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12-41



Township Council

1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 06/04/12 07:00 PM

2012 ORDINANCE NEW ORDINANCE

ORDINANCE ESTABLISHING GUIDELINES AND STANDARDS FOR THE INSTALLATION OF TEMPORARY CURB EXTENSIONS OR "PARKLETS" WITHIN THE TOWNSHIP OF BLOOMFIELD

I. PURPOSE: The purpose of this ordinance is to establish standard guidelines for the installation of temporary curb extensions or "parklets" within the Township of Bloomfield.

II. BACKGROUND: Temporary curb extensions or parklets provide an economical solution to the desire and need for wider sidewalks and are intended to provide space for the general public to sit and enjoy the space where existing narrow sidewalk would preclude such occupancy. Parklets are intended as sidewalk/street furniture, providing aesthetic elements to the overall streetscape.

III. DEFINITIONS: PARKLET OR PARKLETS - A temporary extension of the sidewalk along the frontage of a property or properties for the purpose of providing additional space for the general public to utilize as a sitting area. Parklets are comprised of a raised platform constructed of treated timber, lumber or other such material for the purpose of creating a level extension along a sidewalk adjacent to the curbing. Parklets may also include a number of amenities such as tables, benches, potted plantings and safety railing. The term "parklet" and temporary curb extension are interchangeable.

IV. GENERAL REQUIREMENTS:

1. Parklets are permitted along the streets and limits within the Township of Bloomfield as specified in Schedule A of this ordinance.

2. Parklets shall meet the following dimensional criteria:

a. Parklets shall have a maximum width of six (6) feet and/or shall not extend further out into the street more than six (6) feet.

b. A single parklet shall have a maximum length of twenty-two feet. A single parklet shall require occupation of one to two parking stalls or forty-four feet, whichever is less or at the discretion of the township engineer.

c. Where feasible, multiple parklets connected together shall occupy a total number of spaces equal to the number of connected parklets

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

Director of Law - Township Attorney

plus one, meaning two (2) connected parklets will require three (3) spaces; three (3) connected parking stalls will require four (4) spaces, etc.

3. Location Restrictions:

- a. Parklets will not be located at the following locations:
 - (i) Within fifty (50) feet of the terminal curb return radius of an intersecting street or one, existing parking stall length from an intersection whichever is less.
 - (ii) Over existing water valves, utility manholes, storm drains, inlets or any structure associated with a public or private utility that requires periodic or emergency access by utility personnel.
 - (iii) In front of fire hydrants or any other “no parking zone,” fire lane and/or “no stopping or standing zone” that is currently regulated by current local, county or state ordinances.
 - (iv) Within twenty-five feet of a public or private driveway, including driveways located on the opposing traffic side of where the parklet is to be located.
 - (v) Along curves in the roadway within twenty-five (25) feet of the intersection of the tangent along the cartway of the adjacent travel lane with the curb line.
 - (vi) The street has a grade greater than five percent (5%).
 - (vii) At a location where an outdoor/sidewalk café is feasible.
- b. The permittee of a parklet must place the parklet in front of their property or business establishment. A permit will not be issued for an applicant who cannot demonstrate that the parklet will be fully located within the frontage of their property or establishment. Such parklets are not permitted to encroach upon the frontage of an adjacent establishment.

V. MINIMUM DESIGN REQUIREMENTS

1. Upon approval of an application to install a parklet, the Township of Bloomfield Department of Public Works will supply and install the parklet platform at the given location. This installation will include the parklet platform, concrete bumper stops and concrete planter barriers. Once these features are installed, they shall not be moved or relocated by the permittee without notification to the Engineering Department and written approval. Removal and/or relocation of these items without authorization will result in the permit being rescinded and the parklet removed by the Township.
2. The permittee is responsible for the following installations:
 - a. Installation of a railing a minimum of four feet high along the street side, and the two sides of the parking lanes. The railing shall have horizontal rods or slats with a separation no greater than six (6) inches on-center or vertical slats or pickets spaced a maximum of four inches on-center. Installation of a railing is a mandatory design standard and must be provided in order to validate the permit. The material used for the railing or barrier is at the discretion of the permittee. The railing shall be inspected and approved by the engineering department.
 - b. The railing must be securely attached to the parklet platform and shall not extend beyond the six foot limit of the parklet width. No ornamental features shall be permitted that extend or project beyond the six foot parklet limit. Railings that bend or wobble shall be rejected.
 - c. Installation of tables, chairs, potted plantings or any other amenities that do not violate the standards of this ordinance.
 - d. The railing posts closest to the travel lane shall be provided with yellow reflective tape or signage and shall run the entire length of the post from the street to the post top.
3. All elements of the parklet shall be constructed and/or installed to conform to the applicable provisions, rules, regulations and guidelines of the township Building Department, Township Engineering Department; The Americans with Disabilities Act (ADA) and the Americans with Disability Act Accessibility Guidelines (ADAAG). Failure to meet these requirements may result in the permit being voided.

