

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 11.11 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(OUTDOOR SALES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 25, Section 11.11 of the Revised General
Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 25, Section 11.11 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

**II. CHAPTER 25 SECTION 11.11 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§25-11.11 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "Outdoor Sales" which specifies the requirements for outdoor sales by any business in the Township of West Orange, shall be repealed and replaced by the following language:
 - a. It shall be unlawful for any person, firm, corporation, merchant, club, association, group, charitable institution or organization to conduct an outdoor sale as defined herein within any business or commercial zone district without first having obtained a permit from the Zoning Officer for that purpose as hereinafter provided:
 - 1. An application for a permit to conduct an outdoor sale shall be made at least 15 days prior to the sale, and shall be issued for not more than three consecutive days. No person or entity shall be entitled to more than three permits during a twelve-month period. Appropriate provisions for alternate days because of inclement weather shall be made at the time of application for the permit. No applicant, who has already been issued a permit shall be issued a permit for a period to commence within 15 days of the termination of any previously issued permit to that applicant for a particular location. The following information shall be provided and filed with the Zoning Officer prior to the issuance of a permit:
 - (a) The name, address and phone number of the person, firm, corporation, club, association, group, charitable institution or organization conducting the sale.
 - (b) The name, address and phone number of a designated "contact person." This person will be contacted if there are any violations of this subsection during the sale. The contact person shall sign the application.
 - (c) The name and address of the owner of the property on which the sale is to be conducted, together with the consent in writing by the owner.

- (d) The location and times of such sale.
- (e) The date or dates of the sale.
- (f) An affirmation or sworn statement by the person signing that the information given is true and correct.

2. The fee for a permit for an outdoor sale for a commercial or any for profit organization shall be ~~\$100~~prescribed by Resolution. The fee for a permit for a bona fide not for profit organization or charity shall be ~~\$25~~be prescribed by Resolution. If more than one person, firm, corporation, merchant, club, association, group, charitable institution or organization is participating in the sale, each participant shall pay a permit fee. Each permit shall be posted so as to be at the location, and for the duration, of the sale.

3. No street or vehicle right-of-way within the confines of the location of the sale shall be blocked or obstructed by any merchandise offered for sale. A ~~three-foot~~three-foot passageway for pedestrians on public sidewalks shall be left open, and merchandise shall be securely and adequately placed so that it will not endanger passersby. Such sales shall not be operated in any manner which would cause a nuisance or create a fire hazard.

4. Outdoor sales shall be conducted only in commercial and business zoning districts and only between the hours of 9:00 a.m. and 9:00 p.m., exclusively of set up and disassembling time.

5. Any signage specifically for the outdoor sale shall require a temporary sign permit which shall be in effect only for three days prior to, and the days of, the permitted sale and any signage shall comply with the rules and regulations regarding signage in the Land Use Regulations for the Township, and shall be removed within 24 hours after the end of such permit.

6. The following persons and sales shall be excepted from this subsection: Persons selling goods according to an order or process of a court of competent jurisdiction; persons acting in accordance with their duties and powers as public officials; those conducting "garage sales" in residential zones in accordance with the "Garage Sale Ordinance."

7. If food or food stuffs will be sold, an additional permit therefor shall be obtained from the Township Health Department.

8. This subsection shall be enforced by the Zoning Officer or his or her designee and the Police Department. It shall be the duty of the Zoning Officer and/or Police Department to investigate any possible violations of this subsection. It shall also be the duty of all departments, officers and employees of the Township to bring to the attention of the Zoning Officer any violations of this subsection of which they become aware.

9. The holder of a permit and any agents, servants or employees of the holder shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity.

10. Any person, firm, corporation, merchant, club, association, group, charitable institution or organization who shall violate any of the terms or regulation of this subsection may have their permit

summarily revoked by the Zoning Officer. In addition, any person, firm, corporation, merchant, club, association, group, charitable institution or organization conducting any such outdoor sale or similar activity without having the necessary permit or who shall violate any of the terms or regulations of this subsection shall also, upon conviction of any violation thereof, be fined ~~not more than \$1,000 for each violation~~ by an amount prescribed by Resolution for each violation. Each day, or part thereof, during which a sale without the required permit or in violation hereof shall continue, shall be considered a separate violation.

11. The Township Council may in its discretion designate Township wide or area wide celebration days during which an outdoor sale may be held and such sale shall not be subject to the limitations of Subsection a,1 of this subsection.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: March 21, 2023

ADOPTED: April 4, 2023

2734-23

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Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.