

Revised
5/15/01

TOWNSHIP OF EVESHAM

ORDINANCE NO. 38-11-2000

**AMENDING THE CODE OF THE TOWNSHIP
OF EVESHAM TO CREATE CHAPTER 120
"SALES AND DISPLAYS, OUTDOOR"**

BE IT ORDAINED, by the Township Council of the Township of Evesham, County of Burlington and State of New Jersey, that the Code of the Township be and is hereby amended to create a new Chapter 120 to regulate outdoor sales and displays, as follows:

SALES AND DISPLAYS, OUTDOOR

- § 120-1. Issuance of permit.
- § 120-2. Conditions for issuance of permits.
- § 120-3. Duration of permit.
- § 120-4. Permit fee.
- § 120-5. Application information.
- § 120-6. Waiver.
- § 120-7. Enforcement.
- § 120-8. Repealer, severability; when effective.

§ 120-1. Issuance of permit.

On application to the Township Manager, or his or her designee, the Township Manager, or his or her designee, may permit, at their discretion, an outdoor display and/or sale on sidewalks, adjacent to an applicant's commercial premises, subject to the conditions contained herein.

§ 120-2. Conditions for issuance of permits.

A permit for an outdoor display and sale shall only be given if the applicant satisfies all of the following criteria:

- A. No food or foodstuffs shall be displayed or offered for sale except by a merchant whose normal business includes the sale of such items; said merchant must also maintain a valid permit for the food or foodstuffs displayed if the same are of the type which otherwise require a permit; said merchant shall also provide a trash receptacle of at least twenty-five (25) gallons' capacity within five (5) feet of his/her display area.
- B. The outdoor display and sale shall be restricted to areas zoned for commercial business and shall otherwise be in accord with all zoning regulations pertaining thereto.

C. The outdoor display sale shall not block pedestrian or motor vehicle traffic. Specifically, it shall not impede the flow of pedestrian traffic, including the handicapped, and said display shall in no way threaten the safety of the public. This includes, but is not limited to, ensuring that motorists are not visually or physically obstructed in an unsafe manner.

D. All participating displayers or sellers shall either:

(1) Own or lease permanent premises within twenty (25) feet of the place where the outdoor display or sale be will conducted; and

(2) Present, upon demand, written permission from a business entity providing exclusive use of the premises owned or leased by said business entity within twenty-five (25) feet of the place where the outdoor display or sale will be conducted

E. The applicant shall demonstrate that the outdoor display and sale serves the public purpose of furthering the commercial and mercantile growth and stability and/or aesthetics of the Township at large.

F. The permit shall not adversely affect the public welfare.

§ 120-3. Duration of permit.

Any permit issued hereunder shall be issued for a period of 30 consecutive days, with dates and time of display and sale subject to the approval of the Township Manager.

§ 120-4. Permit fee.

The applicant shall pay a fee of one hundred dollars (\$100.) for the initial 30 day permit and twenty-five dollars (\$25.) for each additional permit thereafter, within a 12-month period.

§ 120-5. Application information.

The applicant shall include with its application its' name, location to be used for sale and display and a list of the goods to be displayed and offered for sale.

§ 120-6. Waiver.

Permits for outdoor displays and sales are not required for Township-endorsed festivals including, but not limited to, the Fall Festival and Winter Fest.

§120-7. Enforcement.

This chapter shall be enforced by the Construction Code Official or his designee.

§ 120-8. Repealer, severability; when effective.

- A. Repealer. In the event that any clause, section or paragraph of this ordinance is deemed to be invalid for any reason, then it is hereby declared to be the intent of the governing body that the balance of the ordinance shall remain in full force and effect, the governing body hereby declaring that it would have adopted the remainder of the ordinance even without the offending provision.
- B. Severability. Any and all ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed to the extent of any such inconsistencies.
- C. Effective date. This ordinance shall become effective upon proper passage in accordance with the law.

Adopted on second and final reading on

MAY 15, 2001

Augustus A. Lombardo

Mayor

Attest Carmela Bonguscio

Clerk