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NUMBER 58-2022

TITLE: AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, ESSEX COUNTY, NEW JERSEY, TO AMEND AND SUPPLEMENT THE CODE OF THE CITY OF ORANGE TOWNSHIP TO CREATE CHAPTER 167 ENTITLED "RETAIL ESTABLISHMENTS". (Sponsored by Council Member Tency A. Eason).

WHEREAS, the Code of the City of Orange Township ("Municipal Code") currently has no regulations in place to regulate operation for general retail establishments (*i.e.*, non-food/non-service retail outlets); and,

WHEREAS, the presence of patrons on sidewalks and vehicles in parking spaces surrounding such retail establishments during certain hours can contribute to excessive build-up of traffic, unsafe pedestrian crossings, littering and obstruction of vital government services such as student transportation, garbage/recycling collection, and street maintenance; and,

WHEREAS, the Municipal Council of the City of Orange Township seeks to ensure the health and safety of the public, as well as the continued viability of the City's commercial corridors by regulating such retail establishments' hours of operation through the creation of new regulations specific to and consistent with that purpose.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, ESSEX COUNTY, NEW JERSEY as follows:

Section 1 Amendment & Supplement to Municipal Code.

Part II of the Municipal Code, as amended, is hereby further amended and supplemented as follows:

Chapter 167 - Retail Establishments

§ 167-1 Definitions.

For the purposes of this chapter, the following words shall have the meanings indicated:

CONSUMER RETAIL PRODUCTS

Goods or wares made available for sale or resale to end-user consumers through a retail outlet open to the general public (e.g., beauty supplies, clothing, footwear, jewelry, mobile telephones, etc.). For purposes of this chapter, "consumer retail products" shall not include any raw, prepared, or packaged food or beverage items.

RETAIL ESTABLISHMENT

Any business that is primarily or exclusively engaged in the sale of consumer retail products. For purposes of this chapter, "retail establishment" shall not include any hardware/trade supply business, landscape supply business, or service-based business where the sale of consumer retail products is ancillary to the offered service (e.g.,

(UNDERScores ARE ADDITIONS, (~~BRACED STRIKEOUTS~~) ARE DELETIONS)

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locksmith, storage facility, taxi/limousine service, funeral home, etc.). “Retail establishment” shall also specifically exclude any bank, financial institution, professional office (e.g., attorney, physician, accountant, etc.), manufacturing facility, as well as any business or sale of consumer retail products otherwise defined in and/or regulated elsewhere in the Code of the City of Orange Township, including without limitation:

Chapter 51 (Alcoholic Beverages);

Chapter 54 (Amusements and Entertainment);

Chapter 58 (Automobile Paint, Repair and Service Shops);

Chapter 60 (Barbershops and Beauty Parlors);

Chapter 98 (Food-Handling Establishments);

Chapter 105 (Garage and Casual Sales);

Chapter 122 (Laundries and Dry-Cleaning Establishments);

Chapter 147 (Pawnbrokers);

Chapter 152 (Peddling and Soliciting);

Chapter 179 (Sidewalk Cafes); and,

Chapter 180 (Smoking on Public Property; Tobacco Retail Establishments).

§ 167-2 Hours of Operation.

Except as otherwise regulated by the Code of the City of Orange Township, or other state or federal laws, no retail establishment shall open for business before 10:00 a.m. and/or remain open after 9:00 p.m. on any day. Administrative functions necessary and incidental to operation of a retail establishment (e.g., cleaning, stocking, accounting, maintenance, etc.) may be conducted after 9:00 p.m. and/or before 10:00 a.m. on any day, so long as the business is not open to the public during those hours.

These operating hours shall not apply to any retail establishment that is also duly-licensed to sell raw, prepared, or packaged food or beverage items, including without limitation those types of retail food establishments listed under § 98-4 and as also used in Chapter 179 (Sidewalk Cafes).

Section 2 Severability of Ordinance Provisions.

Each Section of this Ordinance is an independent Section and any part hereof found unconstitutional, void or ineffective for any cause shall not affect the validity or constitutionality of any other parts hereof.

Section 3 Conflicts and Inconsistencies.

All other Ordinances and parts of Ordinances that conflict or are inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency.

Section 4 Effective Date.

Following final passage, this Ordinance shall take effect upon the expiration of 20 days after publication, unless otherwise provided by the Municipal Council.

PURPOSE: To establish regulations governing the operation of certain retail establishments located within in the City of Orange Township.

FISCAL IMPACT: None.

(UNDERScores ARE ADDITIONS, {~~BRACED STRIKEOUTS~~} ARE DELETIONS)

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

Approved:

Dwayne D. Warren, Esq.
Mayor