

**ORDINANCE OF THE TOWNSHIP OF DEPTFORD  
AMENDING THE DEPTFORD TOWNSHIP CODE TO INCLUDE  
3-19.1 HOURS OF OPERATION THROUGH AND INCLUDING 3-19.5**

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Deptford, County of Gloucester and State of New Jersey that the Township of Deptford Code be and the same is hereby amended to include the following provisions:

**3-19.1 Hours of Operation**

No retail establishment, which meets all of the criteria set forth in subsections a, b and c below, may be open for business between the hours of 11 p.m. and 6 a.m. except from the day after Thanksgiving thru January 2<sup>nd</sup>,

- a. Is greater than 125,000 square feet in sales area; and
- b. Is within the BC-2 or BC-3 zoning districts; and
- c. That will, based upon Average Annual Daily Traffic generation data as set forth in the ITE Traffic Generation Manual latest edition, generate traffic on any adjacent right-of-way greater than 110% of that generated by a shopping center use.

**3-19.2 Application to Zoning Officer**

- a. Any retail establishment greater than 125,000 square feet located in a BC-2 or BC-3 zone which wishes to operate during the prohibited hours of 11 p.m. and 6 a.m. may make application and provide any supporting documents to the Deptford Township Zoning Officer, who shall be charged with the administration and enforcement of this ordinance for determination by the Zoning Officer after consultation with the Township Planner as to whether criteria set forth in Chapter 3-19.1 a, b and c have been met. Within thirty (30) days of receiving such an application, the Zoning Officer shall make a determination as to whether the criteria set forth in Chapter 3-19.1 a, b and c have been met. If such criteria have been met, the Zoning Officer shall notify the applicant in writing that the applicant is precluded from conducting business between 11 p.m. and 6 a.m. except from the day after Thanksgiving thru January 2<sup>nd</sup>. In the event the Zoning Officer determines that any of the criteria set forth in Chapter 3-19.1 a, b or c has not been met, the Zoning Officer shall notify the applicant that the applicant is permitted to operate between the hours of 11 p.m. and 6 a.m.
- b. Any such applicant shall be responsible for the cost of all professional review charges related to the application of the Township Planner, Township Attorney and/or Township Engineers at the rates regularly charged by such professionals to the Township and shall post with the Township at the time of filing the application an escrow of \$250.

**3-19.3 Violations**

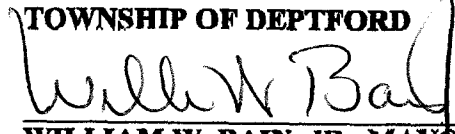
Operation of any retail establishment greater than 125,000 square feet in a BC-2 or BC-3 zone without the operator having first obtained a written determination that such operation is permitted pursuant to 3-19.2a shall be a violation of this ordinance. Each day an establishment is operated in violation of this ordinance shall constitute a separate and distinct offense.

**3-19.4 Penalties**

For each violation of this ordinance the court may impose a fine not to exceed \$1,250.00, imprisonment in the county jail for a period not to exceed ninety (90) days, and a period of community service not to exceed ninety (90) days.

**3-19.5 Savings Clause**

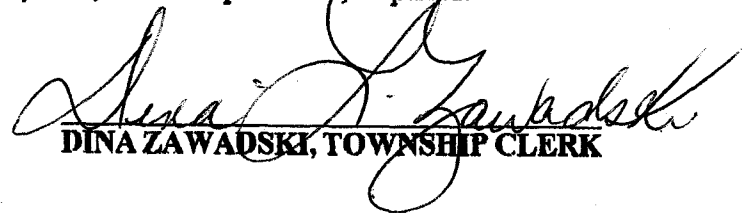
If any chapter, section, subsection or paragraph of this ordinance is declared to be unconstitutional, invalid or inoperative, in whole or in part by a court of competent jurisdiction such chapter, section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and such determination shall not be deemed to invalidate the remaining chapters, sections, subsections or paragraphs of this section.

TOWNSHIP OF DEPTFORD  
  
WILLIAM W. BAIN, JR., MAYOR

ATTEST:  
  
DINA ZAWADSKI, TOWNSHIP CLERK

**CERTIFICATION**

The foregoing Ordinance was introduced at a regular meeting of the Township of Deptford held on the 7<sup>th</sup> day of September, 2004 and will be considered for final passage and adoption at a regular meeting, at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 4<sup>th</sup> day of October, 2004 at the Municipal Building of the Township of Deptford, 1011 Cooper Street, Deptford.

  
DINA ZAWADSKI, TOWNSHIP CLERK