

Mr. Nolan offered the following pass third and final reading and moved on its adoption and authorized its publication according to law:

O- 07-19

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE  
REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED  
“GENERAL POLICE REGULATIONS TO ADD A NEW SECTION 25 ENTITLED:  
REGULATION OF SEXUALLY ORIENTED BUSINESSES.**

[additions shown in underline, deletions shown by ~~strikeout~~]

**WHEREAS**, the unregulated location of sexually oriented businesses presents a variety of conditions which present hazards to the health, safety and general welfare of the community, including but not limited to such negative secondary effects as neighborhood deterioration and concentration of crime, as well as the creation of public and private nuisances and health concerns; and

**WHEREAS**, it has been determined by the Governing Body of the Borough of Highlands that it is reasonable, necessary and proper to establish reasonable rules and regulations pertaining the location, signage placement and buffering of such businesses from the surrounding neighborhoods so as to minimize these health and safety concerns to advance the general welfare of the residents of the Borough of Highlands;

**NOW, THEREFORE, BE IT ORDAINED THAT SECTION 25 OF CHAPTER 3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS BE AND HEREBY IS ESTABLISHED TO READ AS FOLLOWS:**

**Section 25 REGULATIONS PERTAINING TO SEXUALLY ORIENTED BUSINESSES.**

**a. Location**

Except where the Borough has duly adopted a municipal zoning ordinance pursuant to N.J.S.A. 2C:34-2, no sexually oriented business shall be operated by any individual, partnership, corporation, limited liability company, or other business entity within 1,000 feet of any existing sexually oriented business, church, synagogue, temple or other place of public worship, or any school, school bus stop, municipal or county playground or place of public recreation or resort, or any child care center, hospital or area zoned for residential use.

**b. Buffer Requirements**

Except where duly adopted ordinances of the Borough of Highlands establish greater buffer requirements, every sexually oriented business must be surrounded by a minimum perimeter buffer of 50 feet in width. The buffer shall be sufficient to impede the view of the interior of the subject premises and shall consist of a fence, or plantings or other physical divider installed along the outside of the perimeter

c. \_\_\_\_\_

### **Signage Limitations**

Page 2No more than two exterior signs, one sign for identification and one sign giving notice that the premises are off limits to minors shall be permitted on the premises shall be permitted per business establishment. All signs shall conform with the duly adopted sign ordinance requirements of the municipality, where specified. In no event, however, shall the identification sign shall exceed 40 S.F.

### **d. Exceptions**

Any sexually oriented business already lawfully in operation on the effective date of this ordinance, which is located within 1,000 feet of any facility described in subsection (a) above shall not be subject to enforcement or penalty provisions of Section 23 of Chapter 3 of the Ordinances of the Borough of Highlands.

### **d. Penalties.**

Any person, persons, corporation, or partnership that violates any provisions of this article shall be subject to a fine not less then \$500.00 nor more than \$1,000.00, for each day the violation persists.

Seconded by Mr. Caizza and adopted on the following roll call vote:

#### **ROLL CALL:**

**AYES:** Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**DATE:** September 15, 2007

**NINA LIGHT FLANNERY, Borough Clerk**  
**CAROLYN CUMMINS, Deputy Clerk**

**Intro:** August 15, 2007  
**Publish:** August 22, 2007, Asbury Park Press  
**2<sup>nd</sup> Reading:** September 5, 2007  
**Adoption:** September 5, 2007  
**Publication:** September 13, 2007, The Courier

**I hereby certify this to be a true copy of Ordinance # O-07-19 as adopted by the Governing Body of the Borough of Highlands on September 5, 2007.**

\_\_\_\_\_  
**BOROUGH CLERK/DEPUTY CLERK**

