

TOWNSHIP OF READINGTON
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

**AN ORDINANCE AMENDING CHAPTER 148 ENTITLED "LAND DEVELOPMENT" OF THE CODE OF
THE TOWNSHIP OF READINGTON TO ADD A NEW SECTION §148-71.1 REGULATING THE HOURS
OF OPERATION OF NONRESIDENTIAL ESTABLISHMENTS**

Ordinance # ____-2016

WHEREAS, the Mayor and Township Committee find that a uniform closing time for businesses located within the Township will:

1. Reduce the level of activity related to patrons, visitors and employees generated by businesses located within, or in close proximity to, residential districts in Readington during the night and early morning hours;
2. Reduce noise, traffic, light, fumes and odor associated with business uses at such times;
3. Promote conditions within these neighborhoods that are more supportive of a residential use and character;
4. Not inhibit typical activities associated with, and expected by, residents within these neighborhoods, including sleeping, conversation, dining, relaxation, outdoor activities and pedestrian and vehicular safety within public rights-of-way; and

WHEREAS, the Mayor and Township Committee also find that the public may need access to pharmacies and various types of medical care during late/early hours and that it is, therefore, in the best interests of the public health, safety and welfare to exempt, from the requirements of this ordinance:

1. Businesses providing medical care, urgent care, or veterinary care; and
2. Businesses with pharmacies when those pharmacies are open; and

WHEREAS, the Mayor and Township Committee further find that it is appropriate to exempt holders of plenary retail consumption and retail distribution licenses from the provisions of this ordinance because such holders are regulated on a statewide basis by the state's Division of Alcoholic Beverage Control, and are subject to liability for the activities of their patrons; and

WHEREAS, the Mayor and Township Committee find that the adoption of reasonable limitations on the hours of operation of the businesses identified herein will help balance the needs of Readington's businesses against its residents' rights to the peaceful enjoyment of their properties;

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Readington, in the County of Hunterdon, State of New Jersey as follows:

SECTION 1. Code of the Township of Readington Amended and Supplemented. Chapter 148, "Land Development" of the Code of the Township of Readington is hereby amended and supplemented by adding thereto a new section §148-71.1 "Hours of Operation", which shall read as follows:

Article VII "Subdivision and Site Plan Design Standards"

§148-71 Performance standards for all uses

I. Hours of Operation. All nonresidential uses shall be subject to the following provisions:

(1) Timing limitations shall be as follows:

(a) Nonresidential uses in any zone within Readington Township shall have hours of operation such that the opening of the business shall not occur earlier than 6:00 a.m. and the closing of the business shall not occur later than 10:00 p.m.

(b) Nonresidential uses located with any Research Office and Manufacturing Zone shall have limited weekend hours of operation, such that the opening of the business shall not occur earlier than 10:00 a.m. and the closing of the business shall not occur later than 6:00 p.m.

(2) The time limitations set forth herein shall not apply to the following:

(a) Holders of plenary retail consumption or retail distribution licenses pursuant to the Alcoholic Beverage Law (N.J.S.A. 33:101 et seq.), which holders are subject to the aforesaid State law and local Code provisions.

(b) The sale of prescription or non-prescription (over the counter) medications in pharmacies and in drugstores with pharmacies where the pharmacy remains open beyond 10:00 p.m.

(c) Medical care, urgent care or veterinary care practices.

(d) Airports.

(e) Public Utilities.

(f) Hotels, limited to those services necessary for check-in and check-out.

(3) Nothing herein shall preclude the approving authority 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.

(4) Hours of operation or delivery beyond that authorized by this Ordinance is prohibited.

(5) 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 greater.

- (6) Any person, firm, corporation, or other entity violating any of the provisions of this section shall, upon conviction thereof, be liable to a fine not exceeding \$1,000, imprisonment in the county jail for a term not exceeding 90 days and/or a period of community service not exceeding 90 days, and each day in which such violation continues shall constitute a separate offense.

SECTION 2. Applicability. The provisions of this ordinance shall be applicable throughout the Township of Readington, and the Chapter 148 entitled "Land Development" of the Code of the Township of Readington shall be deemed amended accordingly.

SECTION 3. Severability. If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 4. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

ATTEST:

Vita Mekovetz, RMC/MMC/RPPO
Township Clerk/Administrator

Mayor Betty Ann Fort

CERTIFIED to be a true copy of
an ordinance finally adopted by the
Township Committee at a regular
meeting on _____

Vita Mekovetz, RMC/MMC/RPPO
Township Clerk/Administrator