

**TOWNSHIP OF MILLBURN**  
**ORDINANCE 2638-23**  
**TEMPORARY CLOSURE OF MAIN STREET BETWEEN ESSEX STREET AND MILLBURN AVENUE PURSUANT**  
**TO N.J.S.A. 40:67-16.9, IN THE TOWNSHIP OF MILLBURN,**  
**COUNTY OF ESSEX, NEW JERSEY**

*STATEMENT OF PURPOSE:* The purpose of this ordinance is to establish a temporary street closure pursuant to N.J.S.A. 40:67-16.9 on Main Street between Millburn Avenue and Essex Street for outdoor dining and other permitted uses through September 4, 2023.

**WHEREAS**, N.J.S.A. 40:67-16.9 authorizes the governing body of the Township of Millburn, to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days or during specified hours on any day or days whenever such closing is necessary for the preservation of the public safety, health, or welfare on streets under municipal jurisdiction; and

**WHEREAS**, the Township Committee desires to authorize the temporary closing of a portion of Main Street between Essex Street and Millburn Avenue from Friday, June 23, 2023 to Monday, September 4, 2023, to be used primarily for the movement, safety, convenience, and enjoyment of pedestrians; and

**WHEREAS**, the purpose of the temporary closing of a portion of Main Street between Essex Street and Millburn Avenue from Friday, June 23, 2023 to Monday, September 4, 2023, is to create a vibrant atmosphere to attract patrons for all downtown business; and

**WHEREAS**, the abutting properties and businesses can adequately be provided with emergency services, receive and deliver merchandise and materials; and

**WHEREAS**, the Municipal Engineer has completed an investigation dated April 27, 2023 pursuant to N.J.S.A. 39:4-8b(3), and has recommended that Main Street be temporarily closed pursuant to N.J.S.A. 40:67-16.9; and

**WHEREAS**, the Township Committee has reviewed the request and determined that the temporary closing of Main Street is in the interest of safety; and

**WHEREAS**, pursuant to N.J.S.A. 40:67-16.10, an Ordinance adopted pursuant to N.J.S.A. 40:67-16.9 requires the approval of the Commissioner of Transportation;

**NOW, THEREFORE IT BE RESOLVED** by the Township Committee of the Township of Millburn, County of Essex, State of New Jersey, as follows:

1. Pending approval from the New Jersey Department of Transportation, Main Street shall be closed to vehicular traffic between Essex Street and Millburn Avenue from Friday, June 23, 2023 to Monday, September 4, 2023.
2. During the date and times of the street closure, the detour routes shall be along Millburn Avenue, Lackawanna Place, Essex Street and Douglas Street, as shown on the detour plan dated April 27, 2023.

3. Proper traffic control devices must be installed and maintained by the Department of Public Works, of the Township of Millburn, and must conform to the current edition of the "Manual on Uniform Traffic Control Devices" unless otherwise specified by the Commissioner of Transportation.
4. The use of the surface of the above described portions of Main Street shall be limited at all times to pedestrians and also emergency, public works, and other maintenance and service vehicles as required.
5. The Business Administrator or his designee shall provide for the control and regulation of (1) the issuance of permits to conduct any special activities or operations within the closed portion of Main Street, (2) the designation of parking spaces and/or other specifically reserved uses within the closure or portions thereof, (3) the regulation of a limited amount of local vehicular traffic in order to allow for deliveries, pickups, and or drop-offs of business patrons or employees, and/or other loading and unloading of personnel, materials or other goods to be used directly or indirectly by a business and/or residence located within the closed portion of Main Street.
6. As more specifically set forth in N.J.S.A. 40:56-75, the Township shall retain its police and other rights and powers relating to the street within the closed portion of Main Street. No such action shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof, it being intended that this closure is a matter of a regulation only. This ordinance shall not prevent the Township from reopening Main Street, supplementing or amending the description to be specially assessed or taxed for annual costs of the closure, or changing or repealing any limitations on the allowed uses within the closure by private vehicles or any plan, rules or regulations adopted for any operation within the closure.
7. The Municipal Clerk shall publish this Ordinance in the manner required by N.J.S.A. 40:49-2, except that after same has been introduced and passed on first reading, as required by N.J.S.A. 40:56-71, the Municipal Clerk shall, at least ten (10) days prior to the time fixed for final passage, mail a copy of this Ordinance, together with a notice of the introduction thereof and the date, time and place when this Ordinance shall be considered for final passage to the owners of the lots or parcels of land abutting or directly affected by the closure of Main Street between Essex Street and Millburn Avenue.
8. The provisions set forth in this ordinance for the temporary closure of Main Street between Essex Street and Millburn Avenue shall expire on September 5, 2023 except that nothing shall prevent the Township from abandoning the temporary closure at any time prior to September 5, 2023.
9. **SEVERABILITY.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

10. **INCONSISTENCY.** All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

11. **EFFECTIVE DATE.** This Ordinance shall take effect upon final passage and publication according to law.

ATTEST:

MILLBURN TOWNSHIP

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Christine A. Gatti, Clerk

By:

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Maggee Miggins, Mayor

Introduced: 5/2/2023

Published: 5/11/2023

Public Hearing/Adopted: 6/6/2023

Published: 6/15/2023

CERTIFICATION

I, Christine A. Gatti, Clerk of the Township of Millburn, in the County of Essex, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Committee at a regular meeting held on the 6<sup>th</sup> day of June, 2023.

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Christine A. Gatti, RMC

Municipal Clerk