

A. Baze / C

GOODS AND WARES REVOCABLE LICENSE AGREEMENT

THIS AGREEMENT is made and entered into as of the date set forth below by and between the City of Atlantic City (the "City"), having an address at 1301 Bacharach Boulevard, Atlantic City, New Jersey 08401 and **__Mubashar Azeem__** (the "Licensee"), having an address at **_____2517C_____ Boardwalk**, Atlantic City, NJ 08401.

WHEREAS, the City is a municipal corporation of the State of New Jersey, owning and controlling certain real property within its territorial limits, including that certain real property known as the Boardwalk and in particular that portion of the Boardwalk located between Avenue and adjacent to Lot **___** in Block **___**, (the "City Property"); and

WHEREAS, the Licensee owns or leases certain real property (the "Licensee Property") directly adjacent to the City Property and operates a business which sells goods and wares to the public at that location; and

WHEREAS, as permitted by Section 222-26 et seq of the Atlantic City Code, the Licensee wishes to display goods and wares for its patrons in certain portions of the City Property adjacent to the Licensee Property (the "Licensed Area"); and

WHEREAS, the City desires to grant a License to the Licensee to use the Licensed Area to display, advertise their goods and wares and to improve their business by providing a convenience to their patrons as permitted by the City Code.

NOW, THEREFORE, in order to carry out the intent as expressed above, and in consideration of the payment of \$5.00 per linear foot *14 feet* (\$ 70) and the mutual covenants herein contained, the City and the Licensee hereby agree and covenant as follows:

PURPOSE

1. The City hereby grants a Revocable License to the Licensee to use the Licensed Area to display equipment for the purpose of the display of goods and wares from Licensee's adjacent establishment to its patrons.

LICENSED AREA

2. All displays must be in strict accordance with the rules and regulations in §22626.1. Any display equipment and goods and/or wares shall not impair the free and uninterrupted passage of persons along said Boardwalk. Display Equipment and/ or goods and/ or wares shall not extend beyond the area licensed by the City of Atlantic City. The license area shall not be more than four feet wide from the exterior property line of the adjoining subject property of the retail business establishment into the Boardwalk right of way. The license area shall be bounded on both sides by the extension of the limits of the interior lease which ends at the interior walls of the commercial unit. The line of the interior wall will extend onto the Boardwalk on both sides to create the side boundaries of the 4' wide license area. Merchants may not display goods and wares prior to receiving an approved, executed license from the City of Atlantic City.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals
the day and year first below written.

ATTEST:

CITY OF ATLANTIC CITY

Paula Geletei
Paula Geletei, City Clerk

Marty Small Sr.
Hon. Marty Small Sr., Mayor

Date: 6/20/2025

Planning Approval

Date: 06/06/2025

By: Jacques A. Howard
Jacques A. Howard
Planning Director

Witness Signature

Mubashar Azeem
By Licensee:

Mubashar Azeem
Print Name:

Date: _____

owner
Title:

Date: 05-28-25

The within Agreement is approved as to form and execution.

By: Jack Berenato
Asst City Solicitor Jack Berenato

Date: 6/9/25

Ordinance

Ordinance No. 21

OF THE
CITY OF ATLANTIC CITY, N.J.

Date..3-22-2023...
Date to Mayor..4-20-2023..

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Assistant City Solicitor/ Jack Berenato

Director of Planning& Development/s/ Jacques Howard

Prepared by the City Solicitor's Office

Council Members ALL COUNCIL Present the following Ordinance:

AN ORDINANCE AMENDING CHAPTER 222, ARTICLE III SECTION 26 OF THE CODE OF THE CITY OF ATLANTIC CITY, WHICH REGULATES THE DISPLAY OR PLACEMENT OF GOODS AND WARES ON STREETS, HIGHWAYS AND SIDEWALKS

WHEREAS, the City Council of the City of Atlantic City is charged with the obligation and responsibility to preserve and advance the public health, welfare and safety of the citizens of Atlantic City, including the free and uninterrupted passage of persons over and along City streets, highways and sidewalks; and

