



Legislation Text

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AN ORDINANCE AMENDING TITLE 8, BUSINESSES AND OCCUPATIONS, CHAPTER 12 RESTAURANTS AND RETAIL SALES AND SERVICE AMENDING, SECTIONS 1 DEFINITIONS AND 6A, HOURS OF OPERATION OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY (2000) AS AMENDED AND SUPPLEMENTED, CHANGING THE DEFINITION OF TAKE OUT RESTAURANT, REQUIRE ARMED SECURITY GUARD AT CERTAIN HOURS AND IMPOSE FINES FOR VIOLATION OF THE HOURS OF OPERATION BY OWNERS OF RETAIL STORES AND RESTAURANTS.

On the instruction of the sponser this legislation is being submitted to Council without Legistar review

8:12-1. DEFINITIONS.

As used in this chapter:

Carhop service shall mean delivery service between the restaurant or other place where cooked food or beverages, or both, are served and delivered by the owner or operator, its agents or employees, to the occupants of automobiles parked on, in or about the restaurant and the like, premises, or adjacent premises or thoroughfare, for consumption thereat.

Director shall mean the Director of the Department of Finance and/or his designee.

Downtown Family Restaurant and Entertainment District shall mean a designation within the City of Newark for family dining and entertainment bounded by the northern border shall begin at the northerly side of Clay Street from the bank of the Passaic River, west to Broad Street, south on the westerly side of Broad Street to Lackawanna Avenue, west to Dr. Martin Luther King, Jr. Boulevard. The western border shall run south along the westerly side of Dr. Martin Luther King, Jr. Boulevard from Lackawanna Avenue to Spruce Street. The southern border shall run east on the southerly side of Spruce Street and continue on Lincoln Park across Broad Street to the southerly side of Chestnut Street and continue to New Jersey Railroad Avenue. The eastern border shall run northeast along the westerly side of New Jersey Railroad Avenue to Market Street, northeast along the westerly side of Raymond Plaza East to the bank of the Passaic River, and continue north along the bank of the Passaic River to Clay Street.

Eatery shall mean a restaurant that prepares and serves meals and food, which does not have seating for dining on its premises, whose business only consists of sales to customers for consumption outside its premises.

Person shall mean any individual, firm, member of a firm, partnership or member thereof, corporation or any officer, director or stockholder of such corporation, unless otherwise specified.

Residential zone shall mean any zone identified as First Residence District (R-1), Second Residence District (R-2), Third Residence District (R-3), or Fourth Residence District (R-4) as set forth in the Sections 40:3-1 and 40:3-21 of the Code of the City of Newark.

Restaurant shall mean any place that prepares and serves meals, food, or non-alcoholic beverages to be sold to the public for consumption on the premises, including, but not by way of limitation, coffee houses, lunchrooms and lunch wagons.

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"Take-out restaurant" shall mean a restaurant whose maximum capacity to serve food for consumption on the premises is limited to no more than fifteen (15) persons Twenty-four hour restaurant

shall mean any restaurant establishment operating for twenty-four (24) consecutive hours a day.

(R.O. 1966 § 8:12-1; Ord. 6 S+FD, 5-2-01 § 1; Ord. 6 S+FF, 6-2-04 § 1; Ord. 6 PSF-C, 10-21-09 § 1)

Title 8, Chapter 12, Section 6A, HOURS OF OPERATION, shall be amended to include a new paragraph (d) to impose fines as follows:

Any take-out restaurant or eatery located within a residential zone, or within two hundred (200) feet of a residential zone, or within two hundred (200) feet of two (2) or more buildings used exclusively for residential purposes, shall not be permitted to conduct business between the hours of 2:00 a.m. and 6:00 a.m.

All take-out restaurants and eateries shall be required to have an armed security guard on the premises between the hours of 6:00 p.m. 12:00 a.m. (midnight) until restaurant closing time. The penalty for failure to comply with this stipulation shall result in denial of operation between the hours of 10:00 p.m. and 6:00 a.m.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred (\$500.00) dollars for the first offense and one thousand dollars for the second offense.

There is hereby established in the Office of the Mayor, a Committee to be known as the Restaurant Review Committee which shall be comprised of representatives from both the public and private business sectors to be appointed as described herein. The Restaurant Review Committee shall consist of thirteen (13) members as follows: the Mayor and President of the Municipal Council as ex officio members; one (1) member of the Municipal Council to be appointed by the President; one (1) community resident from each of the five (5) wards and two (2) take-out restaurant business representatives, the Director of the Department of Economic and Housing Development, the Police Director and the Director of Licensing, to be appointed by the Mayor with the advice and consent of the Municipal Council. The Mayor shall designate a member to preside over the Committee as Chairman, who shall serve as such, at the pleasure of the Mayor. The Committee shall be authorized to establish and implement internal controls and procedures for its operations including the recommended removal and replacement of its members for just cause. The members of the Committee shall serve without compensation.

The Restaurant Committee shall be responsible for monitoring, documenting and reviewing complaints and conditions in or about take-out restaurants such quality of life matters which are inclusive of but not mutually exclusive to loitering, littering, public drinking, drug dealing, noise, disturbance or any other unlawful acts either in or about the immediate premises of the establishment.

The Committee shall review such pertinent information and data as available through police incident reports and service calls, written or verbal complaints from area residents and adjacent businesses and other means of data collection, and shall have the authority to, after due legal process, make a formal recommendation to the Municipal Licensing Unit for the revocation of an individual take-out restaurant's 2:00 a.m. closing privileges. In the event of a revocation of the 2:00 a.m. closing time, the affected business establishment shall not be permitted to operate between the hours of 11:00 p.m. and 6:00 a.m. beginning on Sunday at 11:00 p.m. and ending Friday at 6:00 a.m.; and between the hours of 12:00 a.m. and 6:00 a.m. beginning on Saturday at 12:00 a.m. and ending on Sunday at

6:00 a.m. for a period of at least twelve (12) months.

The distance of two hundred (200) feet to a residential zone is measured in a straight line from the lot line of the take-out restaurant to the border of the residential zone. The distance of two hundred (200) feet to two (2) or more buildings used exclusively for residential purposes is measured in a straight line from the lot line of the take-out restaurant to the lot line of the second furthest building from the take-out restaurant used exclusively for residential purposes.

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(R.O. 1966 § 8:12-7; Ord. 6 S+FD, 5-2-01 § 1; Ord. 6 PSF-C, 10-21-09 § 5)