

**ORDINANCE NO. 2021-06**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,  
NEW JERSEY AMENDING CHAPTER 13 ENTITLED “ZONING”  
AS IT PERTAINS TO LANDSCAPING IMPROVEMENTS IN THE RIGHT OF WAY**

**WHEREAS** drivers and passengers of vehicles parked on a side street may be hindered by landscaping improvements while exiting the vehicle; and

**WHEREAS** an existing ordinance, Section 13-15.4, prohibits improvements, i.e., landscaping, to be placed closer than five (5) feet from the edge of pavement, with the exception of mailboxes, for the intention of providing room for vehicle occupants to exit the vehicle easily; and

**WHEREAS** it has been observed and determined by Borough Officials that certain areas may allow for the above-mentioned improvement location as long as the improvement is not higher than twelve inches; and

**WHEREAS** it is the desire of the Board of Commissioners to amend the exceptions.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF  
COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS AS FOLLOWS:**

Section 1. Section 13-15.4.c of the Code of the Borough of Harvey Cedars entitled “Use of Contiguous Borough Right of Way” is hereby amended by deleting in its entirety paragraph 4.

Section 2. Section 13-15.4 of the Code of the Borough of Harvey Cedars entitled “Use of Contiguous Borough Right of Way” is hereby amended by supplementing new paragraph d. as follows:

- d. No improvement higher than twelve inches (12”), i.e. landscaping, shall be placed closer than five (5) feet from the edge of the pavement. Permitted exceptions:
  - 1. Mailboxes
  - 2. Properties along easements
  - 3. Streets at least fifty feet (50’) in width on the west side of Long Beach Blvd.
  - 4. Designated No Parking streets at least fifty feet (50’) in width on the east side of Long Beach Blvd.

Section 3. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Mayor and Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: April 9, 2021