WHEREAS, City Code, Chapter 222, Article III, Section 26, states no person shall place, deposit, display, exhibit or offer for sale his, her or their goods, wares or merchandise upon the streets, boardwalks, highways or sidewalks of the City of Atlantic City so as to obstruct the free and uninterrupted passage of persons over and along the full width of said streets, highways and sidewalks; and

WHEREAS, City Council wishes to amend Chapter 222, Article III, Section 26 to add a Section 26.1. Placemenet of goods and wares on Boardwalk, which would permit retail business establishments with storefronts on the Boardwalk to place display equipment for the purpose of the display of goods and wares(merchandise) on the Boardwalk; and

WHEREAS, City Council is proposing the Amendment, to allow the display of merchandise on the Boardwalk, in response to request from the Boardwalk Merchants and has agreed to allow goods and wares to placed/displayed on the Boardwalk subject to the conditions and requirements set forth in Section 222-26.1 for the year 2023; and

WHEREAS, City Council has agreed to allow the display of merchandise on the Boardwalk pursuant to 222-26.1 for a trial period only and will, after the spring, summer and fall seasons, fully evaluate the conditions related to the cooperation of the participating retail business establishments, the level of conformity and the overall appearance, cleanliness and safety concerns related to the free and uninterrupted passage of persons on the Boardwalk.

WHEREAS, this matter was considered by City Council's Planning and Development Committee on March 8, 2023; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Atlantic City that Chapter 222, Article III, Section 26 of the Atlantic City Code be and is hereby supplemented and amended to add Section 26.1 as follows:

SECTION 1. Proposed § 222-26.1. Placement of goods and wares on Boardwalk.

- A. Purpose and intent: The purpose is to provide an opportunity for retail business establishments with storefronts on the Boardwalk to place display equipment for the purpose of the display of goods and wares, and goods and wares (merchandise) on the Boardwalk subject to conditions and requirements set forth herein as a temporary trial for the 2023 season only. It is expected, and required, that all display equipment, goods and wares shall be placed in such a manner as not to block pedestrian access and shall be maintained in an uncluttered, safe, and clean appearance. After the spring, summer and fall season of 2023 there will be an evaluation of conditions related to the cooperation of the participating retail business establishments relating to conformance with requirements, level of non-conformity, relative overall appearance, cleanliness, safety concerns, impairment of pedestrian access, if any.
- B. No person shall place, deposit, display, exhibit or offer for sale his, her or their goods, wares or merchandise upon the Boardwalk of the City of Atlantic City so as to obstruct the free and uninterrupted passage of persons over and along the full width of the Boardwalk right-of-way.
- C. However, the foregoing subsection shall not prohibit a duly licensed retail business establishment from placing display equipment, goods and wares in front of said premises, subject to the following terms and conditions:
 - (1) Any display equipment and goods and/or wares shall not impair the free and uninterrupted passage of persons along said Boardwalk. Display Equipment and/or goods and/or wares shall not extend beyond the area licensed by the City of Atlantic City. The license area shall not be more than four feet wide from the exterior property line of the adjoining subject property of the retail business establishment into the Boardwalk right of way. The license area shall be bounded on both sides by the extension of the limits of the interior lease which ends at the interior walls of the commercial unit. The line of the interior wall will extend onto the Boardwalk on both sides to create the side boundaries of the 4' wide license area.
 - (2) No placement of display equipment and/or goods and wares are permitted on the Boardwalk between the hours of 12:00 midnight and 6:00 a.m. In addition, equipment and/or goods and wares must be removed from the boardwalk within one hour after the close of the adjacent retail business establishment and may not be set up prior to one hour before the retail business establishment opens for business.
 - (3) Any display equipment and/or goods and wares shall not extend beyond the Boardwalk store frontage of the particular retail business establishment.

