

**ORDINANCE NO. 2018-06**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,  
NEW JERSEY AMENDING CHAPTER 19 ENTITLED “STREETS & SIDEWALKS”  
AS IT PERTAINS TO THE COMMERCIAL USE OF PUBLIC STREET ENDS**

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY  
CEDARS DOES ORDAIN AS FOLLOWS:**

Section 1. Chapter 19 of the Borough Code of the Borough of Harvey Cedars entitled “Streets and Sidewalks” is hereby amended and supplemented so as to add a new Section 19-2 entitled “Commercial Use of Public Street Ends”, which shall read as follows:

**19-2 COMMERCIAL USE OF PUBLIC STREET ENDS.**

**19-2.1 Definition.** As used in this section “street end” shall mean the end of any road, highway, public way, public alley, easement or other right of way that is directly adjacent to bay waters.

**19-2.2 Permitted Use.** From October 15<sup>th</sup> through May 14<sup>th</sup> commercial businesses shall be permitted to use any public street end for loading and unloading materials under the following conditions:

1. Loading and unloading shall be between 9:00AM to 5:00PM
2. No loading or unloading on weekends and holidays
3. Idling of vehicles and equipment are prohibited
4. Mooring to public property is prohibited
5. No overnight dockage

**19-2.3 Prohibited Use.** From May 15<sup>th</sup> through October 14<sup>th</sup> commercial businesses are prohibited from using any public street end for loading and unloading purposes.

**19-2.4 Exceptions.** In emergency situations, the Chief of Police or his designee may grant approval to use a street end during prohibited times. In the case of any other non-emergency, the matter shall be referred to the Governing Body who may allow temporary use for any civic purpose with concurrence of the police department concerning any possible safety issues. Allowed road openings shall be exempt from this provision.

**19-2.5 Violations.** Any person, corporation or business entity that violates or fails to comply with this section or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a minimum fine of five hundred dollars (\$500.00) for the first offense. Each day for which a violation of this section occurs after the first offense shall be considered a separate offense. Any subsequent offense conviction shall be punishable by a minimum fine of one thousand dollars (\$1,000.00).

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court 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 portions.

Section 4. This ordinance shall take effect upon its passage and publication as required by law and upon the approval of the County of Ocean as it applies to any effected Ocean County street end in the Borough.

ADOPTED ON: June 1, 2018