Chapter 119

PROMOTIONAL EVENTS AND SIDEWALK SALES

§ 119-1. Sidewalk sales.
§ 119-2. Special promotional events.
§ 119-3. Permit required.
§ 119-4. Permit regulations.
§ 119-5. Conflict with Zoning Ordinance.
§ 119-6. Violations and penalties.


GENERAL REFERENCES

Commercial establishments — See Ch. 73.
Land use and zoning — See Ch. 95.
Peddling and soliciting — See Ch. 118.

§ 119-1. Sidewalk sales.

A. Sidewalk sales permitted. The conducting of sidewalk sales as herein defined shall be permitted.

B. Definition. “Sidewalk sale” shall mean a retail event in which a group of merchants within a defined shopping center or business district is allowed to display merchandise for sale outside of the merchants’ places of business during normal business hours. Under no circumstance shall individual, unconnected or isolated merchants be licensed to conduct a sidewalk sale.

C. Regulations and limitations. The following regulations and limitations shall apply to sidewalk sales:

(1) The display area must be immediately adjacent to the place of business, and the sale shall be conducted only during the regular hours of operation of the business. No merchandise shall be left outside when the business is closed.

(2) The merchandise to be sold must be directly related to the retail establishment, must be neatly displayed and must be attended by an employee or employees of the business. Adequate provision shall be made to prevent windblown effects.

(3) No food or foodstuffs may be displayed or offered for sale, and no vending machines shall be permitted.

(4) Displays shall not obstruct doorways nor impede pedestrian traffic or wheelchair access.

(5) No display shall be allowed in off-street parking areas, loading areas or emergency lanes.
(6) Not more than one temporary sign not exceeding 16 square feet in area shall be permitted in conjunction with the sale. Individual price and descriptive signs not exceeding 0.5 square foot may be placed on the merchandise.

(7) A sidewalk sale shall run not more than three consecutive days, with appropriate provisions for alternate days necessitated by inclement weather, and no group of merchants or business area shall conduct more than two such sales in each calendar year.

§ 119-2. Special promotional events.

A. Special promotional events permitted. Special promotional events as herein defined shall be permitted.

B. Definition. Special promotional events shall be those events wherein a local business, individually or in association with a national or regional company, seeks to promote a specific product, or family of products, through an extraordinary event such as, without limitation, a tent sale. Special promotional events shall also be those events at which a local business, individually or in conjunction with a national or regional company, seeks to entice the public to its site through entertainment or other activity which may or may not necessarily seek immediate sales.

C. Regulations and limitations. The following regulations and limitations shall apply to special promotional events:

(1) Where goods or merchandise are involved, the display area must be immediately adjacent to the place of business, and the activity shall be conducted only during the regular hours of operation of the business.

(2) The goods or merchandise to be sold must be directly related to the establishment, must be neatly displayed and must be attended by an employee or employees of the business. Adequate provision shall be made to prevent windblown effects.

(3) No food or foodstuffs may be displayed or offered for sale, and no vending machines shall be permitted; provided, however, that food may be dispensed as part of the event so long as the merchant has complied with all regulations of the East Hanover Department of Health.

(4) Displays shall not obstruct doorways or impede pedestrian traffic or wheelchair access.

(5) No display shall be allowed in required off-street parking areas, loading areas or emergency lanes.

(6) Not more than one temporary sign not exceeding 16 square feet in area shall be permitted in conjunction with the event. Individual price and descriptive signs not exceeding 0.5 square foot may be placed on the merchandise.

(7) A special promotional event shall run not more than three consecutive days, with appropriate provisions for alternate days necessitated by inclement weather, and such events shall be limited to four in each calendar year; provided, however, that where an applicant can demonstrate that a longer time period is dictated by the national or regional company with which the applicant is affiliated as, without limitation, a franchisee or dealership, then the
longer time period shall be permitted.

(8) In cases where the special promotional event consists of entertainment, adequate crowd control measures shall be taken and all such measures shall be subject to prior approval by the Police Chief or his designee. If, in the opinion of the Police Chief or his designee, the event will require a police presence for traffic or crowd control, the merchant shall employ such off-duty officers as may be required pursuant to the provisions of § 79-11 of Chapter 79 of the Code of the Township of East Hanover.

§ 119-3. Permit required.

A permit shall be required to conduct a sidewalk sale or special promotional event.

§ 119-4. Permit regulations.

A. Persons desiring to conduct a sidewalk sale or special promotional event shall submit an application to the Business Development Specialist in the Department of Land Use and Zoning. The fee for such application shall be $100 for each day the sale or event is to be conducted (excluding rain dates).

B. The Business Development Specialist shall review the application and, if necessary, circulate copies thereof to any department which in his opinion may be affected by the sale or event or from which other approvals or licenses are necessary as a prerequisite to the sale or event permit.

C. The Business Development Specialist shall rule upon the permit within five working days of its submission. If he approves, the permit shall be issued forthwith. If he does not approve, he shall notify the applicant what must be done to achieve compliance and to obtain a permit.

D. If a permit shall be denied, the applicant may appeal to the Township Council; provided, however, that if there is no Council meeting scheduled prior to the date proposed for the event or sale and such date cannot be altered, the applicant shall present his/her appeal to the Township Administrator, whose decision shall be final.

E. No permit shall be issued for any sale or event until the applicant shall have filed with the Business Development Specialist proof of insurance and a fully executed indemnification agreement wherein applicant agrees to defend and indemnify the Township of East Hanover, its agents, servants, representatives or employees from any claims, damages, judgments, costs or expenses, including attorney fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of any sale or event for which the permit is issued. The form of agreement is attached hereto and made a part hereof as if written in full herein.²

² Editor’s Note: The agreement form is on file in the Township offices.

§ 119-5. Conflict with Zoning Ordinance.³

³ Editor’s Note: See Ch. 95, Land Use and Zoning.

To the extent that the provisions of this chapter conflict with the provisions of the Zoning Ordinance
relative to the sales and events covered herein, the provisions of this chapter shall prevail.

§ 119-6. Violations and penalties.

Any person who violates or who fails or refuses to comply with the provisions of this chapter, or conducts a sidewalk sale or special promotional event as defined herein without having obtained a permit therefor, shall be subject to a fine of not less than $100 nor more than $2,000 for each violation and for each day such violation exists.