

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 2024-04

**ORDINANCE CREATING NEW CHAPTER 486, "PEDESTRIAN MALLS" MEMORIALIZING
THE 2019 DESIGNATION OF A PORTION OF EMANUEL COURT AS A PERMANENT
PEDESTRIAN MALL AND DESIGNATING A PORTION OF BROAD STREET AS A
SEASONAL PEDESTRIAN MALL**

WHEREAS, the Borough of Red Bank (the "Borough") is authorized by New Jersey law, pursuant to N.J.S.A. 40:56-69, to close streets or portions thereof to vehicular traffic for the purposes of creating a pedestrian mall; and

WHEREAS, upon the recommendation of Red Bank RiverCenter ("RiverCenter"), via Ordinance No. 2019-09, adopted February 27, 2019, the Borough previously designated a portion of Emanuel Court as a permanent pedestrian mall; and

WHEREAS, Red Bank RiverCenter ("RiverCenter") consistently recommends that a portion of Broad Street, between Front Street and White Street, be seasonally closed to vehicular traffic for the purposes of creating a pedestrian mall; and

WHEREAS, in reviewing the recommendations of RiverCenter to close Broad Street, between Front Street and White Street, the Borough finds that:

- (1) Broad Street, between Front Street and White Street, is not part of any State highway;
- (2) Broad Street, between Front Street and White Street, is located in a business district;
- (3) Broad Street, between Front Street and White Street, is improved to its maximum feasible width with regard to adjoining buildings and improvements;
- (4) Reasonably convenient alternate routes to other parts of the municipality and State will exist for private vehicles despite the seasonal closure of Broad Street, between Front Street and White Street;
- (5) Unlimited use of the entirety of Broad Street, between Front Street and White Street, by private vehicles while the business district is seasonally crowded may constitute a hazard to the health and safety of pedestrians;
- (6) Properties abutting Broad Street, between Front Street and White Street, can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys;
- (7) That it is in the best interests of the Borough and the public and to the benefit of adjacent properties to use Broad Street, between Front Street and White Street, primarily for pedestrian purposes on a seasonal basis from the Monday following the second Sunday in May through September 30th; and

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(8) That pedestrian use is determined to be the highest and best use of Broad Street, between Front Street and White Street, on such a seasonal basis;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Red Bank that the Borough's Revised General Ordinances are hereby augmented to include *new* Chapter 486: "Pedestrian Malls" as follows:

CHAPTER 486: "PEDESTRIAN MALLS"

§ 486-1 Permanent Pedestrian Malls.

- A. *Emanuel Court.* The portion of Emanuel Court beginning at West Front Street and extending 84 feet in a southerly direction therefrom is designated as a permanent pedestrian mall, and such portion of Emanuel Court shall be permanently closed to vehicular traffic.

§ 486-2 Seasonal Pedestrian Malls.

- A. *Broad Street.* The portion of Broad Street between Front Street and White Street is designated as a seasonal pedestrian mall, and such portion of Broad Street shall be closed to vehicular traffic twenty-four (24) hours per day on all seven days of the week beginning the Monday following the second Sunday in May until September 30th on an annual basis.

§ 486-3 Use and Control of Pedestrian Malls.

- A. A pedestrian mall may be used for any purpose or activity which will enhance the movement, safety, convenience or enjoyment of pedestrians, subject to the limitations set forth in this Chapter.
- B. The Borough Manager shall maintain a Pedestrian Mall Operating Plan for each pedestrian mall designated in this Chapter, to be enforced by the Police Department, Code Enforcement Office, and/or Board of Health, and to provide for control and regulation of:
- (1) The distribution and location of movable furniture, sculptures, decorations, lighting, pedestrian/traffic control devices, and other facilities.
 - (2) The uses permitted on the pedestrian mall by occupants of abutting properties, including, but not limited to business operations, displays, dining, recreation, and other suitable activities.
 - (3) The issuance of permits and applicable fees for the conduct of any activities or operations consistent with the purposes of the pedestrian mall, including such fees as may be charged abutting property owners for outdoor business extensions.

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- (4) The operation of any heating, utilities, communications, sound, or other equipment and the distribution and placement thereof within the pedestrian mall.
- (5) The designation of parking spaces and/or other specifically reserved uses of the pedestrian mall or portions thereof.
- (6) The regulation of a limited amount of local vehicle traffic 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 along the pedestrian mall.

§ 486-4 Regulations Applicable to Pedestrian Malls.

The following regulations shall be in effect at all times within pedestrian malls within the Borough and shall be noted in the Pedestrian Mall Operating Plan maintained by the Borough Manager:

- A. Any person(s) creating undue amounts of noise, waste, and/or a potentially dangerous or threatening environment for any pedestrian mall patrons will be subject to removal from the pedestrian mall and subject to additional penalties allowed by law, if applicable.
- B. No person shall loiter within the pedestrian mall between 12:00 a.m. and 6:00 a.m., whether or not that person is making use of any seating, fixtures, or any other pedestrian mall features. Any person in violation of this section will be subject to removal from the pedestrian mall in addition to any other penalties allowed by law, if applicable.

§ 486-5 Municipal Powers Retained.

- A. Notwithstanding the establishment of any street or portion thereof as a pedestrian mall, the Borough shall retain all powers relating to the street or portion thereof constituting the pedestrian mall.
- B. Nothing in this Chapter shall be construed as a vacation, in whole or in part, of any street or public right-of-way.
- C. Nothing shall prevent the Borough from subsequently abandoning the operation of any pedestrian mall, changing regulations or applicable fees for any costs, or changing or repealing any limitation on the use of a pedestrian mall for any particular purpose.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Red Bank that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance and all other provisions of the Revised General Ordinances are ratified and remain in full force and effect.


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BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Red Bank that if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Red Bank that, at least ten (10) days prior to the date fixed for a public hearing of this Ordinance, a copy of this proposed Ordinance and notice of the date, time and place of the hearing shall be mailed to the owners of the lots and properties abutting the Broad Street pedestrian mall.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that this Ordinance shall take effect immediately upon its passage and adoption according to law.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KRISTINA BONATAKIS		X	X			
		X				DAVID CASSIDY			X			
		X				NANCY FACEY-BLACKWOOD			X			
	X	X				BEN FOREST			X			
		X				LAURA JANNONE			X			
X		X				KATE TRIGGIANO	X		X			
		X				MAYOR WILLIAM PORTMAN			X			
Introduced: January 11, 2024						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on the aforementioned date.						
Final Adoption: February 8, 2024												
						 Laura Reinertsen, Borough Clerk						