Woodbury NJ

- **§ 202-81.1. - Outdoor displays.**

A.

Limitation. No merchandise, wares, goods, food, etc., are permitted to be sold or offered for sale on any sidewalk or sidewalk right-of-way or public thoroughfare or public highway or public property within the City of Woodbury, except as provided herein.

B.

Exemption.

(1)

From time to time, charitable festivals and other organized activities are conducted within the C-1 District of the City of Woodbury.

(2)

Whenever the governing body of the City of Woodbury gives permission for such charitable festivals and/or other such organized activities to occur within the C-1 District, the following restrictions shall apply:

(a)

Charitable organizations and/or nonprofit organizations and (their agents, servants and/or employees are permitted to peddle, solicit, canvass and/or sell merchandise, etc., during such charitable festivals or such other organized activity upon the public sidewalks and other public property as long as a safe, continuous, unobstructed path of a minimum of four feet is maintained on the sidewalk;

(b)

The various shops and stores with the C-1 District may display their merchandise on the sidewalk directly in front of their stores or shops and may make sales from such locations during charitable festivals or other organized activity;

(c)

No other peddler, solicitor, canvasser, person and/or entity shall be permitted to peddle, solicit, canvass, sell or offer for sale any merchandise during such charitable festival or other organized activity.

(3)

A "charitable festival" or "organized charitable activity" is defined as one or more nonprofit organizations and/or nonprofit entities conducting an organized endeavor wherein merchandise may be sold, entertainment may be provided, celebration may be conducted, etc., all for the purpose of raising monies for charitable purposes.

C.

Exception of certain groups. The following groups and individuals acting on behalf of such groups are exempt from the above:

(1)

Political group: a nonprofit association of persons sponsoring or advocating certain ideas of government or maintaining certain political principles or beliefs in public policies of government or advocating the candidacy of any individual for elective office;

(2)

Religious group: a nonprofit association of persons associated for the purpose of maintaining, advocating and/or espousing certain religious principles and beliefs;

(3)

Charitable group: a nonprofit association of persons that freely and voluntarily administers to the needs of those persons unable to help themselves and generally associated to serve the public good and welfare without profit;

(4)

Civic group: a nonprofit association of persons engaged in promoting the common good and general welfare of the residents of the City. Such definition shall include but not be limited to school groups, benevolent societies and service clubs engaged in nonprofit activities.

D.

Displays of certain merchandise and ornamental plantings.

(1)

The purpose of this subsection is to permit certain decorative displays of merchandise and plantings in front of stores within the C-1 District to assist the merchants to market their merchandise and goods to enhance the beauty of the City of Woodbury.

(2)

Ornamental plantings, merchandise and goods, except clothing, shoes, personal apparel and garments which are offered for sale within a store with sidewalk frontage, may be displayed in front of the exterior storefront within the sidewalk right-of-way and on privately owned property in the C-1 District. Clothing

shall only be displayed on a mannequin. There shall be no more than one mannequin per store. The clothing shall be worn by the mannequin, not merely draped upon it.

(3)

Merchandise shall be tastefully and decoratively displayed and located no more than 30 inches (measuring perpendicularly from the front edge) from the front wall of the building in which the store is located. The merchandise or display shall not extend beyond four linear feet. The display shall not obstruct the storefront entrance and shall not extend above five feet from the sidewalk surface.

(4)

A safe, continuous, unobstructed path on the public sidewalk a minimum of four feet must be maintained for pedestrian traffic to pass in front of the property having an outdoor decorative display. A minimum unobstructed distance of five feet must be maintained from the curb, as well.

(5)

No other merchandise, wares, goods, foods, clothing, apparel, etc., may be displayed on the exterior of any store or building, either on private property or in the public right-of-way, except as provided herein.

(6)

The decorative display shall not contain front lighting, backlighting and/or lighting within the display, except holiday lighting on ornamental plantings. The decorative display shall not contain electronic and/or mechanical moving devices or items, even if offered for sale within the stores. The decorative display shall not contain any signage.

(7)

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 racks, benches, shelves, decorative carts, etc., and shall be removed at the end of each day of business and shall have no wheels except for the decorative carts. Packing cartons, cardboard boxes, card tables, folding tables or similar display supports are prohibited.

(8)

No sales may occur outside the store. All sales must be conducted within the store. The goods and merchandise within the decorative display are not to be sold on the sidewalk.

(9)

Plants, trees, cut flowers and any other vegetative matter displayed for beautification and not for sale shall be exempt from this section.

(10)

No display shall contain any sound or lighting of any kind, and no electrical power devices, such as television, Internet/computer or other similar devices, shall be permitted. No merchandise, instruments, devices or paraphernalia which are designed for use in connection with a specified sexual activity, as defined in N.J.S.A. 2C:34-6, may be displayed.

(11)

Business with any cafe tables and chairs or a sandwich board on the exterior of their buildings shall not be permitted to maintain an outdoor display.

(12)

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 free from dead plants, trash, litter and other debris.

(13)

In the event that the Zoning Officer determines that any decorative display of merchandise and goods is in a state of disrepair, is unkempt or unclean, or presents a potential pedestrian hazard or otherwise fails to comply with the provisions of this section, the business owner shall immediately correct the display at the request of the Zoning Officer. The Zoning Officer shall also be authorized to order the business owner to discontinue the display for failure to comply with this section or the request to correct the display or if the Zoning Officer has determined that the business/building is in violation of any other municipal ordinance.

(Added 12-14-2009 by Ord. No. 2110-09)