

ORDINANCE 2026-012

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “CODE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)” IN CHAPTER 8, WHICH PERTAINS TO TRAFFIC, AND CHAPTER 13, WHICH PERTAINS TO ZONING

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend Chapter 8 to amend the penalties relating to parking violations and amend Chapter 13 to amend the regulations relating to private rights of way, easements, flag lots, restaurants in the limited commercial district, zoning permit regulations, and outdoor music at business establishments.

SECTION I

§8-12 is repealed and replaced with the following.

§8-12 Penalty.

- a. Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of a provision of this Chapter or any supplement thereto shall be liable for a penalty of \$150, by imprisonment for a term not to exceed 15 days, or by community service of not more than 90 days, or any combination of fine, imprisonment, and community service.
- b. Any person charged with a second or subsequent offense for violating or failing to comply with any of the provisions of this Chapter within a period of 12 months shall be liable for a penalty of \$300, or by imprisonment for a term not to exceed 90 days, or by community service of not more than 90 days, or any combination of fine, imprisonment, and community service.

SECTION II

§8-3.2d, e, and f are repealed and replaced with the following.

- d. No person shall park a vehicle on a private easement established for the purpose of ingress and egress for the benefit of properties on that easement in such a manner as to obstruct the ingress and egress of emergency vehicles, including, but not limited to, fire, police, and first aid.

SECTION III

§13-7.4a is added as follows and §13-7.4a through §13-7.4e are redesignated as §13-7.4b through §13-7.4f.

- a. No building or structure shall be erected on a lot fronting on a private way or easement, except that all previously approved private ways and easements shall continue to be permitted, grandfathered, and shall be subject to Subsections b through f set forth herein.

SECTION IV

§13-7.11 is repealed and replaced with the following.

§13-7.11 Flag Lots.

The creation of flag lots is prohibited.

SECTION V

§13-13.2c4 is repealed. Restaurants, luncheonettes, take-out and similar eat-in type

establishments shall no longer be permitted.

SECTION VI

§13-13.2d is added as follows.

- d. The following buildings, structures, and uses, except such of them as may have been in existence on March 1, 2026, are specifically prohibited in the Limited Commercial District:
 1. Restaurants, luncheonettes, take-out, and similar dine-in businesses.

SECTION VII

§13-16.2a1 is repealed and replaced with the following. The existing §13-16.2a1 is preserved and redesignated as §13-16.2a8. The existing §13-16.2a1 is redesignated as §13-16.2a9.

a. Zoning Permits.

1. A zoning permit is required as a condition precedent to the commencement of a use and/or change of use and all construction, installation, reconstruction, alteration, erection, conversion, or alteration of a structure or building and the installation of mountable concrete curbs, hardscaping, fences, and retaining walls. The zoning permit shall confirm that such use, structure, building, and lot area comply with the provisions of the Borough Code and approvals granted by the Land Use Board.
2. Zoning permits shall hereafter be secured from the Zoning Officer by way of application for a zoning permit. All requests for zoning permits shall be made in writing by the owner or the owner's authorized agent and shall include a statement of the use or intended use of the building or structure or land and shall be accompanied by a plan of the lot delineating thereon the exact size, shape, and location of all proposed structures and such other information as may be necessary for the enforcement of this Chapter.
 - (a) The application for the permit shall be on such form as the Borough may prescribe, and, where required by the Borough, applications shall be accompanied by a surveyor's plot plan prepared by a licensed surveyor and submitted with the surveyor's seal thereon showing the entire lot for which the zoning permit is sought, the improvements to be placed on said lot, the location of improvements on all adjoining lots, the location and scope of the use and/or uses at the property, all existing and proposed parking on the lot, and a basic rendering of the property for which the zoning permit is sought showing proposed heated areas per floor and proposed heights of grade, first floor, and overall height. The Zoning Officer may require any additional documentation as reasonably required to render a decision relating to the application.
3. Any change to an original zoning permit (i.e., alteration or use of structure or property) shall void the original, requiring a new zoning permit.
4. Any zoning permit shall expire within 12 months from the date of issuance of the zoning permit if the authorized work or use is not commenced within that time.
5. If the authorized work is abandoned for a period of 6 months after commencement of the work or use, the zoning permit shall be considered void.
6. In the event construction commences on an adjoining lot that changes the circumstances upon which the zoning permit was granted before the permittee begins construction, the zoning permit shall be deemed invalid and the permittee shall be required to reapply for a new zoning permit based upon the changed circumstances.
7. Zoning permits shall not be required before the issuance of a building permit by the

construction official in the case of reroofing, residing, window changes, fireplaces, wood/coal stoves or interior renovations of a residential dwelling where the footprint of said dwelling is not being altered and there is no increase in the living area or cubic content of the structure. If a change of the structure or use would result in an issuance of a building permit, a zoning permit would be required prior to the issuance of the building permit.

SECTION VIII

§13-11.4b is repealed and replaced with the following.

- b. Any type of business using outdoor speakers, loudspeakers, amplification, reproduction equipment, live music, or other noise-making devices designed to attract attention to the business being conducted within the premises. Indoor or outdoor music with outdoor speakers, loudspeakers, music amplification or reproduction equipment is not permitted between the hours of 8:00 p.m. and 12:00 noon the following day, Sunday through Thursday, and between the hours of 8:30 p.m. and 12:00 noon the following day, on Fridays and Saturdays. Excessive amplification, drum use, or any performance including more than 3 persons is prohibited.

SECTION IX

§13-13.4c is repealed and replaced with the following.

- c. Any type of business using outdoor speakers, loudspeakers, amplification, reproduction equipment, live music, or other noise-making devices designed to attract attention to the business being conducted within the premises. Indoor or outdoor music with outdoor speakers, loudspeakers, music amplification or reproduction equipment is not permitted between the hours of 8:00 p.m. and 12:00 noon the following day, Sunday through Thursday, and between the hours of 8:30 p.m. and 12:00 noon the following day, on Fridays and Saturdays. Excessive amplification, drum use, or any performance including more than 3 persons is prohibited.

SECTION X

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION XI

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, held on Monday, March 16, 2026, at 4:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, April 20, 2026, at 4:30 p.m. at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ 08008, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Christine Lisiewski, RMC
Municipal Clerk

CERTIFICATION

I, CHRISTINE LISIEWSKI, RMC, Municipal Clerk for the Borough of Harvey Cedars do hereby certify that the foregoing Ordinance 2026-012 was duly adopted by the Board of Commissioners at their meeting held on Monday, April 20, 2026, at 4:30p.m.

Christine Lisiewski, RMC
Municipal Clerk

First Reading: March 16, 2026
Publication:
Second Reading: April 20, 2026
Final Publication:
Effective: