

BOROUGH OF PALMYRA

AN ORDINANCE REGULATING THE DISPLAY OF MERCHANDISE
AND GOODS BY MERCHANTS WITHIN CERTAIN ZONES

Ordinance No. 2013-2

The Code of the Borough of Palmyra shall be supplemented by creating a new Chapter 271 as follows:

DISPLAY OF MERCHANDISE

271-1 Purpose.

The purpose of this chapter is to permit certain displays in front of stores, to assist the merchants to market their merchandise and goods and to enhance the vitality and commerce of the Borough of Palmyra. The provisions of this Chapter shall be applicable to the following zoning districts: TC Town Center Commercial, NC Neighborhood Commerce and OC Office Commercial.

271-2 Rules and Regulations.

- A. Merchandise and goods that are offered for sale within a store may be displayed in front of the exterior storefront within the sidewalk right-of-way only with a permit obtained pursuant to this chapter.
- B. Merchandise and goods displayed within the public right-of-way must be within one-third of the distance to the curb, measuring perpendicular from the front edge of the store. The decorative display shall not obstruct the storefront entrance. The top of any display shall not be higher than eight feet above the sidewalk surface.
- C. A safe, continuous path on the public sidewalk with a minimum of two-thirds of the right of way (sidewalk) must be maintained for pedestrian traffic to pass in front of the property having an outdoor decorative display.
- D. The display shall not contain front lighting, backlighting and/or lighting within the display.
- E. However merchandise itself that contains lighting may be displayed. No power lines or extension cords shall be used to provide power to the display.
- F. The above-referred-to merchandise and goods permitted to be displayed in front of the exterior storefront may be displayed on temporary, removable supports such as benches, shelves, bookshelves, decorative carts and similar kinds of supports. The supports and products shall be removed at the end of each day of business. Packing cartons, permanent supports, and cardboard boxes are prohibited and may not be displayed. Tents or temporary sheltering

displays shall not be permitted.

- G. No sales may occur outside the store. All sales must be conducted within the store.
- H. All displays of merchandise and goods under the provisions of this chapter, and all window boxes or other exterior fixtures on a commercial building, shall be kept neat and clean and in good repair, and free from dead plants, trash, litter, and other debris.
- I. No merchandise, wares, goods, foods, clothing, apparel, etc. for sale may be displayed in front of the exterior of any store or building in the public right-of-way, except as provided in this chapter.

271-3 Annual application for permission required; fee.

Any merchant choosing to decoratively display merchandise and goods under the provisions of this chapter shall obtain an annual permit from the Borough of Palmyra by submitting in writing a zoning permit application requesting such permission and sketch identifying the approximate location of items to be displayed. A \$25.00 annual application fee shall be paid upon submission of the application. The application shall be submitted to the Zoning Officer who shall review the application. The Zoning Officer shall inform the applicant of approval or denial of the application within 5 business days.

The Borough of Palmyra, in its discretion, may revoke any permission granted whenever it deems necessary. Permits issued pursuant to this chapter shall be non-transferable.

271-4 Suspension of chapter by Zoning/Code Enforcement Officer authorized.

The Zoning/Code Enforcement Officer may suspend the operation of this chapter or may prohibit the display of merchandise on certain days and times, and for certain events.

271-5 Control and enforcement.

- A. If the Zoning/Code Enforcement Officer determines that any decorative display of merchandise and goods is in a state of disrepair, unclean or not in compliance with the layout and approved items per the permit, or if the Zoning/Code Enforcement Officer has determined that the holder of the permit or the owner of the real estate for which the permit is issued is in violation of any other municipal ordinance or regulation or state statute or regulation, the Zoning/Code Enforcement Officer shall give written notice to the permit holder of the unsatisfactory condition of the facility and/or the violation of the terms of the permit, or the ordinance, statute or regulation of which the holder of the permit or property owner is in violation.
- B. The permit holder shall thereafter have 24 hours to correct the unsatisfactory

condition or permit violation, or ordinance, statute or regulation violation. If the unsatisfactory condition or violation is not corrected within the 24 hour period, the Zoning/Code Enforcement Officer may thereafter suspend the permit and any decorative display of merchandise and goods must cease operation.

- C. The Zoning/Code Enforcement Officer may, in addition to suspending the permit or as an alternative, file a Municipal Court complaint or a Superior Court complaint against the permit holder, or take any other lawful action to enforce the ordinance, statute or regulation violated.

271-6 Violations and penalties.

Any person who shall violate any part of this chapter, or do any act or thing prohibited, or refuse or fail to comply with an order of the Zoning/Code Enforcement Officer, or an order of the Borough Council, shall, upon conviction thereof before any judicial officer authorized to hear and determine the matter, be subject to (fine not to exceed \$2,000.00 per day). Whenever such person shall have been officially notified by the Zoning/Code Enforcement Officer or by service of a summons in a prosecution, or in any other official manner, that such person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense.

1. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
2. This Ordinance shall take effect after final adoption and publication according to law.

CERTIFICATION OF CLERK

I, Barbara Sheipe, Clerk of the Borough of Palmyra, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an ordinance introduced by the Borough Council held on ~~the~~ February 19, 2013. A public hearing and adoption of the foregoing Ordinance to be held on March 18, 2013.



Barbara Sheipe
Borough Clerk