

CITY OF PERTH AMBOY

ORDINANCE NO. 2284-2026

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "STREETS AND SIDEWALKS" (ORDINANCE NO. 121-76, ADOPTED DECEMBER 12, 1976, AS AMENDED BY ORDINANCE NO. 2180-2024, ADOPTED AUGUST 14, 2024), ALSO KNOWN AS CHAPTER 386 ET SEQ., AND AN ORDINANCE ENTITLED "SIGNS," ALSO KNOWN AS CHAPTER 430, ARTICLE XI OF THE CODE OF THE CITY OF PERTH AMBOY

WHEREAS, the City desires to amend Chapter 386 of the Code of the City of Perth Amboy, specifically, Article II, Street and Sidewalk Obstructions, Article VII, Sidewalk Occupation, and Chapter 430 of the Code of the City of Perth Amboy, Article XI, Signs, to incorporate certain changes to the City's regulations, as set forth herein; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Perth Amboy, Middlesex County, New Jersey, as follows:

SECTION 1. That Chapter 386, "Streets and Sidewalks," is amended as follows (additions underlined, deletions in ~~strikethrough~~):

ARTICLE II, STREET AND SIDEWALK OBSTRUCTIONS

~~§ 386-3 Prohibited conduct; exceptions.~~ Public Safety and Order on Sidewalks.

~~A. No person or persons or body corporate shall encumber any street, sidewalk, highway or other public place within the corporate limits of the City of Perth Amboy or any part thereof by placing therein or thereon any box or boxes, barrel or barrels or any merchandise, chattel or thing whatever, except for the purpose of immediately transporting the same in or over such street, highway, sidewalk or other public place to or from his, her or their store or other building or place; provided, however, that this section shall not apply to any building material brought on or upon such street, sidewalk or other public place for the purpose of erecting any building or for the purpose of altering or repairing the same and which is hereinafter provided for; and further provided, however, that this section shall not apply where a sale day or sale days is designated by the City of Perth Amboy Office of Economic and Community Development as set forth in § 386-3B and Section C(5) herein.~~

~~B. Sidewalk sale terms and conditions.~~

~~(1) No sidewalk sale shall be permitted to project into sidewalk more than 1/2 the width of said sidewalk or eight feet, whichever is less, but in no case shall it extend so far as to leave less than four feet unobstructed for pedestrian traffic; except in areas where sidewalk is 20 feet or more wide from the building line to the curb, then a sidewalk sale may be permitted to project into sidewalk a max of 10 feet.~~

~~(2) Sell or offer for sale any goods, wares or services on the public sidewalk, without a permit from the Director of Police pursuant to §§ 317-4 and 317-8. Sales of good or wares shall be permitted on the third Friday through Sunday of the months of June, July, August and September upon application to the City Office of Economic and Community Development, and as set forth in this § 386-3B, herein.~~

~~(3) Any person submitting an initial permit application for a sidewalk sale shall pay a permit application fee of \$75. The applicant shall also file with the Zoning Officer a certificate of liability insurance in the minimum amount of \$1,000,000, naming the City of Perth Amboy and its agents, servants, and employees as additional insured, which policy shall be kept in full force during the term of the permit. The policy of insurance must be occurrence-based coverage, and any lapse in insurance coverage will result in the immediate suspension of the permit. In addition to obtaining the insurance coverage, the applicant for such permit shall execute a hold harmless agreement in which the applicant agrees to save, defend, keep harmless and indemnify the City and all of its officials and employees from and against any and all claims, loss, damages, injury cost, liability or exposure arising out of the granting of said permit. The permit application and supporting materials as set forth herein must be submitted to the Zoning Officer no less than 10 business days prior to the date of the proposed sidewalk sale.~~

~~(4) Hours of operation shall be between 8:00 a.m. and 7:00 p.m.~~

~~(5) Any and all sidewalk sale permit applications shall be submitted and received beginning on April 30th.~~

~~(6) All business transactions must be finalized indoors.~~

~~(7) Businesses are only allowed to sell and display their own products or goods. Partnering with other vendors is not permitted.~~

~~(8) The sidewalk sale may have canopies, tables, clothing racks, shelving units, and bins no larger than 17W x 17 L x 10H inches.~~

~~(9) Mattresses, large furniture or sale of food and/or beverages are not permitted on the public sidewalk.~~

~~(10) This section shall not apply to any person or person desiring to distribute handbills or circulars or otherwise disseminate information from a fixed located on a sidewalk within the City of Perth Amboy. Permits for said activities must be obtained in accordance with the provisions of § 255-1 et. seq. herein.~~

