

ORDINANCE NO. 24-09-OA *b*

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER V, ENTITLED "GENERAL LICENSING AND BUSINESS REGULATIONS" OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BERKELEY SO AS TO CREATE SECTION 5-32, WHICH SHALL BE ENTITLED "RESTAURANTS"

February 26, 2024

BE IT ORDAINED by the Mayor and Township Council of the Township of Berkeley, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Berkeley is hereby amended and supplemented so as to create Section 5-32, which shall be entitled "Restaurants," and which shall read as follows:

§ 5-32.1. Definitions.

RESTAURANT. A restaurant with indoor formal and/or casual dining areas(s), which may include outdoor dining areas, and with or without banquet facilities or a cocktail lounge as an accessory to the principal restaurant use. Entertainment may also be provided as an accessory use for the enjoyment of dining patrons or during banquets, except that in no event shall such entertainment be offered exclusive of full restaurant services nor shall the dining areas be modified to remove dining tables or seating for entertainment purposes.

§ 5-32.2. Defibrillator required. Effective January 1, 2025, the owner or operator of any restaurant located in the Township shall be required to:

- A. Acquire at least one automated external defibrillator, as defined by N.J.S.A. 2A:62A-24, and store it in an accessible location within the restaurant that is known and available to the employees of the restaurant;
- B. Ensure that the restaurant has at least one employee on site during its normal business hours who holds current certification from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and use of a defibrillator; and
- C. Ensure that the automated external defibrillator is tested and maintained, and provide notification to the appropriate first aid, ambulance, or rescue squad, or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location.

§ 5-32.4. Violations and penalties.

- A. Any person violating or failing to comply with any other provision of this article shall, upon conviction thereof, be punishable by a fine of no less than \$500 and no more than \$5,000, as determined in the discretion of the Municipal Court Judge.
- B. The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.



John A. Bacchione
JOHN A BACCHIONE Mayor



Keith Buscio
KEITH BUSCIO, Council President
Angelo Guadagno, Council Vice Pres.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on February 26, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 18th day March, 2024, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.



KAREN STALLING, RMC
Township Clerk, Township of Berkeley

AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Hudson, ss:

Nicole Riegert, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Press of Atlantic City, a newspaper printed and published in the City of Linwood, distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice was published in The Press of Atlantic City on:

PUBLICATION DATES:

Mar. 5, 2024

NOTICE ID: UF8fnUVU3nKUN674PyDK

PUBLISHER ID: COL4028

NOTICE NAME: 02-26-24 Berkeley Township Notice of Pending

Publication Fee: 105.04

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Nicole Riegert

(Signed)

VERIFICATION

State of New Jersey
County of Hudson

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

Subscribed in my presence and sworn to before me on this: 03/05/2024

Shanee Holmes

Notary Public
Notarized remotely online using communication technology via Proof.

Berkeley Township Notice of Pending and Adopted Ordinances

Berkeley Township Notice of Pending Ordinances

24-06-OA

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 315, LOT 17 ON THE MUNICIPAL TAX MAP TO DANIEL FRANCE AND LAURA WRIGHT IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (\$18,400.00.00)

24-07-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XII, ENTITLED "PROPERTY MAINTENANCE" SO AS TO AMEND SECTION 12-3.5, ENTITLED "CERTIFICATES OF COMPLIANCE"

24-08-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XX, ENTITLED "SOLID WASTE MANAGEMENT" SO AS TO AMEND VARIOUS SECTIONS

24-09-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER V, ENTITLED "GENERAL LICENSING AND BUSINESS REGULATIONS" OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BERKELEY SO AS TO CREATE SECTION 5-32, WHICH SHALL BE ENTITLED "RESTAURANTS"

24-10-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER II, ENTITLED "ADMINISTRATION" SO AS TO AMEND VARIOUS SECTIONS

24-11-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEE TITLES, AND ESTABLISHING THE METHOD OF SUCH COMPENSATION

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on February 26, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 18th day of March, 2024, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Copies of the Ordinance will be provided upon request from the Clerk's office at the address above, during regular business hours and can be found online at www.berkeleytownship.org

Karen Stallings, RMC

Township Clerk, Township of Berkeley

Berkeley Township Notice of Ordinance Adoption

24-01-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE DONATION OF BLOCK 837.01, LOTS 1.01, 1.02 & 1.06, TO THE COUNTY OF OCEAN, IN ACCORDANCE WITH N.J.S.A. 40A:12-13

24-02-OAB

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 1000, LOTS 9-22 & 32 ON THE MUNICIPAL TAX MAP TO JOSEPH GERVASINI IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (WHEATON AVENUE; \$45,000.00)

24-03-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF VIRGINIA AVENUE (AT THE INTERSECTION OF HOOVER AVENUE AND MCKINLEY AVENUE) ABUTTING BLOCK 524, Lots 3 & 4 and BLOCK 525, LOTS 18 & 20 (AMG Properties)

24-04-OAB

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$12,930,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$12,283,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF BERKELEY, IN THE COUNTY OF OCEAN, NEW JERSEY

24-05-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XI, ENTITLED "BUILDING AND HOUSING" SO AS TO AMEND SECTION 11-1.3, ENTITLED "FEES"

Foregoing Ordinances were duly passed after Public Hearing held February 26, 2024 at a regular meeting of the Township of Berkeley and were approved by the Mayor on 2/26/2024

Printer Fee: \$105.04

Pub Date: March 5th, 2024

Order #: COL4028