VI. MAINTENACE REQUIREMENTS:

1. Parklets are permitted to operate between May 1st and October 15th of any given calendar year. During that time, it will be the responsibility of the permittee to maintain the parklet in a clean, safe and sanitary manner. Parklets shall operate daily from 7AM to 11:00PM
2. The permittee is required to clean the parklet on a daily basis and remove all trash and debris and dispose of these materials within receptacles owned and maintained by the permittee. Any trash and debris from a parklet shall not be disposed of in municipally-owned trash receptacles.
3. Any perceived hazard such as broken benches, tables, platform boards, extensions beyond the 6-foot parklet width shall be addressed immediately by the permittee.
4. All obstruction to the gutter line that may prevent the free flow of storm water shall be cleared on a daily basis.
5. Permittees should be aware that parklets are public spaces and therefore cannot be restricted from use by the general public.
6. Permittees are required to adhere to all applicable township ordinances that may impact the parklet use including noise, sanitary, health, zoning, property maintenance and any other applicable township ordinance.
7. Electric lighting serviced from adjacent buildings is not permitted in the parklet. Under no circumstances shall a permittee provide electricity for lighting to a parklet through the use of any type of service extension from their property, establishment, municipally-owned facility or adjacent properties. The use of decorative candles and battery operated lighting is permitted provided it is maintained and operated in a safe manner.
8. Other than benches, tables and planters or other secured ornamental objects, the permittee shall remove all other items from the parklet at the close of their scheduled business day or by 11:00 PM including table ornaments, small unsecured trash receptacles or any other such object that may become airborne during heavy winds.
9. Table umbrellas are not permitted in parklets.
10. No food shall be prepared outdoors.
11. A minimum, unrestricted pedestrian walkway of four feet must be maintained at all times.

12. Permits for parklets are valid for one season and expire on October 16th of the current year for which the permit was issued. Upon expiration of the permit the permittee is required to remove all objects, including benches, rails and tables with the exception of the parklet platform, concrete planters and curb stops. The township will remove the remaining items. Failure to remove these items by the given deadline will result in the township taking ownership of the items and disposing of them at the time that the parklet is removed.
13. If a permittee fails to maintain a parklet as specified in this ordinance and/or abandons the parklet, the township maintains the right to rescind the permit and remove the parklet including any items such as table and benches. The cost for this removal will be assessed against the permittee's performance bond.

VII. APPLICATION & REVIEW

1. The application process is comprised of two phases as follows:
 - a. Feasibility Review (First Phase) - The applicant shall obtain an application for a parklet from the township which shall include the following information:
 - The street address, tax map lot and block as to where the proposed parklet will front.
 - The anticipated dimensions of the proposed parklet.
 - All other pertinent information as requested on the application.
 - A non-refundable application fee in the amount of fifty dollars.

Upon receipt of the application, the Township Engineering Department will perform an on-site inspection of the proposed location and determine if the location is suitable for a parklet based upon the review of the standards. The Engineering Department will provide a decision within thirty (30) calendar days from receipt of the application.

- (i) An unfavorable decision from the Engineering Department will terminate the application process and the location will be deemed unsuitable for installation of the parklet. A letter

of decision will be forwarded to the applicant indicating, based upon the design standards, why a parklet cannot be installed at the requested location.

- (ii) A favorable decision will result in the issuance of a letter to proceed with the application process within thirty calendar days from receipt of the application. The applicant can then proceed with submission of a complete application package (Second Phase). The fifty dollar application fee for the First Phase will be credited to the application fee for the Second Phase.

b. Application Phase (Second Phase)

- (i) A completed application form for a parklet shall include the following information:
 - A site plan showing the footprint of the proposed parklet, approximate property and/or building lines, existing sidewalk width, existing parking stalls and all existing sidewalk furniture and features such as fire hydrants, utility poles, parking meters, street trees, etc.
 - Type of elements being proposed to be placed on the parklet such as tables, chairs, benches, planters, bicycle racks, etc.
 - A description of how the parklet meets the design standards.
 - Documentation of support from adjacent property/business owners. Acceptable documentation would be a letter of support from the adjacent merchant or property owner.
 - A letter or certification from the Bloomfield Parking Authority indicating their approval of the use of the parking spaces.
 - A non-refundable application fee of \$250.00.
 - A certificate of insurance in the amount of \$1,000,000.00 naming the Township of Bloomfield and the County of Essex (when along a county roadway) as

additional insured and further providing for the payment of not less than \$10,000 to satisfy all claims for property damage occurring as a direct or indirect result of the operation of the parklet.

- A performance or cash bond in the amount of \$1,000.00 to guarantee appropriate maintenance and operation of the parklet. The bond will be refunded to the applicant at the expiration of the permit.

c. Approval of Application

Upon approval of the application, the Engineering Department will notify the applicant and issue a permit. The Bloomfield DPW will then install the parklet platform, concrete planters/barriers and curb stops. Once these features have been installed, the permittee shall have twenty-four hours to install the required elements of the parklet. Failure to install the required elements within the required time frame may result in the permit being rescinded.

VIII. VIOLATIONS & PENALTIES

If a permittee violates any of the conditions of this ordinance, the Township reserves the right to rescind the permit and remove the parklet within forty-eight hours notice. Once a notice of violation is issued, the permittee shall immediately remove all parklet features with the exception of the platform, planters and curb stops. The township will then remove the parklet. Failure to remove these features within the given time frame will result in the township removing and disposing of these items. The cost for time and material to remove these items will be deducted from the permittee's performance bond.

SCHEDULE A - LOCATIONS WHERE PARKLETS ARE PERMITTED

Broad Street - between James Street/Pitt Street and Hoover Avenue

Section 2. All ordinances inconsistent herewith are hereby repealed.

Section 3. This ordinance shall take effect upon final passage and publication in

accordance with the law.

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I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on *June 18, 2012*

Louise M. Gallego

 Municipal Clerk of the Township of Bloomfield

Raymond J. McCarthy

 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 1816						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Michael Venezia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> First Reading	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						

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