

ORDINANCE 1742

AN ORDINANCE AMENDING CHAPTER 28 ENTITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON REGARDING SEXUALLY ORIENTED BUSINESSES

WHEREAS, the Borough Council of the Borough of North Arlington finds that the location of sexually oriented businesses in close proximity to residential areas, places of public worship, schools, parks and playgrounds has a detrimental effect on such uses and the surrounding neighborhoods; and

WHEREAS, the Borough Council of the Borough of North Arlington finds that in order to preserve the integrity of residential neighborhoods and other sensitive public/quasi-public uses, it is necessary and advisable to regulate the location of sexually oriented businesses; and

WHEREAS, the Borough Council of the Borough of North Arlington finds that alternative avenues of communication for sexually oriented businesses are available within a reasonably accessible area;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Arlington that the ordinance known as the Land Development Ordinance of the Borough of North Arlington shall be and hereby is amended as follows:

SECTION 1: Section 28-8 entitled "Definition" of Chapter 28 of the Code of the Borough of North Arlington is hereby amended to add the following definitions:

Sexually Oriented Business -

(1) A commercial establishment which as one of its principal business purposes offers for sales, rental or display any of the following:

Books, magazines, periodicals or other printed material or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a "specified sexual activity" or "specified anatomical area"; or still or motion picture machines, projectors or other

image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a "specified sexual activity" or "specified anatomical area"; or instruments, devices or paraphernalia which are designed for use in connection with a "specified sexual activity"; or

- (2) A commercial establishment which regularly features live performances characterized by the exposure of a "specified anatomical area" or by "a specified sexual activity", or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a "specified sexual activity" or "specified anatomical area."

Person - an individual, proprietorship, partnership, corporation, association or other legal entity

Specified anatomical area - (1) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola, or (2) Human male genitals in a discernibly turgid state, even if covered.

Specified sexual activity - (1) the fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breasts; or (2) Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.


SECTION 2: Section 28-23 entitled "Prohibited Uses" of Chapter 28 of the Code of the Borough of North Arlington is hereby amended to add the following:

F. Sexually oriented businesses

1. Purpose. It is recognized and documented by numerous expert studies and reports throughout the country that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics that result in a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods.

2. No sexually oriented uses are permitted within the boundaries of the Borough of North Arlington.

APPROVED _____
LEONARD R. KAISER, MAYOR

ATTEST:  _____
ROBERT M. LANDOLFI, ACTING BOROUGH CLERK

DATED: NOVEMBER 16, 1998

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A SPECIAL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON TUESDAY, NOVEMBER 16, 1998 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING AND THAT THE SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON MONDAY, NOVEMBER 16, 1998 AT 6:00 PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME.

CERTIFICATION

I, ROBERT M. LANDOLFI, ACTING BOROUGH CLERK OF THE BOROUGH OF NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY DO HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY ADOPTED AT A REGULAR MEETING HELD ON NOVEMBER 16, 1998, SIGNED BY THE MAYOR, RECORDED IN THE ORDINANCE BOOK AFTER PUBLICATION AS REQUIRED BY LAW

ROBERT M. LANDOLFI, ACTING BOROUGH CLERK