

**Ordinance #2017-11**

**AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONTINUING IN FULL FORCE AND EFFECT THE PROVISIONS OF SECTION 22-15 OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” REGULATING THE HOURS OF OPERATION OF RESTAURANTS, RETAIL FOOD ESTABLISHMENTS, RETAIL SALES, AND PERSONAL SERVICES BUSINESSES ON PROPERTIES WITHIN OR ABUTTING A RESIDENTIAL ZONE**

**WHEREAS**, on December 15, 2014, the Mayor and Council adopted Ordinance 2014-45, which amended the “Code of the Borough of Princeton, New Jersey 1974” (“Borough Code”) to impose limitations on the hours of operation of certain types of businesses as identified therein, in order to help balance the needs of Princeton’s businesses and university population against the rights of Princeton’s residents to the peaceful enjoyment of their properties; and

**WHEREAS**, said provisions have been codified in section 22-15 of the “Code of the Borough of Princeton, New Jersey, 1974”; and

**WHEREAS**, Ordinance 2014-45 contains a “sunset” clause, pursuant to which the provisions of the ordinance will “automatically terminate and become null and void on the last day of the thirty-sixth month following the date of its adoption, unless re-adopted, modified or extended by the Princeton Mayor and Council”; and

**WHEREAS**, Ordinance 2014-45 also states that “there is hereby established a task force that shall include representatives of the business community and the public to evaluate and report to the Mayor and Council on the following: (1) the effect of this ordinance on businesses in Princeton; (2) the effect of this ordinance on economic development in Princeton; and (3) the effect of this ordinance on the quality of life in Princeton’s residential neighborhoods[,]” and further provides that “[n]o later than 120 days prior to the expiration of the sunset provision referenced in [Ordinance 2014-45], the task force shall make one of the following recommendations to the Mayor and Council: (1) that this ordinance continue in full force and effect without a sunset provision; (2) that the sunset provision be continued for an additional fixed period to provide time for further evaluation; (3) that the ordinance be modified; or (4) that the ordinance be repealed or allowed to lapse”; and

**WHEREAS**, the Mayor and Council President have reported to this body that they contacted residents and representative of the business community, including representatives from the Princeton Merchants Association, to serve on said task force and to prepare the above-referenced evaluation and recommendations; and

**WHEREAS**, all individuals and representatives who were contacted reported that the limitations on hours of operation appeared to working well, and that they did not believe further investigate was necessary or warranted; and

**WHEREAS**, as a result of the information the Mayor and Council President obtained from residents and representatives of the business community, they have recommended that the provisions of Ordinance 2014-45 be continued in full force and effect with no further sunset provisions;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of Princeton as follows:

1. Section 3, “Sunset Provision,” and Section 4, “Task Force Established,” of Ordinance 2014-45 are hereby repealed.

2. The remaining provisions of Ordinance 2014-45, as codified in section 22-15 of the “Code of the Borough of Princeton, New Jersey, 1974,” are hereby continued in full force and effect until such time as the Mayor and Council by duly adopted ordinance shall determine to amend or repeal same.

3. The remaining provisions of Ordinance 2014-45 shall continue to be applicable throughout the municipality of Princeton, and the “Code of the Township of Princeton, New Jersey 1968” shall continue to be deemed amended accordingly.

4. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Princeton or Code of the Township of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

5. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

6. This ordinance shall take effect upon its passage and publication, as required by law.

The purpose of this ordinance is to continue in full force and effect the provisions of Ordinance 2014-45 adopted December 14, 2015, which amended Chapter 22 of the “Code of the Borough of Princeton, New Jersey, 1974” to require certain restaurants and food and beverage establishments, retail food establishments, retail sales, and personal services businesses to close between the hours of 2 a.m. and 5 a.m., subject to various enumerated exemptions. Ordinance 2014-45 contained a “sunset” clause whereby its provisions would automatically expire and become null and void thirty-six months after adoption, unless renewed by ordinance by the Mayor and Council.

I, Kathleen K. Brzezynski, Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held March 27, 2017.



Kathleen K. Brzezynski, Municipal Clerk