

## **ORDINANCE 2016-**

### **AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ADDING CHAPTER 325, OUTDOOR MERCHANDISE DISPLAY**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Bradley Beach that Chapter Three Hundred Twenty Five, of the Revised General Ordinances of the Borough of Bradley Beach shall be amended and revised to read as follows:

#### **325-1 Definitions:**

“OUTDOOR DISPLAY” means the displaying of goods, merchandise or products outdoors such that the items are readily available for sale at retail on the same lot and in conjunction with a permitted use, which is otherwise operated entirely within a permanent fully enclosed building.

"OUTDOOR STORAGE" means the storing or maintaining, exterior to any permanent, fully enclosed building or structure of goods, merchandise, inventory, equipment or other tangibles for any purpose other than outdoor display. The term outdoor storage shall not include box trucks, semitrailers and any other type of vehicles currently licensed by any State in the process of delivering or picking up goods or materials. Goods, merchandise or products stacked on pallets and/or wrapped in packing materials such that the items are not readily available to the public for immediate retail sale shall be considered outdoor storage and not outdoor display.

#### **Nothing in this section shall waive the requirement to obtain a use permit for outdoor storage**

1. Outdoor display stands shall not be operated as a separate business.
2. Any and all licenses issued pursuant to the term of this chapter shall permit outdoor display from the start of the calendar year to end of that calendar year.
3. Displays shall be permitted only as accessory uses on the same premise located in front of, on the side of or behind the primary building during its normal business hours only. Only goods, merchandise or products that are typically located within the permanent building or structure shall be offered for sale in an outdoor display area.
4. No outdoor display areas shall be located within Five (5) feet of any residential property line or adjacent building.
5. Where an outdoor display is located on a sidewalk or walkway, an unobstructed portion of the area not less than Four (4) feet wide between the adjacent building and the adjacent curb shall be maintained at all times. The area shall be unobstructed by trees, tree wells, light poles, trash receptacles, sign poles and posts, telephone booths and similar structures. The pathway shall not meander around obstructions.. The display cannot occupy more the 75% of the storefront in length.
6. The display shall not contain front lighting, backlighting and/or lighting within the display. However merchandise itself that contains lighting may be displayed. No power lines or extension cords shall be allowed.

7. Merchandise may be displayed on temporarily removable supports such as shelves, bookshelves, decorative carts and similar kinds of supports. The supports shall be removed at the end of each day of business, and shall have no wheels, except for decorative carts. Packing cartons, cardboard boxes, bins, card tables, folding tables, or similar display supports are prohibited
8. Plants, cut flowers, and greens may be used as decorative material.
9. No Amusement center, amusement arcade, or Vending machine servicing business shall be erected in the outdoor display.
10. All outdoor display areas must be maintained and displayed in a neat, orderly and safe manner.
11. No outdoor display shall obstruct visibility at the intersection of two or more roadways and/or driveways. There shall be no significant obstruction to visibility located above three feet in height.
12. All permits shall be-subject to the Chief of Police, Code and Fire Marshalls approval.

**THIS ORDINANCE** shall become effective upon final passage and publication according to law.

\_\_\_\_\_  
KELLY BARRETT  
Deputy Municipal Clerk

\_\_\_\_\_  
GARY ENGELSTAD  
Mayor

Introduced: May 24, 2016

Date of Hearing and Adoption: June 14, 2016

Date of Publication: \_\_\_\_\_

\_\_\_\_\_

## **OUTDOOR MERCHANDISE DISPLAY Application**

Applications for an outdoor display shall be made to the Borough of Bradley Beach Clerk forms provided by the Clerk, and such applications shall be accompanied by a sketch plat setting forth the specific location for the proposed outdoor display.

- a. An accurate plat of survey or other accurate and scaled drawing indicating the exact location and dimension of the proposed outdoor display area;
- b. The property lines;
- c. The distance of the proposed outdoor display area to the property lines;
- d. The location and dimension of all structures existing on the site (including the primary building, all accessory buildings, and all existing fencing);
- e. The easements; and, the street lines, driveways, sidewalks and walkways.
- f. A written description of the general types of items to be displayed with the maximum height of the display stand/rack.
- g. Once a completed application is received by the Clerk with the appropriate fee of \$65.00, it shall be forwarded to the Chief of Police who shall conduct an investigation, including consultation with the Zoning Officer, Fire Prevention Official with the data contained in the application.
- h. Governing hours of operation, manner of service, type of awning, umbrella and may require the applicant to bring sidewalks into conformity with Borough requirements. It is a specific condition of every license or renewal of license issued that the license holder provide written confirmation to the Borough Clerk that the Borough has been named as an additional insured on all public liability policies under which the outdoor display will operate, with the limits of such liability policy or policies approved by the Borough Attorney.

Should an application be approved, the applicant shall also pay a licensing fee in the amount of \$1 per square foot of sidewalk utilized for said outdoor display.