- (4) The owner of any retail business establishment providing display equipment and/or goods and/or wares on the Boardwalk pursuant to this section must maintain the Boardwalk clear of all rubbish and litter. This duty is in addition to any and all other duties imposed on all retail business establishments by the Department of Health and/or any code enforcement agency having jurisdiction over such premises.
- (5) Privileges permitted under this section are specifically limited to the Boardwalk and do not extend to the Boardwalk ramps leading from streets to the Boardwalk, streets, or highways of the City of Atlantic City.
- (6) In addition of the penalty set forth at § 222-31 of the Code of the City of Atlantic City, upon a charge and finding of any violation of this section, the mercantile license of said retail establishment and/or the privileges provided by this section may be revoked. The administrative hearing officer having jurisdiction over violations of this section shall be the Director of Licensing and Inspections and/or his designee.
- (7) The privileges provided under this section are not intended to provide any license, easement or other property interests.
- (8) The display equipment and/or goods and/or wares shall be permitted under the conditions outlined herein seasonally, from March 1 through November 10.
- (9) All display equipment and/or goods and wares are only temporary. No permanent structures are permitted.
- (10) All display equipment and/or goods and/or wares must be adequately anchored to prevent movement, toppling, falling as to create a hazard to the public.
- (11) Any equipment and/or goods and/or wares shall not impair the free and uninterrupted passage of persons, wheelchairs, walkers, rolling chairs or trams along the Boardwalk.
- (12) The owner/operator of any retail establishment providing equipment and/or goods and/or wares on the Boardwalk pursuant to this section must maintain the license area free and clear of all rubbish and litter. This duty is in addition to any and all other duties imposed on all retail establishments by the Department of Health and/or any code enforcement agency having jurisdiction over such premises.
- (13) A sample of all proposed display equipment and/or goods and/or wares shall be submitted to the City prior to their placement on the Boardwalk. No equipment and/or goods and wares will be permitted without prior approval.
- (14) Privileges permitted under this section are specifically limited and may be suspended by the Mayor, the Chief of Police, the Chief Engineer of the Fire Department or the Director of Emergency Management in the event of a parade or a weather or other emergency with or without notice in the interests of public health and safety.

- (15) In addition of the penalty set forth at § 222-31 of the Code of the City of Atlantic City, upon a charge and finding of any violation of this section, the mercantile license of said retail establishment and/or the privileges provided by this section may be suspended or revoked. The administrative hearing officer having jurisdiction over the suspension or revocation of a mercantile license for violations of this section shall be the Director of Licensing and Inspections and/or his designee.
- (16) The privileges provided under this section are not intended to provide any easement or other property interests but may be supplemented by separate license agreement approved by City Council.
- (17) The licensee must obtain a Certificate of Land Use Compliance (CLUC) for retail use and associated signage along with the License area for display.
- (18) Where the Boardwalk is less than 40 feet in width, the equipment and/or goods and/or wares contemplated under this article shall be prohibited.
- (19) All Boardwalk retail business establishments that exercise the option provided by this section shall be required to hold harmless and indemnify the City of Atlantic City from and against any and all claims arising out of or in connection with such undertaking. Prior to the issuance of a license (or license renewal) permitting the equipment and/or goods and wares placement, such retail establishment shall annually submit to the City proof of an insurance policy issued by an insurance company licensed to do business in the State of New Jersey insuring the Boardwalk retail establishment and the City of Atlantic City against all claims for damage to property or bodily injury, including death, which may rise from or in connection with Boardwalk equipment and/or goods and wares display. Such insurance shall name the City of Atlantic City as an additionally insured and shall provide that the policy shall not terminate or be cancelled prior to its normal expiration date without 30 days' advance written notice to the City. The minimum amounts of insurance to be maintained under such policy are a combined single limit policy of \$1,000,000.
- (20) For purposes of this subsection, "display equipment, and/or goods and/or wares (AKA merchandise) " shall include related items such as portable sandwich signs, umbrellas, display tables, display racks, and related items. All items must be made of durable materials that are capable of continued use and can be sustainable in poor weather conditions. No cardboard, paper or bare unpainted wood storage containers, shelving, display tables, or display racks are permitted. No damaged or broken cardboard, paper or bare unpainted wood storage containers, shelving, display tables, or display racks are permitted.
- a. The display of retail merchandise may include goods hung on hangers on racks or displayed on tables, provided that the outdoor display is orderly and provides adequate vertical and horizontal clearances for public safety.

