

ORDINANCE NO. 2018-07

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,
NEW JERSEY AMENDING CHAPTER 13 ENTITLED “ZONING”
AS IT PERTAINS TO OFF-STREET PARKING REQUIREMENTS
IN THE GENERAL BUSINESS DISTRICT**

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

- Section 1. Section 13-11.5b5 of the Code of the Borough of Harvey Cedars is amended to read:
5. Restaurants, Full Service
 - One (1) off-street parking space for each three (3) seats
 - Bench restaurant seats shall be counted as one seat for each 30 inches of length
 - Waiting benches are permitted
- Section 2. Section 13-11c of the Code of the Borough of Harvey Cedars is hereby deleted and in its place and stead the following shall be inserted:
- c. Violations and Penalties.
 - i. Sections 13-11.5b subsections 5 through 8 are the result of the Borough attempting to allow restaurants to create additional seating by taking advantage of off-street parking for employees and by allowing additional off-street parking off-site under certain conditions. The Borough has assumed additional enforcement duties that are time consuming, labor intensive and are mainly effective on weekends and holidays. For these reasons the Borough requests the consideration of minimum fines.
 - ii. Any person, corporation or business entity operating a restaurant as provided in Section 13-11.5(b)5 through 8 that violates or fails to comply with these sections 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 \$750.00 for 1-5 seats over the permitted limit, \$1000.00 for 6-10 seats over the permitted limit, and \$1,250.00 for 11 or more seats over the permitted limit.
 - iii. Any other violations of Chapter 13 shall be dealt with pursuant to Section 13-19 of this Chapter.
- 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: June 1, 2018