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Jacqueline Flynn

Louis D. Roer

Ryan P. Ullman

**BOROUGH OF MAYWOOD**

**15 Park Avenue, Maywood, NJ 07607**

**ORDINANCE #13-23**

**AN ORDINANCE TO AMEND CHAPTER 209 OF THE BOROUGH CODE OF THE BOROUGH OF MAYWOOD ENTITLED "LAND USE"**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:**

**WHEREAS**, the Mayor and Council of the Borough of Maywood revise Chapter 209 of the Borough Code so as to amend Sec. 209-37 setting forth Primary Intended Use.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Maywood, County of Bergen as follows:

**Sec. 209-37. Sexually Oriented Business/Body Piercing Parlor Business/ Tattoo Business Other Than Licensed Cosmetic/Medical Tattoo Business/ Facilities for the Growing and/or Dispensation of Tobacco/Nicotine/Hookah/Electronic Smoking Device Retail Establishment Overlay District.**

A.Primary intended use. In addition to the uses permitted in the underlying district, the Sexually Oriented Business/Body Piercing Parlor Business/Tattoo Business Other Than Licensed Cosmetic/Medical Tattoo Business/Facilities for the Growing and/or Dispensation of Tobacco/ Nicotine/Hookah/Electronic Smoking Device Retail Establishment Overlay District is designed and intended as the only location suitable within the Borough of Maywood for sexually oriented businesses/ body piercing parlor business/ tattoo business other than licensed cosmetic/medical tattoo business/facilities for the growing and/or dispensation of tobacco/nicotine/ hookah/ electronic smoking device retail establishments to the extent permitted by the public laws of the sate now or in the future, as conditional uses, as more particularly defined and limited herein.

B. Conditions. Sexually oriented businesses, body piercing parlor business/ tattoo business other than licensed cosmetic/medical tattoo business/ facilities for the growing and/or dispensation of tobacco/nicotine/ hookah/ electronic smoking device retail establishments shall be permitted as a conditional use subject to the following:

(1) No Sexually oriented businesses, body piercing parlor business/ tattoo business other than licensed cosmetic/medical tattoo business/facilities for the growing and/or dispensation of tobacco/nicotine/ hookah/ electronic smoking device retail establishments shall be conducted within 200 feet of a residential district or use.

(2) Vehicular access to premises containing a sexually oriented businesses, body piercing parlor business/ tattoo business other than licensed cosmetic/medical tattoo business/ facilities for the growing and/or dispensation of tobacco/nicotine/ hookah/ electronic smoking device retail establishments shall be limited to Route 17.

(3) Sexually oriented businesses, body piercing parlor business/ tattoo business other than licensed cosmetic/medical tattoo business/facilities for the growing and/or dispensation of tobacco/nicotine/ hookah/ electronic smoking device retail establishments shall not operate prior to 9:00 a.m. nor after 11:00 p.m.

C. Other regulations. Except as modified herein, all regulations and requirements of the underlying zoning district shall apply within the Sexually oriented businesses, body piercing parlor business/tattoo business other than licensed cosmetic/medical tattoo business/facilities for the growing and/or dispensation of tobacco/nicotine/ hookah/ electronic smoking device retail establishments overlay district.

All ordinances of the Borough of Maywood which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, is held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

This ordinance shall take effect upon passage and publication according to law.

Date: APPROVED: Richard Bolan  
Richard Bolan, Mayor

ATTEST: Barbara Dispoto  
Barbara L. Dispoto, RMC/CMC  
Borough Clerk

**Introduction-1<sup>st</sup> Reading**

**Date: July 10, 2023**

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilwoman Cicarelli			X				
Councilman Conoscenti		X	X				
Councilwoman Flynn			X				
Councilman Roer			X				
Councilman Ullman			X				
Council President DeMuro	X		X				

**Adoption-2<sup>nd</sup>/Final Reading****Date: August 14, 2023**

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilwoman Cicarelli						X	
Councilman Conoscenti			X				
Councilwoman Flynn		X	X				
Councilman Roer	X		X				
Councilman Ullman						X	
Council President DeMuro			X				

**CERTIFICATION**

I, Barbara L. Dispoto, Municipal Clerk of the Borough of Maywood in the County of Bergen and the State of New Jersey do hereby certify that the foregoing ordinance is a true copy of the original ordinance duly passed and adopted on second reading by the Governing Body at the meeting of August 14, 2023.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Barbara L. Dispoto, RMC/CMC  
 Borough Clerk