

ORDINANCE NO. 2008-10

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER IV, GENERAL LICENSING,
SUBSECTION 4-4, "TRANSIENT MERCHANTS; HAWKERS;
PEDDLERS AND JUNK DEALERS";
CHAPTER XIX, STREETS, SIDEWALKS AND SANITATION,
SUBSECTION 19.6, OBSTRUCTING SIDEWALKS AND STREETS

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter IV of the Revised General Ordinances of the Borough of Red Bank, "General Licensing" is hereby amended and supplemented as follows:

SECTION ONE: Subsection 4-4.1, "Definitions", is amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

4-4.1 Definitions.

Canvasser or Solicitor [...]

Junk Dealer [...]

Peddler, Hawker or Vendor [...]

Person [...]

Transient Merchant shall mean a person commonly referred to either as a transient merchant or itinerant vendor who engages temporarily in business in this Borough and who may occupy a room, building, tent, lot, vehicle or cart, whether motorized, or not, or other premises for the purpose of selling goods, wares, food, beverages or and merchandise. Transient merchant shall also include any person who conducts any traveling or street show carnival or circus and in connection therewith sells or displays for sale any goods, wares, food, beverages or merchandise.

[All other provisions remain unchanged]

SECTION TWO: Subsection 4-4.12(g), "Conditions of Permit" is amended and supplemented as follows:

4-4.12 Conditions of Permit.

a. - f. *[No change]*

g. The holder of a license shall not engage in the licensed activity on any of the following heavily traveled streets in the Borough: Branch Avenue, Spring Street, Harding Road, Pinckney Road, Broad Street, Monmouth Street, Maple Avenue, Bridge Avenue, Shrewsbury Avenue, Riverside Avenue, West Front Street, East Front Street, River Road, Reckless Place, Newman Springs Road, Leighton Avenue, Harrison Avenue, Prospect Avenue, Oakland Street, Chestnut Street, Drs. Parker Boulevard, Herbert

Street, West Street, Pearl Street, Wall Street, and all Borough owned property. In all other locations throughout the Borough, no licensee shall park, idle, or stop, any vehicle or cart to engage in the licensed activity for more than ten (10) minutes at a time, unless that licensee is in possession of a valid Special Events Permit issued by the Borough.

h. – i. *[No Change]*

[All other provisions remain unchanged]

SECTION THREE: Subsection 19-6, "Obstructing Sidewalks and Streets" is amended and supplemented as follows:

19-6 OBSTRUCTING SIDEWALKS AND STREETS.

Except as otherwise provided in subsection 4-12(g), pertaining to "Transient Merchants and Peddlers" and section 4-9, pertaining to "Sidewalk Cafes and Restaurants", in order to ensure that the sidewalks and streets within the Borough are used for their intended purpose of motor vehicle and pedestrian traffic and in order to avoid obstructions and/or encumbrances of the sidewalks and streets of the Borough, no person shall place or allow to be maintained in or upon any sidewalk street or thoroughfare in the Borough, any wares, merchandise, sign, billboard, showcase, stands, sales counter, sales apparatus, cart, vehicle, dumpster or any other article, nor shall any person paint or install any carpeting upon any sidewalk, street or thoroughfare in the Borough.

SECTION FOUR: 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. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION FIVE: 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.

SECTION SIX: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: April 28, 2008

Final Reading: May 12, 2008