

TOWNSHIP OF HARDYSTON

ORDINANCE 2025-04

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY CREATING CHAPTER 126, TEMPORARY OUTDOOR STRUCTURES, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HARDYSTON TO ALLOW THE UTILIZATION OF TEMPORARY OUTDOOR STRUCTURES AND TO CREATE A PERMITTING PROCESS FOR THE APPROVAL THEREOF

WHEREAS, it has come to the attention of the Township Council of the Township of Hardyston that the seasonal use of outdoor structures by certain establishments in the Township provides both an economic and quality of life benefit to the Township; and

WHEREAS, the Township Council wishes also to prevent the visual nuisance that can be created by the unregulated and permanent placement of such structures by certain establishments; and

WHEREAS, the Township Council wishes to address these concerns, modifying the Township Municipal Code accordingly.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 126 of the Township Municipal Code, Temporary Outdoor Structures, is created as follows:

Chapter 126 Temporary Outdoor Structures

Temporary outdoor structures, including temporary outdoor tents, shall be permitted to be placed upon properties in non-residential zones as a conditional use, in accordance with this subsection.

§126-1. Permitted time of year.

Placement of temporary outdoor structures shall be permitted only on a seasonal basis, from April 1st until October 31st annually.

§126-2. Applicable regulations.

Nothing in this Chapter shall exempt the placement and operation of a temporary outdoor structure from any local, state, or federal regulatory obligation that would otherwise apply, including but not limited to compliance with Health Department obligations, local and state fire safety obligations, Division of Alcoholic Beverage Control obligations, and the New Jersey Uniform Construction Code and local Building Department obligations.

§126-3. Construction or alteration of permanent structures prohibited

This Chapter does not permit the construction of or alteration to any building or structure. No changes may be made that alter the existing character of any building or structure.

§126-4. Temporary outdoor structures used for restaurant seating

As concerns temporary outdoor structures utilized for the purpose of restaurant seating, the following standards shall apply:

- A. Temporary outdoor structures utilized for restaurant seating areas can be located upon on relatively level grass areas and in parking lots where an adequate number of parking stalls remain in the opinion of the Township Zoning Officer. Preference should be given to creating outdoor restaurant seating on upon grass areas.
- B. Where a temporary outdoor structure is placed in a parking lot, bollards or other protection structures shall be erected along the perimeters of the outdoor restaurant seating area in order to enhance public safety;
- C. Serving stations and a host podium may be located within a temporary outdoor structure utilized for a restaurant seating area;
- D. The proposed hours of operation of a temporary outdoor structure used for restaurant seating will be included in the temporary outdoor structure application;
- E. No temporary outdoor structure may be located within an approved restaurant delivery area/loading zone;
- F. As concerns temporary outdoor structure applications for use as restaurant seating, a drawing of the proposed outdoor restaurant seating area must accompany the application. This drawing shall show the location and size of all proposed tables and chairs and distances to other tables and chairs and distances from any other structures such as a host podium and serving stations. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey.
- G. This subsection applies only to establishments already approved to operate as a restaurant.

§126-5. Permitting process for temporary outdoor structures

Permit applications for construction and operation of a temporary outdoor structure shall be made to the Township Zoning Officer on forms prescribed and issued by the Zoning Officer, pursuant to the following terms:

- A. The permit shall be valid only on a seasonal basis, from April 1st until October 31st annually.
- B. Cost for the annual permit shall be \$100.
- C. The Township Zoning Officer shall have 30 days to approve or deny a permit application and, as necessary, may consult the Township Manager and Chief of Police, who also shall have the power to deny approval of a permit for any reason, including to protect the health, safety and welfare of the general public.

§126-6. Penalties.

Any person(s) who violates any of the provisions of Article XIX shall be subject to the penalties set forth in the Township's General Penalty Ordinance, Chapter 1, of the Township Code of Ordinances, and each day that the violation persists shall be considered a separate and distinct offense. The Municipal Court shall have jurisdiction to enforce and collect any such penalty imposed in a summary manner and in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1, et seq.

SECTION 2. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on May 28, 2025. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on June 25, 2025, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, Township Clerk