~~C. No person or persons or body corporate shall:~~

~~(1) Park any motorized vehicle on the public sidewalk.~~

~~(2) Conduct any gambling or other games of chance on the public sidewalk.~~

~~(3) Ride a bicycle upon any public sidewalk.~~

~~(4) Ride a scooter, roller skates or skateboard on any public sidewalk.~~

~~(5) Lie on the public sidewalk, or on any object placed on the public sidewalk.~~

~~(6) Sit on the public sidewalk, or on any object placed on the public sidewalk, for more than one hour in any two-hour time period.~~

~~(7) Sell or offer for sale any goods, wares or services, or solicit funds for any purpose, in or on the public highway, except for licensed vendors.~~

~~(8) Sit, stand, lie or otherwise use the public sidewalk, or place one's belongings or other objects upon the public sidewalk, in such manner as to unreasonably and significantly impede or obstruct the free passage of pedestrians.~~

~~(9) Allow his or her belongings or other objects to remain unattended on the public sidewalk for more than 15 minutes.~~

~~(10) Allow any dogs, cats, pigs, snakes, rodents, reptiles, birds, primates, or other exotic or domestic animals on the public sidewalk unless properly restrained by leash or in a cage.~~

~~(a) Any animal with a known vicious propensity shall be muzzled.~~

~~(11) Solicit money for any purpose on the public sidewalk except as provided in § 317-22 in an aggressive manner, or accompanied by conduct, including but not limited to repeated begging, insistent panhandling, retaliatory comments, blockage of free passage of a pedestrian, touching or yelling at a pedestrian, confrontation or intimidation, which is likely to cause a reasonable person to fear bodily harm to oneself or another, or damage to or loss of property.~~

~~(12) Solicit money for any purpose on the public sidewalk in any manner, within an eight-foot radius of any building entrance, or within an eight-foot radius of any vending cart.~~

~~(13) Solicit money for any purpose on the public sidewalk within a 20-foot radius of any bank entrance or any automatic teller machine.~~

~~(14) Distribute any handbills pursuant to Chapter 255 on the public sidewalk within an eight-foot radius of any building entrance, other than the proprietor of a business located within such building.~~

~~D. Exceptions.~~

~~(1) The prohibitions set forth in Subsection C(5) and (6) shall not apply to any person sitting or lying due to a medical emergency.~~

~~(2) The prohibitions set forth in Subsection C(5) and (6) shall not apply to any person:~~

~~(a) Who requires the use of a wheelchair or other similar device to move about the sidewalk.~~

~~(b) Operating or patronizing a commercial establishment properly licensed for business on the public sidewalk.~~

~~(c) Participating in or attending a properly permitted parade, procession, or assemblage.~~

~~(d) Sitting on a chair or bench supplied by a public agency, for a period not to exceed six hours in any 24-hour period.~~

~~(e) Sitting on a chair supplied by abutting property owner.~~

~~(f) Sitting within a transit stop, waiting for public or private transportation.~~

~~(3) The prohibitions set forth in Subsection C(3) and (4), relating to bicycles, scooters, roller skates and skateboards, shall not apply to any person under the age of 12, nor shall it apply to any person skating in a controlled manner on the public sidewalk so as to fit with the flow of pedestrians.~~

~~(4) The prohibitions set forth in Subsection C(4), (6) and (9) shall not apply to duly licensed sidewalk cafes as provided for in this chapter.~~

A. Purpose. To ensure that all public sidewalks within the City of Perth Amboy are safe, accessible, and available for the free passage and enjoyment of the public. This section establishes the baseline standards of conduct necessary to maintain public order and safety.

B. Prohibited Conduct. No person or persons or body corporate shall:

(a) Park any motorized vehicle on a public sidewalk.

(b) Conduct any gambling or other games of chance on a public sidewalk.

(c) Ride a bicycle, scooter, roller skates, or skateboard on any public sidewalk in a manner that endangers or impedes pedestrian traffic. This prohibition shall not apply to any person under the age of twelve (12).

(d) Lie on a public sidewalk, or on any object placed on the public sidewalk, except in the case of a medical emergency.

(e) Sit on a public sidewalk, or on any object placed thereon, in a manner that obstructs free passage or access to a building entrance.

(f) Place or allow belongings or other objects to remain unattended on a public sidewalk for more than fifteen (15) minutes.

(g) Allow any animal on a public sidewalk unless properly restrained by a leash or in a cage. Any animal with a known vicious propensity shall be muzzled.

(h) Solicit money in an aggressive manner or in any way that is likely to cause a reasonable person to fear bodily harm or damage to property.

