

Chapter 12.12 - STREET AND SIDEWALK OBSTRUCTIONS

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12.12.010 - Obstruction defined.

No person shall obstruct the free and lawful passage of pedestrians and vehicles on the streets and sidewalks of the city by placing or maintaining any table, stand, show case or any box, barrel, can, package or thing whatsoever on or over a street or sidewalk, or in any other manner whatsoever.

(Ord. No. O-050904, § 1, 5-20-09; Prior code § 6-5.1)

12.12.020 - Exceptions.

This chapter shall not apply:

A.

Where the obstruction is caused by the loading or unloading of goods, wares or merchandise to and from vehicles in such a manner as to cause a minimum of obstruction which is necessary and unavoidable, but in no case shall the obstruction be permitted in excess of thirty (30) minutes;

B.

To receptacles for garbage, ashes or refuse lawfully placed on or in sidewalk areas for collection;

C.

To temporary or permanent obstructions approved by the resolution of the city council upon a showing of public convenience or necessity;

D.

To sidewalk cafes, meaning areas within the public right-of-way where tables and chairs are placed for the purpose of the consumption of food and beverages purchased from an existing establishment which serves food and/or beverages, subject to the conditions stipulated in Prior Code Chapter 22, Zoning, D-D Downtown Development District, prior code subsection 22-7.8f, Sidewalks, Cafes, and the following conditions:

1.

The use authorized is for the hours from ten a.m. to twelve midnight daily, including Sunday.

2.

No lights (except low level lighting not exceeding one foot candle power) may be used; no light shall shine directly into any public roadway.

3.

No permanent furniture or other items of personal property may be constructed or affixed to the sidewalk or curb, except as approved by specific resolution of council for periods not to exceed six months, annually.

4.

No signs are authorized other than those previously or hereafter approved pursuant to Prior Code Section 22-11.

5.

A clear, straight and unobstructed passage for pedestrians of at least five feet in width shall be maintained at all times.

6.

Insurance naming the city of New Brunswick and its officers, agents and, employees as additional insured is obtained in the amount of five hundred thousand dollars (\$500,000.00) and satisfactory proof of such insurance shall be presented to the city clerk, provided that cafes which obtain approvals pursuant to subsection (D)(3) of this section obtain insurance in the amount of one million dollars (\$1,000,000.00).

7.

A sketch showing the proposed location of tables, chairs and umbrellas is prepared and submitted to the city clerk and the director of policy, planning and economic development for approval prior to the use of the sidewalk area.

8.

All furniture and umbrellas are of lawn, cafe or similar type and are constructed of plastic, wood or wrought iron.

9.

Furniture and equipment are removed from the sidewalk areas and stored inside the establishment, except during the times and hours authorized, except such equipment as has been authorized pursuant to subsection (D)(3) of this section.

10.

Nothing contained in this chapter authorizes the serving of food on the sidewalk, except in accordance with a retail food establishment license specifically incorporating the sidewalk location, provided that the city clerk is authorized to issue amended licenses at a fee of fifty dollars (\$50.00).

11.

Nothing contained authorizes the serving of alcoholic beverages, except where the license issued by the licensing authority specifically describes the sidewalk area as a part of the licensed premises and provided that the provisions of [Chapter 9.04](#) of the revised general ordinances of the city prohibiting drinking in public will be suspended as to the area for which a sidewalk cafe permit has been issued.

12.

The use of the sidewalk area is immediately terminated pursuant to an order of the senior police or fire official present, when necessary in the opinion of the official to respond to the needs of law enforcement or fire suppression.

13.

Wait service, one hundred dollars (\$100.00) per table; self-service, twenty-five dollars (\$25.00) per table. Such permit may be utilized by the holder thereof during such period as the holder determines.

14.

Violations of this section or of sidewalk cafe permits authorized hereunder are prosecuted pursuant to Section [12.12.030](#) of this chapter.

15.

Licensees will be responsible for maintaining the cleanliness of any sidewalk area used by them.

(Ord. O-060502 § 1, 2005; Ord. O-030501 § 1, 2005; prior code § 6-5.2)

12.12.030 - Police powers.

The police department is given full power and authority to prevent obstructions in violations of this chapter and to remove any such obstruction after giving to the owner of the premises abutting the area so obstructed a reasonable notice to remove the obstruction.

(Prior code § 6-5.3)

12.12.040 - Obstructions at intersections.

At the intersection or interception of two or more streets, no person, corporation or other entity shall permit or maintain a hedge, fence or wall higher than two and one-half feet above curb level or any obstruction to vision, other than a post or tree not exceeding one square foot in cross-section area within the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are twenty-five (25) feet distant from the point of intersection measured along the street line.