

**TOWNSHIP OF LONG HILL**  
**ORDINANCE #365 - 15**  
**CONCERNING SIDEWALK SALES AND AMENDING CHAPTER III OF THE TOWNSHIP**  
**CODE ENTITLED "POLICE REGULATIONS"**

*STATEMENT OF PURPOSE: To give merchants more flexibility in scheduling sidewalk sales.*

**BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter III of the Township Code entitled "Police Regulations" is hereby amended as follows:

**Section 1.** Section 3-5 entitled "Sidewalk Sales" is amended to read as follows:

**3-5 SIDEWALK SALES.**

**3-5.1 Definitions.**

As used in this section:

*Sidewalk* shall mean any public or private walkway abutting or traversing a premises, any parking lot, lawn or any other exterior area of a premises at which a business is conducted.

*Sidewalk sale* shall mean a retail sale of a short term and temporary in nature conducted in the front or side yard of a business adjacent to the indoor establishment of the tenant or owner without permanent improvements made to the site. ~~Sidewalk sales shall not include outdoor plant sales. See Section 3-5A for outdoor plant sales.~~

*Outdoor plant sale* shall mean the retail sale of live ~~seasonable~~ seasonal potted plants, including flowers and pumpkins, and bagged bulk landscaping material such as mulch and potting soil, in the front or side yard of a business adjacent to the indoor establishment of the tenant or owner without permanent improvement made to the site.

**3-5.2 Sidewalk Sales Permitted ~~on Certain Dates.~~**

a. Any retail business lawfully operating in the Township in full compliance with the Township Zoning Ordinance and other applicable ordinances and regulations shall be permitted to conduct sidewalk sales. ~~during the following periods:~~

- ~~1. June For nine (9) days from the Saturday occurring eight (8) days before Father's Day until Father's Day, inclusive. Father's Day is the third Sunday in June.~~
- ~~2. July For nine (9) days from the Saturday eight (8) days before the Stirling Freedom Tour Bike Race until the Stirling Freedom Tour Bike Race, inclusive. The Stirling Freedom Tour Bike Race is schedule to occur on the fourth Sunday in July.~~
- ~~3. August/September For ten (10) days commencing the Saturday that occurs nine (9) days before Labor Day until Labor Day, inclusive. Labor Day is the first Monday in September.~~
- ~~4. October For nine (9) days from the Saturday that occurs eight days before the Annual October Street Fair and ending on the Sunday of the Street Fair Weekend. The Street Fair weekend is scheduled to occur on the second Sunday of October.~~

A business may conduct no more than four such sales in any year. Each sale is limited to no more than ten calendar days. Sales shall be conducted only between 8:00 a.m. and 8:00 p.m., prevailing time.

~~No permit shall be required to conduct a sidewalk sale on the dates specified above.~~

It shall be unlawful for any person to conduct a sidewalk sale in the Township without first obtaining a Sidewalk Sale Permit from the Clerk. There shall be no fee to obtain a Sidewalk Sale Permit. All Permits issued pursuant to the provisions of this section shall be conspicuously displayed during the entire period of the sidewalk sale.

b. — A temporary sign of no larger than twelve by twenty four (12" x 24") inches may be displayed on each street front of each participating establishment for a period commencing one (1) week prior to the start of the sidewalk sale until the end of the sidewalk sale. No permit is required for sidewalk sale signs.

c. — Any business that wishes to conduct outdoor sales at any time other than those dates listed in this subsection of the section must obtain site plan approval or variance from the approving authority.

**~~3-5A.2~~ 3-5.3 Outdoor Plant Sales Permitted for Limited Periods.**

Any retail business lawfully operating in the Township in full compliance with the Township Zoning Ordinance and other applicable ordinances and regulations shall be permitted to conduct outdoor plant sales from March 15 through October 31 of each year.

**~~3-5.3~~ 3-5.4 Safety Regulations.**

No walkway normally used by pedestrians or vehicles shall be blocked by any merchandise offered for sale ~~at a sidewalk sale~~. A three (3') foot passage way for pedestrians shall be left open and merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extrude into any street ~~or alley~~, driveway or fire lane.

Merchandise shall be kept in a neat and orderly fashion at all times. Such sales shall not be operated in any manner which would cause a nuisance or create a fire safety or traffic hazard. Goods may be stored out of doors, at the vendors own risk, during the permitted ~~sidewalk~~ sale.

**~~3-5.4~~ 3-5.5 Enforcement.**

This section shall be enforced by the ~~Township Code Official~~, Code Enforcement Officer, the Police Department and/or the Fire Official.

**~~3-5.5~~ 3-5.6 Penalties.**

Any person who conducts a ~~sidewalk~~ sale on any date not authorized by this section or who violates any of the other regulations of this section shall be liable to the penalties stated in Chapter I, Section 1-5

**~~3-5A~~ ~~OUTDOOR PLANT SALES.~~ Delete all**

**~~3-17~~ ~~TIME LIMITED FOR LIGHTED BUSINESS SIGNS AFTER CLOSING HOUR.~~**

~~—No person shall allow any sign (as that term is defined in Township Code Section 35-8.2) to be lighted later than one half (½) hour after business closing. (Ord. No. 16-91 § 1; 1967 Code § 58-29A)~~

**Section 2.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall take effect immediately upon final passage and publication as required by law.

**NOTICE**

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, September 9, 2015 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 14, 2015 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR  
Township Clerk

*First Reading and Introduction: September 9, 2015*

*1<sup>st</sup> Publication: September 17, 2015*

*Second Reading and Adoption: Carried to October 28, 2015*

*2<sup>nd</sup> Publication: November 5, 2015*