(i) Discard, dispose of, or spit chewing gum upon any public sidewalk, street, or public place. All chewing gum shall be disposed of in a proper waste receptacle.

EC. Penalties.

(1) For a violation of Subsections C(1), (2), (3), (4), (5), (6), (8) and (9), a fine of \$20 will be imposed.

(2) For a violation of Subsection C(4), (10), (11), (12), (13) and (14), a fine of not more than \$300 will be imposed.

(3) For a violation of Subsection C(7), a fine of not more than \$500 will be imposed pursuant to § 317-20.

(4) For a violation of Subsection B, A first offense shall result in the licensee receiving a written warning. For a second offense, the court may impose a fine of not less than \$150 nor more than \$500. For each offense thereafter, the court may impose a fine of not less than \$250 nor more than \$1,000 and the City shall revoke the sidewalk sale permit, sidewalk cafe and/or sidewalk extension license upon receipt of notification of a third conviction for violation of this section. If the violation(s) is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

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### § 386-6 Projecting Signs, Showcases and Structures.

No owner or occupant of any dwelling house, store or other premises within the corporate limits of the City of Perth Amboy shall fix, put up, hang or erect, or suffer the same to remain fixed, put up, hung or erected, any sign, showbill, showcase or other thing which shall project into, on, over or across any street, sidewalk, highway or other public place in said city more than three (3) feet in front of and from the wall or front of any such building or premises; provided,

however, that this section shall not apply to the erection of illuminated signs having a clearance of at least thirteen (13) feet from the sidewalk and a projection not to exceed the width of the sidewalk and for the erection of which illuminated sign a permit shall have been obtained from the Inspector of Buildings and a certificate procured from the same officer, setting forth that the said sign has been erected or hung in a secure and proper manner.

A. No sign, showcase, or any other structure shall project into or over any public street, sidewalk, or public place unless it complies with all applicable regulations.

B. All such projections, including but not limited to projecting signs and cabinet signs, shall adhere to the specific construction, placement, projection, clearance, and illumination standards as set forth in the City's Sign Regulations, found in Chapter 430, Article XI, § 430-62.

**§ 386-7 Erecting awnings over streets or sidewalks. Awnings, Canopies, Marquees, and Prohibited Temporary Structures Over Public Rights-of-Way.**

~~No person or persons or body corporate shall erect or cause to be erected on, over or across any street or sidewalk or any part thereof any awning, shed or other like structure within the corporate limits of the City of Perth Amboy unless the same shall be at least nine (9) feet in height from the surface of such street or sidewalk, measured from the curbline of the same, and at least ten (10) feet in height from such surface if such awning, shed or other like structure does not extend to said curbline.~~

A. The erection or maintenance of any awning, structural canopy, or marquee over any public street or sidewalk shall be in strict compliance with the standards set forth in Chapter 430, Article XI, § 430-62.O. Awnings, and Chapter 430, Article XI, § 430-62.P. Marquees and Canopies

B. Portable or Temporary Canopy Tents, as defined in Chapter 430, Article XI, § 430-5. Terms Defined, are strictly prohibited from being placed, erected, or maintained within any public street, sidewalk, highway, or other public right-of-way within the corporate limits of the City of Perth Amboy. This prohibition is absolute and extends to all non-permanent structures not expressly permitted by a special event permit issued by the City for a limited duration.

**§ 386-8 Continuing awnings over streets or sidewalks. Sidewalk Merchandising and Activation Program.**

~~No person or persons or body corporate shall continue or allow to be continued or allow to remain on, over or across any street, sidewalk or any part thereof within the corporate limits of the City of Perth Amboy any shed, awning or other structure of like nature unless the same shall be at least nine (9) feet in height from the surface of such street or sidewalk, measured from the curbline of the same, and at least ten (10) feet in height from such surface if such awning, shed or other like structure does not extend to said curbline.~~

A. Purpose and Intent. To create a vibrant, pedestrian-friendly commercial environment, this section establishes a clear and predictable permit process for the use of public sidewalks for merchandise display and other economic activities. This program serves as an incentive for businesses to contribute to a beautiful and active streetscape by rewarding high-quality design and responsible operation with the opportunity to use the public right-of-way for commerce.

B. Seasonal Sidewalk Merchandising Permit Required.

(a) Prerequisites for Application. No permit shall be issued unless the applicant business is in good standing with the City and the property is in full compliance with all signage and architectural design standards as set forth in Chapter 430, § 430-62, Article XI. The Code Enforcement Officer shall verify compliance prior to issuing any permit.

