

## ORDINANCE 2019-09

### **AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, CHAPTER 178 OF THE CODE OF THE BOROUGH OF CHESTER TO INCLUDE AN ARTICLE 2 N ENTILED HOLIDAY BUSINESS LICENSE**

**WHEREAS**, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

**WHEREAS**, municipalities are required by Statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

**WHEREAS**, the Mayor and Borough Council believe that the viability of the Borough's retail business community is essential to the best interests of the Borough of Chester;

**WHEREAS**, the Borough of Chester adopted Chapter 178 (Licensing), Article 1 (Special Business License) and Chapter 116, Section 19(B) to provide opportunities for the Chester Borough business community to promote their businesses;

**WHEREAS**, the Mayor and Borough Council wish to provide additional opportunities to the business community by amending the Borough Code, Part II (General Legislation) Chapter 178 (Licensing) to include an Article II (Holiday Weekend License); and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended and as follows:

**SECTION 1.** Part II (General Legislation), Chapter 178 (Licensing) is hereby amended to include an Article II (Holiday Weekend License) as follows:

**§ 178-7 Purpose.**

There shall be created a holiday weekend license for registered businesses in the Borough of Chester which would permit such a business to temporarily deviate from its approved site plan to promote its business during the Memorial Day and Labor Day weekends, and to assure that such business thereafter fully complies with its site plan.

**§ 178-8 License.**

Any business within the Borough which has a valid business license pursuant to Chapter 180, Permits, Business, of this Code, may seek issuance of a Holiday Weekend License from the Zoning Officer and/or Borough Clerk. The Holiday Weekend License shall be granted for no more than three consecutive days during the Memorial Day Weekend and/or the Labor Day Weekend.

**§ 178-9 Application.**

**A.** The Borough Clerk shall prepare an application form for a Holiday Weekend License, which shall be available at the office of the Zoning Officer.

**B.** The Application shall require the following:

- (1) The name, address, and telephone number of the applicant;
- (2) The name, address, and telephone number of the business owner or operator;
- (3) The proposed date(s) of the Holiday Weekend;
- (4) A description of the promotional activities and the hours of its duration on the specified date(s);
- (5) A description and location of all methods of on-site advertising to be employed, including but not limited to the use of signs, banners, balloons, streamers, flags, displays, inflatables, and the like;
- (6) A description and location of any activity to occur outside the business structure, including but not limited to demonstrations, displays, tables, performances;
- (7) Submission of a site plan or site drawing depicting where the methods of advertising and outside activities are to be conducted; and
- (8) Such other information which the Borough Clerk and/or Zoning Officer may deem appropriate.

C. The Zoning Officer shall review the application for completeness and make recommendations to the Borough Clerk to ensure that the promotional activities do not interfere with the flow of pedestrian and vehicular traffic, or the safety of the citizens. The Zoning Officer in its discretion may seek the review of the application by the Chief of Police or such other officers of the Borough as the Zoning Officer may deem appropriate.

D. The Borough Clerk shall submit the application and its recommendation to the Mayor and Council for consideration at the next regular meeting of same.

**§ 178-10 Limitations.**

Special business licenses may be issued subject to the following limitations:

A. No license under this article may be issued to a business which does not have a valid business license pursuant to Chapter 180, Permits, Business, of this Code.

B. No license under this article may be issued without completion, submission and approval of an application for a Holiday Weekend License, and payment of the required fee as set forth in Chapter 127, Fees.

C. No promotional activities approved for a Holiday Business License shall be permitted on the sidewalk immediately in front of a business unless there is a minimum of five (5') feet of unobstructed clearance maintained for pedestrian traffic, but in no case shall the promotional activities use more than 50% of the total width of the sidewalk.

D. No promotional activities approved for a Holiday Business License may use any portion of the roadway, public parks or municipal property, with the exception of the sidewalk as set forth above.

E. No business issued a Holiday Business License may use more than 50% of its off-street parking area for non-parking purposes.

F. For a period of seven (7) days before Memorial Day Weekend and/or Labor Day Weekend, a business issued a Holiday Weekend License, hereunder, may use a temporary sign(s) or banner(s) the combined square footage of which shall not exceed 15 square feet, to announce the upcoming Holiday Weekend event. Such temporary signage shall be removed within 24 hours of conclusion of the Holiday Weekend. Placement and location of such signage shall be subject to the prior approval of the Zoning Officer and may only be granted to a business that has been issued a license under this article.

G. The Zoning Officer shall have the authority to monitor the promotional activities and immediately suspend the Holiday Weekend License if the promotional activities deviate from the approved application, or in the interest of public safety.

**§ 178-11 Enforcement.**

This article shall be enforced by the Police Department, Zoning Officer, Municipal Engineer and/or Construction Official of the Borough of Chester.

**§ 178-12 Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine as set forth in § 1-17 of the Code of the Borough of Chester.

**SECTION 2.** Borough Code Part II (General Legislation), Chapter 116 (Disorderly Conduct), Article 18 (Obstructing Public Space, Exceptions), Paragraph B, Subparagraph 2, is hereby specifically amended to read as follows:

[Chapter 116-18(B)(2)]

The provisions of this section shall not prevent the issuance of a special business license pursuant to Chapter 178, Article I, of this Code, for up to two consecutive days at a limit of four per year, per business; or the issuance of a Holiday Weekend license pursuant to Chapter 178, Article II, of this Code. These licenses would permit a business to use balloons, streamers, flags, etc., to advertise such event. For these permitted events only, the sidewalks may be used as a display area, provided that there is a minimum of five feet unobstructed clearance maintained for pedestrian traffic, but in no case shall a display area cover more than 50% of the width of the total sidewalk. When, in the opinion of the Zoning Officer, such clearance is not adequate for pedestrian flow, the Zoning Officer shall designate more appropriate clearance.

**SECTION 3.** If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

**SECTION 4:** All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5:** This ordinance shall take effect upon passage and publication according to law.

Dated: June 6<sup>th</sup>, 2019

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Janet Hoven, Mayor

Attest:

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Denean Probasco, Municipal Clerk

**NOTICE OF FINAL ADOPTION**

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 7th day of May, 2019, and the same came up for final passage at a meeting of said Borough Council on the 6<sup>th</sup> day of June, 2019 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Chester, County of Morris and State of New Jersey.

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Denean Probasco, RMC  
Municipal Clerk