- b. Maximum heights: display table and/or storage containers: 32 inches, display racks and/or shelving: 48 inches.
 - c. Portable sandwich sign size: Maximum sign width: two feet -six inches; Maximum height: four feet above Boardwalk surface; Maximum sign area: 9 square feet; Portable sign area is in addition the maximum sign area permitted for the building.
 - d. A seven-foot minimum vertical clearance above the surface of the boardwalk is required along with a five-foot minimum horizontal clearance where the area must open for access to allow adequate ingress and egress from the establishment.
 - e. An outdoor display area on the adjoining building front is permitted with a maximum height of 10 feet above the surface of the boardwalk.
 - f. A six-inch maximum projection out from the building is permitted for merchandise hanging on the exterior of the building front provided the merchandise is under cover as described above. All merchandise must be properly secured so not to be a falling hazard.
 - g. No merchandise or structures/apparatus are to be attached to or hanging on the doors, or hanging from awnings, or hanging from signage. No merchandise is permitted to hang from: roof overhangs, canopies, marques, open, closed, or retracted security gates, or mechanism/apparatus of security gates and similar structures. No merchandise is permitted in exterior covered alcoves, vestibules, or exterior foyers within the five-foot wide clearance access path in and out of the adjoining store.
 - h. The storage of equipment not directly related to the purpose of the display of goods and wares is not permitted on the Boardwalk.
 - i. All business exteriors shall maintain an uncluttered, safe, and clean appearance.
- d. Prior to the placement of any display equipment and/or goods and/or wares on the Boardwalk by an establishment, during the season (March 1 through November 10), under any of the subsections above, the owner or operator of the establishment shall enter into a license agreement with the City of Atlantic City defining the conditions for the use of the area in which said display equipment and/or goods and/or wares are placed. The license agreement shall:
- (1) Reference the requirements in the applicable subsection and include a description of the types of display equipment and/or goods and/or wares and other fixtures to be proposed in the licensed area and, notwithstanding the provisions of this section, the time period in which those items may be present and the manner in which they may be fixed on and to the Boardwalk.
 - (2) Include insurance and indemnification requirements at least as protective to the City as those enumerated in § 222-26.1C(20).

- (3) Require annual review by the Director of Planning, or other Mayor designee, and the Mayor shall be authorized to execute any renewal on behalf of the City.
- (4) Be revocable by the Mayor or Council upon 30 days' notice to the licensee or immediately upon the breach of the agreement by the license
- (5) Require an annual seasonal fee to be paid to the City in an amount equal to \$5 per linear foot of license area on the Boardwalk frontage along the property licensed
- (6) Require, as a supplement to the request for the License a plan shall be provided. The license area shall display on a plan prepared by a licensed New Jersey professional land surveyor as part of the application made to the City for license area. The plan will show the area in square feet and with dimensions, and also include the approximate location of Display Equipment and/or goods and/or wares. The licensed New Jersey professional land surveyor shall set two PK nails at the limit of the four foot wide license area and the intersection of the extended interior lease limit of the commercial unit / storefront on each side of the interior lease limit of the commercial unit / storefront. This will demarcate the limits of the license area on the Boardwalk for use by the owner and/or operator of the retail business establishment and enforcement officials.

SECTION 2. Any Ordinance or parts of any Ordinance inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect immediately upon its approval by the city engineer, final passage and publication as provided by law.

March 22, 2023 3-H

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DUNSTON	X						SHABAZZ	X				X	
KURTZ	X						TIBBITT				X		
MARSHALL	X						WEEKES				X		
MORSHED	X					X	ZIA	X					
							RANDOLPH, PRESIDENT	X					

X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MARCH 22, 2023.....
 Adopted on second and final reading after hearing on.....APRIL 19, 2023.....

Approved By.../s/.....MARTY SMALL, SR.Date...4/20/2023.....By Council.....Ride _____

Mayor

Aye Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

/s/.....PAULA GELETEI, City Clerk

3/22/2023

3-H

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FIRST PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DUNSTON	X						SHABAZZ	X				X	
KURTZ	X						TIBBITT	X					
MARSHALL	X					X	WEBKES	X					
MORSHED	X						ZIA	X					
RANDOLPH, PRESIDENT								X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MARCH 22, 2023.....