(b) No business shall place or sell any merchandise, goods, wares, or services on the public sidewalk without first obtaining a Seasonal Sidewalk Merchandising Permit from the Code Enforcement Officer.

(c) This permit replaces the temporary "sale days" previously permitted and allows for the display of merchandise for the duration of the permit's term. The term shall run from April 1 to December 31 of each year, consistent with the operating season for sidewalk cafes.

(d) Applications for this permit shall be submitted to the Code Enforcement Officer.

C. Design and Operational Standards. A permit shall be issued only if the proposed sidewalk merchandising plan complies with all of the following standards:

(a) Placement and Merchandising Zone:

(1) All merchandise and display furniture shall be located entirely within the "Merchandising Zone," defined as the area of the sidewalk within three (3) feet of the applicant's primary building facade.

(2) A minimum of five (5) feet of unobstructed sidewalk width must be maintained at all times for clear pedestrian passage.

(3) Displays shall not obstruct any building entrance, exit, or fire department connection.

(b) Display Furniture and Materials:

(1) All merchandise must be displayed on high-quality, professional, and well-maintained furniture, such as tables, racks, or shelving units designed for outdoor commercial use.

(2) The use of cardboard boxes, plastic crates, unfinished lumber, or the placement of merchandise directly on the sidewalk is strictly prohibited.

(c) Maintenance and Operations:

(1) The permittee is responsible for maintaining the entire sidewalk in front of their premises in a clean and orderly condition at all times.

(2) All merchandise and display furniture shall be removed from the sidewalk at the close of business each day.

(d) Peddlers Prohibited. The area directly in front of a ground-floor commercial storefront is reserved for the use of that business under a Seasonal Sidewalk Merchandising Permit. No peddler, vendor, or solicitor shall operate in this area, except as may be expressly permitted for licensed peddlers under Chapter 317, Article I.

(e) Display Limitations and Prohibitions. All sidewalk displays shall adhere to the following limitations:

(1) Maximum Area Occupation: The total area occupied by all merchandise displays and furniture within the Merchandising Zone shall not exceed twenty-five (25%) percent of the linear frontage of the applicant's primary building facade, measured along the sidewalk edge. For facades under twenty (20) feet in length, the maximum occupied area shall be limited to eight (8) square feet per display unit, with no more than one (1) display unit permitted per applicant.

(2) Dimensions: No single piece of display furniture shall exceed a height of five (5) feet in height, three (3) feet in width, or two (2) feet in depth. All items must be arranged to avoid stacking or overhanging beyond these dimensions, ensuring no protrusion into the required 5-foot pedestrian passage or adjacent properties.

(3) Visibility: All display furniture, such as shelving or racks, must preserve at least 70% unobstructed visibility through windows and doors within the first 5 feet of height from the sidewalk level. Solid, opaque displays are prohibited.

(4) Branding and Signage: The display furniture and merchandise arrangements shall be decorative in nature and not incorporate or support any form of branded signage, logos, banners, flags, or promotional materials. All business signage must be affixed to the building facade and comply with the regulations set forth in Chapter 430, § 430-62.

(5) Egress: No display shall block or impede access to any required building entrance, exit, or fire department connection at any time.

**§ 386-9 Enclosing sides of awnings or sheds. Reserved.**

No person or persons or body corporate shall board up or enclose the side or sides or any part thereof of any awning, shed or other like structure erected or hereafter erected on, over or across any street or sidewalk or any part thereof within the corporate limits of the City of Perth Amboy; and further, no person or persons or body corporate shall, within the corporate limits of the said city, allow the boards or other like enclosure to remain on the side or sides of any awning, shed or other like structure or any part thereof.

**SECTION 2.** That Chapter 386, Article VII, Sidewalk Occupation, is replaced and amended as set forth in Appendix A attached hereto and made apart hereof.

**SECTION 3.** That Chapter 430, Article XI, Signs, is replaced and amended as set forth in Appendix B attached hereto and made apart hereof.


**SECTION 4.** All ordinances or part of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

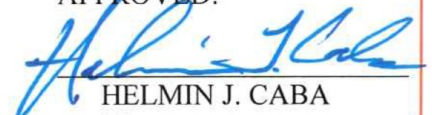
**SECTION 6.** This Ordinance shall take effect immediately upon passage, publication and approval according to law.

  
MILADY TEJEDA  
Council President

ATTEST:

  
THERESA LOPEZ  
Assistant City Clerk

APPROVED:

  
HELMIN J. CABA  
Mayor

APPROVED AS TO FORM:

  
WILLIAM P. OPEL  
Director of Law

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