

ORDINANCE NO. 3188-09

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 105 A OF THE CODE OF THE BOROUGH OF RUTHERFORD TO PERMIT CERTAIN ITEMS TO BE PLACED ON THE SIDEWALK WITHIN THE SPECIAL IMPROVEMENT DISTRICT OF THE BOROUGH OF RUTHERFORD

WHEREAS, it has been determined by the Governing Body that permitting the placement of certain items on the sidewalk in front of businesses located in the Special Improvement District will assist those businesses while not causing any aesthetic damage to the area; and

WHEREAS, the modifications described herein to the Special Improvement District have been recommended by the Rutherford Downtown Partnership; and therefore

IT IS HEREBY ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen, and State of New Jersey as follows:

Section I: Chapter 105A-11 D of the Code of the Borough of Rutherford is hereby amended to include the following additional subsection:

(12) Items permitted to be placed on sidewalks in front of business establishments located in the Special Improvement District.

(a) Items

Sandwich boards, pedestal signs, benches, flower planters, and flower displays, may be placed on the sidewalk of the business establishment during hours of operation, subject to application and approval by the Borough. The above items shall be placed as close to the buildings as reasonably possible, and shall in all cases provide an area clear of all items between the curb and a point four (4) feet in from the curb.

(b) Application

An applicant must submit the following for approval to the Rutherford Downtown Partnership, and then to the Borough Building Department:

1. a scaled drawing and photograph of the front of business establishment, the sidewalk, and the proposed items;
2. a list and description of items to be placed on the sidewalk;
3. proof of compliance with the Borough's fire safety requirements;
4. a Certificate of Insurance for liability of \$1,000,000 combined single limit and indemnification of the Borough, and naming the Borough as a covered entity in their insurance policy.

(c) Maintenance

Signs, benches, and plants must be maintained, or be subject to removal by the Borough. Outdoor items cannot be made of cardboard boxes, shipping crates, or other disposable containers. There also shall be no lewd or pornographic displays.

(d) Benches:

1. must be made of wood, metal or composite materials, and placed adjacent to building;
2. may not exceed five (5) feet in length, thirty (30) inches in width, and thirty-six (36) inches in height, and may not block the entrance to the commercial business;
3. may not extend beyond the length of the storefront business establishment.

(e) Sandwich board signs:

1. shall be limited to one (a) sandwich board sign in front of any business.
2. shall only be permitted in front of the business to which they pertain.
3. shall be no more than 2.5 feet wide x five (5) feet high;
4. shall not incorporate any plastic, vinyl, or removable letters;
5. shall not be illuminated;
6. must be designated as signs to inform the public of the current sale offered by the business establishment;
7. may not be designed as second business signs;
8. must be maintained by the applicant;
9. must be appropriately maintained, or be subject to removal by the Borough;
10. may be incorporated into a pedestal sign provided the sign component does not exceed 2.5 feet in height, and the total height is no more than five (5) feet tall.

(f) Pedestal signs:

1. shall be limited to one (a) pedestal sign in front of any business.
2. shall only be permitted in front of the business to which they pertain
3. shall be no more than 2.5 feet wide x five (5) feet high;
4. the sign component shall not exceed 2.5 feet in height;
5. the pole for a pedestal sign may not exceed four (4) inches in diameter;
6. must be weighted to ensure it will not tip over.

(g) Planters

Decorative flower planters will be limited to two planters per business. Each planter shall be made of wood, ceramic, or plastic, and located adjacent to the building establishment. The planters and plants must be maintained, or be subject to removal. Each planter shall be less than 1.5 feet from the building, and shall be a minimum of 2.5 feet (including the height of the plants).

(h) Applicable Fees

Businesses utilizing the sidewalk for sandwich board signs, pedestal signs, benches, or decorative flower planters, may receive a permit subject to approval, with no fee.

(i) All Ordinances or parts of Ordinances inconsistent herewith, are hereby repealed.

(j) Enforcement

All applications for use of the public sidewalks will be submitted to the Rutherford Downtown Partnership for initial approval, and will be forwarded by the Rutherford Downtown Partnership to the building department for final approval and issuance of the license. The Rutherford Downtown Partnership will be responsible for regular review of these items, and will forward information to the building department or the health department as warranted when violations of the approved plans are observed.

Section II: If any part of this Ordinance is held to be invalid or unenforceable by any court of competent jurisdiction, it is the intent that the balance and remainder of this Ordinance shall remain in full force and effect.

Section IV: This Ordinance shall become effective immediately upon passage and publication in accordance with law.

APPROVED: _____
John F. Hipp, Mayor

ATTEST: _____
Mary P. Kriston, Borough Clerk

Introduced: DeSalvo – August 25, 2009

Adopted: September 22, 2009