

ORDINANCE NO. 2199-17

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 540, ZONING, SECTION 540-8 (W), HOURS OF OPERATION OF BUSINESSES IN A RESIDENTIAL ZONE, SO AS TO EXTEND SUCH REGULATION TO HOURS OF OPERATION OF BUSINESSES WITHIN 200 FEET OF A RESIDENTIAL ZONE IN THE B-1 AND B-2 ZONING DISTRICTS

WHEREAS, the Municipal Council of the Borough of Hawthorne previously enacted Ordinance 2119-14 on July 30, 2014, regulating hours of operation of businesses in residential zones; and

WHEREAS, the Municipal Council wishes to extend the provisions of said Ordinance so as to include therein all businesses within 200 feet of a residential zone in the B-1 and B-2 Zoning Districts;

NOW THEREFORE, BE IT ORDAINED, by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

Section 1. Chapter 540, Zoning, Section 540-8, General Regulations, 540-8 (W), setting forth hours of operation regulations for any businesses operating in residential zones, is hereby amended to include businesses within 200 feet of a residential zone in the B-1 and B-2 Zoning Districts, with the same to read as follows:

W. No business operation established in any residential zone, and no business operation in the B-1 or B-2 Zoning District which is located within 200 feet of a residential zone, shall have hours of operation with opening of the business earlier than 7:00 a.m. and closing of the business later than 10:00 p.m., except on Sundays, when no business may have hours of operation with opening before 12:00 noon. No deliveries to such business shall likewise commence prior to 7:00 a.m. and all deliveries must be completed before 10:00 p.m. Monday through Saturday, or before 12:00 noon on Sundays except as may be approved by any reviewing board. Nothing herein shall preclude the reviewing board hearing any application from establishing more restrictive hours for operation or delivery, based upon the nature of the proposed business operation and other facts and circumstances considered by the board. Hours of operation or delivery beyond that authorized by this Ordinance shall be prohibited. The foregoing restriction shall not apply to any business already established and in operation on the date this ordinance is adopted where approved hours of operation differ from the requirements of this subsection. No business already established and in operation as of the date of this subsection shall increase or expand hours of operation beyond existing hours of operation or the hours permitted by this subsection, whichever is the greater.

Section 2. If any section, subsection or part of this ordinance is adjudged by a Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not impair or invalidate the remainder of this ordinance.

Section 3. The remaining portion of Chapter 540, Zoning, shall remain in full force and effect except as modified hereunder. All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final adoption and publication as provided by law.

John N. Bertollo
Council President

Attest:
Lori DiBella, RMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on November 13, 2017. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on December 6, 2017 at 7:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be posted on the Borough website, www.hawthornenj.org, and made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Lori DiBella, RMC, Borough Clerk

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE AT A REGULAR MEETING ON DECEMBER 6, 2017.

ATTEST:

Lori DiBella, RMC, Borough Clerk

John N. Bertollo, Council President

APPROVED:

Richard S. Goldberg, Mayor