

ORDINANCE NO. 2019-09

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, DESIGNATING A PORTION OF EMANUEL COURT
AS A PEDESTRIAN MALL PURSUANT TO N.J.S.A. 40:56-69**

WHEREAS, the Borough of Red Bank (the "Borough") has received a proposal from Red Bank RiverCenter ("RiverCenter") and neighboring businesses to close to vehicular traffic a certain portion of Emanuel Court closest to West Front Street for the purposes of creating a pedestrian mall; and

WHEREAS, the Borough is authorized, pursuant to N.J.S.A. 40:56-69, to permanently close municipal streets, or portions thereof, to vehicular traffic for the purposes of creating a pedestrian mall, provided that certain statutory criteria are satisfied; and

WHEREAS, in reviewing the proposal from Red Bank RiverCenter ("RiverCenter") and neighboring businesses to close to vehicular traffic a certain portion of Emanuel Court closest to West Front Street for the purposes of creating a pedestrian mall, the Borough finds that:

- (1) Emanuel Court is not a part of any State highway;
- (2) Emanuel Court is located primarily in a business district;
- (3) Emanuel Court is improved to its maximum feasible width with regard to adjoining buildings and improvements;
- (4) Reasonably convenient alternate routes to other parts of the municipality and State will exist for private vehicles despite the permanent closure of Emanuel Court;
- (5) Continued unlimited use of the entirety of Emanuel Court by private vehicles may constitute a hazard to the health and safety of pedestrians;
- (6) Properties abutting Emanuel Court can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys;
- (7) That it is in the best interests of the Borough and the public and of benefit to adjacent properties to use the portion of Emanuel Court closest to West Front Street primarily for pedestrian purposes; and
- (8) That pedestrian use is determined to be the highest and best use of the portion of Emanuel Court closest to West Front Street; and

WHEREAS, closing the designated portion of Emanuel Court contemplated by this Ordinance will not limit or inhibit vehicular use of any intersecting street;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, as follows:

1. That the Governing Body does hereby approve and designate the portion of Emanuel Court closest to West Front Street depicted in Exhibit A, attached hereto, as a "pedestrian mall" pursuant to N.J.S.A. 40:56-69; and
2. That the Governing Body does hereby permanently close to vehicular traffic that portion of Emanuel Court closest to West Front Street depicted in Exhibit A, attached hereto, pursuant to N.J.S.A. 40:56-69; and
3. That a certified copy of this Ordinance shall be forwarded to the Borough Administrator, Red Bank Police Department, Red Bank RiverCenter, and the County of Monmouth; and

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin		X			
Councilwoman Triggiano		X			
Councilman Ballard		X			
Councilman Yngstrom	S	X			
Councilman Zipprich	M	X			
Councilwoman Horgan		X			

Dated: February 27, 2019

First Reading/Introduction: February 27, 2019

Second Reading/Public Hearing: March 13, 2019