

ORDINANCE 96- 855

AN ORDINANCE TO AMEND ORDINANCE #643, "THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE (1987)"

BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey as follows:

1) Article 3 entitled "Definition of Terms" of "The Zoning Ordinance of the Borough of Manville (1987)" is hereby amended by adding the following:

301.65 Adult Book Store shall mean an establishment, business or use having as a predominant part of its stock in trade and presented for observation or purchase by persons therein: books, magazines, photographs, pictures, films, video tapes, computer disks or programs, devices or other periodicals or documents which are distinguished or characterized by their emphasis on matter depicting or relating to sexual activities.

301.66 Adult Motion Picture Theater shall mean an enclosed building with the capacity for one or more persons used predominantly for presenting for observation therein whether by film or otherwise, material distinguished or characterized by an emphasis on matter depicting or relating to sexual activities.

301.67 Anatomical Areas shall mean (a) opaquely or less than completely covered human genitals, buttocks, pubic regions and female breasts; or, (b) human male genitals in a discernibly rigid or aroused state, even if completely covered.

301.68 Cabaret shall mean an establishment, business or use which features dancing depicting, describing or demonstrating sexual activities or anatomical areas by male and/or female entertainers; or any dancing described, promoted, advertised or commonly referred to as "go-go" dancing by male and/or female entertainers designed or intended to appeal primarily to the sexual interest of patrons.

301.69 Massage Shop shall mean an establishment, business or use which provides the service of massage and body manipulation, unless operated by an athletic trainer, chiropractor, physical therapist, physician or masseuse licensed by, or registered with, the State of New Jersey.

301.70 Modeling Studio shall mean an establishment, business or use which provides the service of modeling in a manner depicting, describing or demonstrating sexual activities or anatomical areas, whether for the purpose of live viewing or of reproducing such depictions, descriptions or demonstrations by means of photographs, moving pictures, video or computer based recording.

301.71 Regulated Use shall mean adult bookstores, adult motion picture theaters, cabarets, massage shops and modeling studios.

2. Article 4 of "The Zoning Ordinance of the Borough of Manville (1987)" is hereby amended by adding the following:

Section 713 - Restrictions on Regulated Uses.

A. No regulated use shall be located within one thousand (1000') feet of a school, hospital, church, library, nursing home, public building, funeral parlor, other regulated use or residentially zoned property (whether utilized or not for residential purposes). All such distances shall be measured along a straight line from the nearest point on the boundary of the lot on which the regulated use is proposed to the nearest point on the boundary of the lot on which the school, hospital, church, library, nursing home, public building, funeral parlor other regulated use or residentially zoned property is located.

B. Every regulated use shall comply with all standards contained in the Zoning Ordinance for the general use group in which the proposed regulated use would be classified and for the zone in which it is located.

C. When any existing building is converted from any other use to a regulated use, or from one regulated use to another regulated use, a full and complete site plan application and review shall be required, regardless of pre-existing use, and the municipal body conducting the site plan review shall have no authority to waive any application or review requirements.

3. Upon conviction for violation of any provision of this ordinance the maximum penalty shall be one or more of the following: a fine not to exceed \$1000.00, imprisonment in the County Jail for a period of not to exceed ninety (90) days, and/or a period of community service not to exceed ninety (90) days. Each and every day upon which a violation of any provision of this ordinance exists shall constitute a separate violation.

4. In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

5. Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

6. This ordinance shall be effective immediately upon final approval and publication in accordance with law.

BOROUGH OF MANVILLE

By: Angelo Corradino
Angelo Corradino, Mayor

FIRST READING:

INTRODUCED BY: Counc. Sackett
SECONDED BY: Counc. McDaniel
ATTESTED BY: Kathleen Seney
DATE: January 22, 1996

ROLL CALL:	YES	NO	AB	ABS		YES	NO	AB	ABS
Counc. McDaniel	X				Counc. Polak	X			
Counc. Jasiak	X				Counc. Sackett	X			
Counc. Mathias				X	Counc. Weiss	X			

SECOND READING:

INTRODUCED BY: Counc. Mathias
SECONDED BY: Counc. Jasiak
ATTESTED BY: Kathleen Seney
DATE: February 20, 1996

ROLL CALL:	YES	NO	AB	ABS		YES	NO	AB	ABS
Counc. McDaniel	X				Counc. Polak	X			
Counc. Jasiak	X				Counc. Sackett	X			
Counc. Mathias	X				Counc. Weiss	X			