

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, BY CREATING SECTION 540-8 (X), ESTABLISHING HOURS OF OPERATION FOR BUSINESSES 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 set forth at Section 540-8 (W) of the Code of the Borough of Hawthorne; and

WHEREAS, the Municipal Council also adopted ordinance 2112-14 on May 7, 2014 creating the B-3 and B-3A Zoning Districts and establishing as part thereof hours of operation limitations for all businesses established in such zoning districts; and

WHEREAS, the Municipal Council now wishes to extend hour of operation limitations to businesses operating in the B-1 and B-2 Zoning Districts by applying the same criteria, with one exception, now applicable in the B-3 and B-3A 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, is hereby amended by creating Section 540-8 (X), setting forth hours of operation regulations for any businesses operating in the B-1 and B-2 Zoning Districts, with the same to read as follows:

X. For business operations established in the B-1 or B-2 Zoning Districts, the permitted hours of operation for food stores and pharmacies are 6:00 am to Midnight. For restaurants, the permitted hours are 6:00 am to Midnight, or as permitted by the liquor license for the premises. All other uses are permitted to operate 6:00 am to 11:00 pm. Nothing herein shall preclude the reviewing board hearing any application from establishing more restrictive hours for operation, based upon the nature of the proposed business operation and other facts and circumstances considered by the board.

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 All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency.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 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 was amended on December 6, 2017 and 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 January 3, 2018 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