk Café License from the Division of Commerce

- Businesses must submit the following to the Division of Commerce:
 - Proof of liability insurance with the City of Jersey City listed as additionally insured
 - Written approval from the adjacent property owner and businesses if the café extends beyond their property boundaries.
 - Acknowledgement that the applicant has reviewed the Governor's Executive Orders 153, 157, 163 and the Covid19 Outdoor Dining Guidelines for Retail Food Establishments.

Parklets

Division of Engineering, Traffic & Transportation (Barkha Patel, Transportation Director)

Application: <https://www.cognitoforms.com/CityOfJerseyCity/ParkletApplication>

Website: www.jcnj.org/parklets

Contact: 201-547-4411

Businesses who wish to build platforms and other parklet style structures in legal parking spaces or designated Pedestrian Mall areas must obtain a Parklet Permit (aka Temporary Traffic Permit) from the Division of Engineering, Traffic, and Transportation

- All parklets must comply with the [Jersey City Parklet Guide](http://www.jcnj.org/parklets), available at www.jcnj.org/parklets and all applicable ADA requirement
- Businesses may only install parklets in no more than two (2) parking spaces directly in front of the business. Any parking spaces that extend beyond the property lines for the business shall require approval in writing from adjacent property owners and businesses
- Businesses located on streets that are designated as Pedestrian Malls may be subjected to additional rules and regulations.

Structures with enclosures (roofing, siding) and heating elements require independent review and approval by the Office of Construction Code and Fire Department. ****Please note, to be considered outdoor dining, businesses must comply with NJ Executive Order 163, as noted on page 1 of this document.***



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Enclosures

Division of the Construction Code Official (Ray Meyer, Construction Code Official)

Website: <https://jerseycitynj.gov/cityhall/planningzoningconstruction/construction>

Contact: 201-547-5055

Businesses that are utilizing semi-permanent structures for their sidewalk café or parklets under [Chapter 296](#) should be aware that that they may need to get approval of the construction code official under the [Uniform Construction Code](#), per State Executive Order.

- If the outdoor structure is less than 120 square feet in area and meets all of the following requirements, the business is **NOT** required to file for UCC permits through the Office of Construction Code.
 - The structure can be disassembled on a daily basis if needed and should be secured, not anchored, so that it can easily be lifted for emergency evacuation.
 - The outdoor structure is covered in tents, tensioned membrane structures, and canopies
 - The outdoor structure is temporary and will not remain in place for more than 180 days
 - The outdoor structure does not have any electrical equipment, electrical wiring, or mechanical systems that would otherwise require a permit (examples of such would include HVAC systems, hard-piped fuel sources, or electrical installations)
- If the outdoor structure is 120 square feet or greater in area and used from December 1 to March 31, the business subject to the UCC permit and variation provisions
 - A business establishment must file the [UCC permit application](#) and request for a variation by November 30th.
 - The municipality may grant establishments a two-week extension from the Nov 30th deadline, provided that the establishment has filed with the permit application a snow plan that will be put into effect in the event of a forecasted weather event occurring in the time period of the extension.
 - When a variation is granted, a snow plan must be filed with construction official that would take effect in the event of a forecasted weather event that would exceed the certified conditions of the variation. The snow plans could include, but are not limited to, heating the tent to prevent the accumulation of snow, having the tent taken down in its entirety during periods of inclement weather, removing the top of the tent to prevent snow accumulation, or for smaller tents, utilizing maintenance personnel to remove accumulation.
 - If barriers are erected around the newly created outdoor dining areas, they should provide for egress openings similar to those provided for in the [Rehabilitation Subcode \(N.J.A.C. 5:23-6\)](#) for assembly uses.

**Please read these documents for guidance on Outdoor Dining Spaces from the NJ Department of Community Affairs:*

https://www.state.nj.us/dca/divisions/codes/alerts/pdfs/dcs_outdoor_dining.pdf

https://www.state.nj.us/dca/divisions/codes/alerts/pdfs/dcs_outdoor_dining_2.pdf



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Heating Elements

Fire Prevention Bureau

Website: <https://jerseycitynj.gov/cityhall/publicsafety/fire/fireprevention>

Contact: 201-547-4255

Businesses must adhere to the fire safety requirements below:

- Extension Cords shall be used only with portable appliances.
 - Per [N.J.A.C. 5:70-3, 605.5](#): Extension cords and flexible cords shall not be a substitute for permanent wiring. Extensions cords and flexible cords shall not be affixed to structures, extended through walls, ceiling or floors or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact.
- Portable outdoor gas fired-heating appliances are prohibited inside tents, tensioned membrane structures, and canopies.
 - They shall be located no less than 5 feet from buildings, combustible materials, and exits or exit discharges.
 - They shall be installed and maintained according to the manufacture's instructions, and equipped with a tip-over switch and a guard against accidental contact.
- Temporary wiring for electrical power and lighting installations is allowed for a period not to exceed 90 days. Temporary wiring methods shall meet the applicable provisions of the electrical subcode of the [Uniform Construction Code](#).
- Businesses must submit to the Bureau of Fire Prevention either a permit issued by the Jersey City Building Department or a letter from a certified electrician for any electric installation.
- An exit shall not be used for any purpose that interferes with its function as a means of egress. Once a given level of exit protection is achieved, such level of protection shall not be reduced until arrival at the exit discharge. Exits shall be continuous from the point of entry into the exit to the exit discharge.