

BOROUGH OF LEONIA
ORDINANCE NO. 4-99

ORDINANCE GOVERNING AND REGULATING SIDEWALK
SALES WITHIN THE BUSINESS DISTRICT.

WHEREAS, the Council has determined that Leonia sale days as established in the Business District promote the public interest by adding to the economic vitality of the District and that sidewalk sales during those special days designated as "Leonía Sale Days" provide the opportunity for pedestrian-focused commercial activities which add to the diversity of the District;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF LEONIA, as follows:

I. Definitions.

A. Borough right-of-way - all land within the Borough designated on the official map of the Borough as a public right-of-way for streets; and, more particularly, being that area most commonly 50 feet in width within which public streets and sidewalks are, or are intended to be, constructed.

B. Streets, roads and highways - public thoroughfares constructed within Borough rights-of-way and comprising that paved area intended for travel or parking of motor vehicles.

C. Sidewalk - that area of the public right-of-way reserved for pedestrian traffic from the curb to the front line of the building housing the retail or commercial establishment.

D. Permitted sidewalk sales - Sidewalk sales are defined as

an outdoor display on any portion of the sidewalk by any merchant for the exhibition or sale of goods or services. Sidewalk sales are permitted only during Leonia Sale Days and by any retail or commercial establishment where goods or services are sold upon a portion of the public right-of-way, namely, the sidewalks immediately in front of any place or business where the goods or services are sold; or where permitted on public property with specific written permission of the Borough Administrator, or on private property with written permission of the owner of record. Sidewalk sales are only permitted during Leonia Sale Days, and only to the retail or commercial licensees who have obtained a license pursuant to this Ordinance.

II. Procedures and Rules Established There are hereby established procedures, rules and regulations governing licensing of Leonia sidewalk sales during Leonia Sale Days in Business District of the Borough of Leonia.

III It shall be unlawful for any person, firm, partnership, corporation, association or organization of any kind (herein collectively known as "person") to create, establish, operate, maintain, or otherwise be engaged in the business of conducting a sidewalk sale during Leonia Sale Days upon the sidewalks of the Borough of Leonia or on private property, unless such person shall hold a currently valid permit issued pursuant to the terms of this Ordinance.

IV. Permits shall be issued only to an owner or lessee of permanent premises within the Business District. No permit shall be issued hereunder unless the permittee shall demonstrate that a minimum of four (4) feet of unobstructed sidewalk surface will be available for pedestrian traffic around or through such sidewalk sale and that such sale shall be directly in front of a retail or commercial establishment. The phrase "directly in front of" shall be construed to mean the area represented by an extension of each side of the store occupied by the retail or commercial

establishment projected directly to the curbline immediate front thereof

V Application for the permit shall be made to the Building Department and shall be signed by the applicant. The application shall contain the following information:

1. The name, residence address and telephone number of each individual owner, partner or, if a domestic corporation, the names, residence addresses and telephone numbers of the directors and officers owning a ten (10%) percent or greater interest in the corporation, and the chief operating executive of the corporation and, if non-domestic corporation, the name, residence address and telephone number of the managing officer for service of process within the State of New Jersey.

2. A copy of the trade, corporate, business or fictitious name upon which the applicant intends to do business pursuant to this Ordinance.

3. The name and address of the person owning the premises, if other than the applicant, and the consent of the owner of the premises to the application.

VI. The Building Department will review the application completeness and compliance with the terms hereof. If application is complete, the Building Department will act upon same within five (5) business days of submission. If the application is not complete, the Building Department will so notify applicant within five (5) business days of the submission specifically detail the area in which the application lacks compliance with the requirements of this Ordinance.

VII. If the application complies with the terms hereof, the Building Department shall issue a permit subject strictly to the terms and conditions of this Ordinance. A copy of the permit shall also be forwarded to the Police Department

VIII. No permit required by this Ordinance shall be granted

to any person to operate a sidewalk sale until such person has filed with the Building Department a statement agreeing to indemnify and hold harmless the Borough of Leonia, its agents, servants, representatives and/or employees from any and all claims, damages, judgment costs or expenses, including attorney fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or any property damage suffered by any person(s) as the result of or related in any way to, the operation and maintenance of the sidewalk sale for which the permit is issued.

IX. Liability Insurance Requirement. No permit required by this Ordinance shall be granted to any person to operate a sidewalk sale until such person has first filed with the Building Department a certificate of insurance evidencing a general liability insurance policy issued to such person by a public liability insurance company authorized to do business in the State of New Jersey affording the coverage set forth below in the amounts specified for the entire period of the sidewalk sale. Such insurance policy shall name the Borough of Leonia at its proper address, its agents, officers, servants, representatives and employees as additional insured with respect to the operation of the sidewalk sale in the following amounts:

Bodily injury, each person	\$ 10,000
Each accident	1,000,000
Property damage, each person	\$ 300,000
Each accident	3,000,000

such insurance policy shall also hold harmless the Borough of

Leonia from any and all claims that may be filed as the result
said sidewalk sale. The Borough shall be a named insured thereon.

K. Leonia Sidewalk Sale days shall only take place twice
year on days pre-approved by the Mayor and Council. Each Sidewalk
Sale Day shall not continue for more than two consecutive days
shall not start before 9:00 a.m. and shall end no later than 8:00
p.m.

XI. No vending machines of any kind are permitted on the
exterior of any building operating a sidewalk sale. No food or
foodstuffs shall be offered for sale except by a merchant whose
normal business includes the sale of such items; such merchant
shall also provide a trash receptacle of at least a 25-gallon
capacity within five feet of the display area.

XII. The permittee agrees, at the end of the permit period or
in the event the permit is revoked, that the permittee at his/her
own cost and expense will vacate the sidewalk space and promptly
remove the property on the sidewalk, and agrees to reimburse the
Borough of Leonia for any cost of removing and storing same.

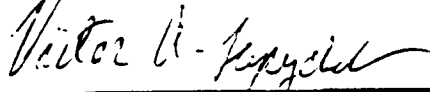
XIII. Violation and Penalty. Any person, entity or business
found guilty of violating any provision of this Ordinance shall be
subject to a fine of not more than Five Hundred (\$500) Dollars for
a first offense. Second and subsequent offenses shall subject the
violation to a fine of not less than One Thousand (\$1,000) Dollars.
Each day a violation exists shall constitute a separate violation
hereunder.

XIV. The terms and provisions of this Ordinance are hereby

declared to be severable should any part portion hereof be deemed invalid, said finding shall not affect the balance hereof. In the event that any term or provision hereof is inconsistent with any other provision of Borough ordinances the terms hereof shall be deemed to govern.

XV. This Ordinance shall take effect immediately upon passage and publication as required by law.

ATTEST:



Victor A. Lapychak, Borough
Administrator/Clerk


Judah Zeigler, Mayor

Adopted: July 12, 1999