

Township of Lawrence  
County of Mercer

Ordinance No. 2185-14

AN ORDINANCE REPEALING SECTION 15-7 OF CHAPTER 15 OF "THE CODE OF THE TOWNSHIP OF LAWRENCE, NEW JERSEY" ENTITLED "RETAIL SALES AND SERVICE BUSINESSES—HOURS OF OPERATION" AS AMENDED BY ORDINANCE NO. 1339-93 AND ORDINANCE NO. 1595-99 AND ADOPTING A NEW SECTION 15-7 REGULATING THE HOURS OF OPERATION OF BUSINESSES AND COMMERCIAL ESTABLISHMENTS TO WHICH THE PUBLIC IS INVITED AND ESTABLISHING EXCEPTIONS THEREFROM

**WHEREAS**, it is hereby declared to be the purpose of this Section to use the police power of the Township of Lawrence to regulate the hours of operation and closure of various types of businesses and commercial establishments to which the public is invited, in order to curtail crime, noise, inconvenience, disturbance and public nuisance, to protect the safety and welfare of the employees and patrons of such businesses and establishments and of persons living in proximity to such businesses and establishments, and to enhance the quality of life for Township residents; and

**WHEREAS**, it is hereby declared to be in the best interests of the health, safety and welfare of the residents of the Township of Lawrence, as well as the employees and patrons of such businesses and establishments, that the businesses and establishments regulated by this Section cease the conduct of their business, operations and activities at a reasonable hour;

**NOW, THEREFORE, BE IT ORDAINED** by the Township of Council of the Township of Lawrence in the County of Mercer that Section 15-7 of Chapter 15 of "The Code of the Township of Lawrence, New Jersey" as amended by Ordinance No. 1339-93 and Ordinance No. 1595-99 be and the same hereby is repealed in its entirety; and

**BE IT FURTHER ORDAINED THAT** Chapter 15 of "The Code of the Township of Lawrence, New Jersey" be and the same hereby is amended and supplemented by the addition of a new Section 15-7, providing as follows:

**Sec. 15-7. Businesses and Commercial Establishments—Hours of Operation.**

"(a) *Hours of Operation.* No business or commercial establishment to which the public is invited, defined either as a 'permitted use', 'accessory use', or 'special exception use' within the 'neighborhood business', 'limited business', 'general commercial', or 'highway development' districts set forth in the Township of Lawrence Zoning Ordinance, as amended, or as may hereafter be amended or supplemented, or any non-conforming such use or variance permitting such use, located within such districts, or in any other zoning district, shall be opened to the public or conduct any such business, operations or activities in any manner before 5 a.m. on any day and after midnight on the same day on Mondays through Thursdays, or after 1 a.m. on Fridays through Sundays and legal holidays. Except with respect to security lighting, all exterior and window electrical lighting or illumination, whether temporary or permanent, for each such business or commercial establishment shall be extinguished at the closing time thereof, as established herein.

**(b) Exclusions.** Subject to paragraph (c) below, the following businesses and commercial establishments, if not otherwise excluded pursuant to paragraph (a) above, shall be excluded from the application of paragraph (a), all being either otherwise regulated by law, deemed to involve minimal nuisance characteristics, necessary to the public health, safety, welfare or convenience, or some combination of the foregoing, as follows:

**(1)** Establishments licensed for the sale of alcoholic beverages pursuant to Chapter 3 of "The Code of the Township of Lawrence, New Jersey" whose hours and mode of operation are governed separately by Township ordinances and by N.J.S.A. 33:1-1 *et seq.* of the laws of New Jersey pertaining to alcoholic beverages.

**(2)** Barber shops, barber schools or barber colleges whose hours and mode of operation are governed separately by Section 15-1 of "The Code of the Township of Lawrence, New Jersey".

**(3)** Bowling alleys operating within the interior of an enclosed building or structure.

**(4)** In-house cafeterias and similar retail food operations customarily servicing employees or residents of institutions but not the general public, and operating within the interior of an enclosed building or structure.

**(5)** Gasoline service stations, provided such operations do not include automobile, truck or other motor vehicle repair or body and fender repair work during the hours of operation prohibited by paragraph (a) above.

**(6)** Hotels and motels.

**(7)** Medical and dental offices, hospitals, nursing homes and rehabilitation centers.

**(8)** Movies and other theatrical performances, provided that the final performance or featured film on any given date commences at or before 11 p.m. on that date.

**(9)** Supermarkets, groceries, and convenience stores selling food products within the interior of an enclosed building or structure primarily for off-premises preparation or consumption.

**(10)** Restaurants offering full service meals on a twenty-four hour basis, seven days a week, which are located on U.S. Alternate Highway #1 (Business Highway 1, a/k/a Brunswick Pike).

**(11)** Incidental activities, not involving business operations or sales or services, within or about any business or commercial establishment which may be required in advance of or after the hours of operation permitted by paragraph (a), including, but not limited to, cleaning and sweeping, off-street loading and unloading of inventory and supplies, and disposal of waste and garbage, provided such activities are carried on in such reasonable manner as to emit the least possible noise.

**(c) Exceptions to Exclusions.** Anything contained in paragraph (b) above notwithstanding, other than businesses and commercial establishments set forth in paragraphs (b) (1) and (b) (2) above, and any business or commercial establishment which, as of the effective date hereof, operates on a 24-hour a day basis or during any other hours that are different from those permitted under paragraph (a) above and has continuously done so, legally, since April 8, 1992, no business or commercial establishment

shall be excluded from paragraph (a) which is situated within 500 feet of a residential zone or any residential property, measured in a straight line between the closest points of the respective lot lines.

(d) **Violation and Penalty.** Any person, firm, corporation, limited liability company, partnership or other business entity or commercial establishment of any type whatsoever violating the provisions of this Section shall, upon conviction, pay a fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or be imprisoned not to exceed ninety (90) days, or both, in the discretion of the court. A separate offense shall be deemed committed on each day or part thereof during or on which a violation occurs or continues.

(e) **Relief from Hours of Operation.** Any waiver of or relief from the provisions contained in this Section, in whole or in part, must be sought by way of an application made to the Township Council of the Township of Lawrence pursuant to this paragraph (e), and only the Township Council shall have the authority to provide relief from and/or waive the provisions contained in this Section, in whole or in part.

(f) **Repealer.** All ordinances and provisions thereof inconsistent or conflicting with the provisions of this ordinance be and the same hereby are repealed to the extent of such conflict or inconsistency.

(g) **Severability.** If any paragraph or provision of this ordinance shall be adjudicated invalid or unenforceable, such determination shall not, to the extent severable, affect any other paragraph or provision of this ordinance, which shall otherwise remain in full force and effect.

(h) **Effective Date.** This ordinance shall become effective twenty (20) days after final adoption and publication thereof in accordance with law.

Adopted: May 20, 2014

**RECORD OF VOTE**

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X					X	
Mr. Kownacki	X						
Dr. Maffei	X						X
Mr. Powers	X						
Mayor Lewis	x						