

**ORDINANCE NO. 2026-14 (1299)**

**AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, OCEAN COUNTY,  
NEW JERSEY, AMENDING CHAPTER 50 OF THE BOROUGH CODE TO  
ESTABLISH REGULATIONS FOR OUTDOOR BENCH SEATING  
WITHIN PUBLIC RIGHTS-OF-WAY**

**WHEREAS**, the Borough of Lavallette (the “Borough”) is authorized to adopt ordinances pursuant to N.J.S.A. 40:48-1 et seq. and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; and

**WHEREAS**, the unregulated placement of benches within public rights-of-way may impede pedestrian passage, obstruct sight lines, interfere with municipal maintenance, and detract from the orderly character of the Borough’s public roadways; and

**WHEREAS**, the Borough Council desires to establish clear and reasonable regulations governing the placement of benches within public rights-of-way abutting state, county, and municipal roads;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Lavallette, Ocean County, New Jersey, as follows:

**SECTION 1. TITLE**

This Ordinance shall be known and may be cited as the “Lavallette Outdoor Bench Seating Ordinance.”

**SECTION 2. AMENDMENT TO CHAPTER 50**

Chapter 50 of the Code of the Borough of Lavallette is hereby amended by adding a new Article III, to read as follows:

**ARTICLE III**

**OUTDOOR BENCH SEATING REGULATIONS**

**§ 50-18. Purpose.**

This Article regulates the placement of outdoor benches within public rights-of-way in the Borough in order to protect pedestrian safety, preserve clear sight lines for vehicular and pedestrian traffic, and maintain the orderly character of the Borough’s public roadways.

**§ 50-19. Definitions.**

As used in this Article, the following terms shall have the meanings set forth below:

- (A) “Bench” means any fixed or movable outdoor seat, settee, or similar structure designed or used for outdoor seating by two (2) or more persons.

- (B) “County Road” means any road, highway, or thoroughfare under the jurisdiction, ownership, or maintenance of the County of Ocean.
- (C) “Municipal Road” means any road, street, or thoroughfare under the jurisdiction, ownership, or maintenance of the Borough.
- (D) “Right-of-Way” means the public right-of-way associated with any state, county, or municipal road.
- (E) “State Highway 35” means New Jersey State Highway Route 35, also known as Grand Central Avenue.
- (F) “Zoning Official” means the Code Enforcement Officer/Zoning Officer of the Borough designated under Chapter 90, Article XII, § 90-83 of the Borough Code.

**§ 50-20. Bench Placement Restrictions.**

- (A) Prohibited Locations. No bench shall be placed, installed, or maintained within any public right-of-way that abuts a county road or municipal road.
- (B) Permitted Location. Benches may be placed within a public right-of-way only where the right-of-way abuts State Highway 35 North (Grand Central Avenue).
- (C) Maximum Number. No more than three (3) benches shall be placed within any fifty (50) linear feet of property frontage abutting State Highway 35.
- (D) Minimum Spacing. A minimum distance of three (3) feet shall be maintained between each bench.
- (E) Maximum Length. No bench shall exceed six (6) feet in total length, measured horizontally end to end along the seating surface.
- (F) Design Standard. All benches placed within a public right-of-way shall be substantially similar in design, materials, dimensions, and appearance to the municipal benches used by the Borough of Lavallette.

**§ 50-21. Reviewing Authority.**

The Zoning Official shall be the reviewing authority for all benches proposed to be placed within a public right-of-way. No bench shall be placed within a public right-of-way without the prior review and approval of the Zoning Official.

**§ 50-22. Enforcement.**

- (A) This Article shall be enforced by the Zoning Official and/or the Police Department of the Borough of Lavallette.
- (B) Upon finding a violation, the enforcing officer shall issue a written notice of violation to the property owner and/or person responsible, specifying the nature of the violation, the corrective action required, and a compliance deadline not to exceed ten (10) days.

**(C) Removal of Non-Conforming Benches.** In addition to any other remedy provided under this Article, the Borough may remove, or cause to be removed, any bench placed within a public right-of-way in violation of this Article.

Prior to removal, the Borough shall provide written notice to the property owner and/or person responsible for the bench, specifying the violation and providing a reasonable opportunity, not to exceed ten (10) (cure) days, to cure the violation by removing or relocating the bench.

If the violation is not cured within the time specified, the Borough may remove the bench without further notice. The cost of removal, storage, and disposal shall be the responsibility of the property owner and/or person responsible for the bench in accordance with applicable law.

**Notwithstanding the foregoing, the Borough may remove any bench immediately and without prior notice if the Zoning Official or Police Department determines that the bench poses an immediate threat to public safety.**

#### **§ 50-23. Penalties.**

**(A)** Any person, firm, or corporation convicted of a violation of this Article shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), imprisonment not to exceed ninety (90) days, community service of not more than ninety (90) days, or any combination thereof, in the discretion of the Municipal Court Judge.

**(B)** Each day on which a violation continues shall constitute a separate offense.

#### **§ 50-24. Appeals.**

Any person aggrieved by a determination or notice of violation issued under this Article may appeal to the Joint Land Use Board of the Borough of Lavallette, which exercises the powers of the Board of Adjustment pursuant to N.J.S.A. 40:55D-25(c). Such appeal shall be filed in accordance with N.J.S.A. 40:55D-70 and Chapter 37 of the Borough Code, within forty-five (45) days of the determination or notice being appealed.

### **SECTION 3. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions, which shall remain in full force and effect.

### **SECTION 4. REPEALER**

All ordinances and parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

### **SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect upon final adoption and publication in accordance with N.J.S.A. 40:49-2 and all other applicable provisions of New Jersey law.

**NOTICE**

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**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on the May 18, 2026. It was further considered for second reading and final passage at a meeting of the Borough Council held on the 1<sup>st</sup> day of June 2026 at 7:00 pm at the Council Chambers in the Municipal Building Complex located at 1306 Grand Central Avenue, Lavallette, New Jersey at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

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Donnelly Amico  
Municipal Clerk