

**USE OF OUTDOOR PREMISES AND**  
**HOLD HARMLESS AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_ day of June 2020, by and between THE TOWNSHIP OF NUTLEY (hereinafter referred to as the “Township”) and \_\_\_\_\_ (hereinafter referred to as “Business Owner”) in connection with premises known as \_\_\_\_\_ Nutley, New Jersey (hereinafter referred to as the “Premises”).

WHEREAS, the Business Owner has requested that the Township permit the Business Owner, located at \_\_\_\_\_ New Jersey (hereinafter referred to as the “Property”) to provide outdoor dining in accordance with the Governor Murphy’s Order number 150 executed on June 3<sup>rd</sup>, 2020 which allows outdoor dining to begin on June 15, 2020; and

WHEREAS, the Business Owner will be required to complete the Township’s, County of Essex (if applicable) and NJ State Alcohol and Beverage Control (if applicable) necessary forms and applications and obtain all required inspections; and

WHEREAS, the Township will waive its permit fees and grant permission to the Business Owner to open for outdoor seating at the Premises under certain conditions as required by the Governor’s Order 150 and all local rules, regulations, ABC rules and County requirements ; and

WHEREAS, the Business Owner is aware that if they are requesting, from the Township and/or County, permission to set up tables for outdoor seating within the right of way of the Township or County, and the Township and County grants that permission, it would be the responsibility, both physically and financially, of the Business Owner to take the necessary steps to make the areas safe for pedestrian and customer use; and

WHEREAS, the Township and County must inspect and approve all requests for use of public properties or public right of ways; and

WHEREAS, the Business Owner acknowledges that the New Jersey Alcohol and Beverage Control has to approve any use related to alcohol for outdoor seating or an extension or expansion of an existing alcohol distribution license; and

WHEREAS, the Business Owner acknowledges that the permission granted by the Township and/or County, in accordance with Order 150 is temporary in nature and will end either at the end of the State of Emergency, further declaration of the Governor or Federal authorities or terminated by the Township or the County of Essex, (if applicable); and

WHEREAS, the Business Owner will provide proof of applicable insurance as required by the Township and County as indicated in the Township of Nutley’s Outdoor Café Checklist attached to this document; and

WHEREAS, the Business Owner certifies and affirms by signing below that it will fully comply with the Governor's Order 150 and all health and safety requirements of the local, county and state government; and

WHEREAS, the Business Owner and his/her successors and/or assigns, agree to indemnify and hold harmless the Township and its officers, agents and employees for any loss, damage, expenses or liability directly or indirectly arising from or in connection with the permit and use requested by this document.

IN WITNESS WHEREOF, I CERTIFY AND AFFIRM THAT I WILL COMPLY WITH ALL REQUIREMENTS OF THE TOWNSHIP, COUNTY AND THE GOVERNOR'S ORDER #150.

BUSINESS OWNER

DATED: \_\_\_\_\_

\_\_\_\_\_