

Ordinance

Ordinance No. 11

OF THE
CITY OF ATLANTIC CITY, N.J.

Date..2-18-2026.....
Date to Mayor..3-19-2026....

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

Factual contents certified to by

Assistant City Solicitor/s/ Jack Berenato

Director of Planning & Development/s/ Jacques Howard

Prepared by the City Solicitor's Office

Council Member ALL COUNCIL Presents the following Ordinance:

AN ORDINANCE AMENDING CHAPTER 222-26 OF THE CODE- DISPLAY OF PLACEMENT OF GOODS AND WARES

§ 222-26. Display or placement of goods and wares.

A. 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.

[Amended 10-12-1994 by Ord. No. 77-1994]

B. However, the foregoing subsection shall not prohibit a duly licensed retail food establishment from providing seating and/or tables on the sidewalk in front of said premises, subject to the following terms and conditions:

[Amended 10-12-1994 by Ord. No. 77-1994]

(1) Any seating and/or tables shall not impair the free and uninterrupted passage of persons along said sidewalks. Seating and/or tables shall not extend beyond the lesser of half the width of the sidewalk or more than **eight ten** feet from the exterior property line of the retail establishment towards the street.

A. Tables and chair seating shall be allowed in all CBD and NC Districts, as may be determined by the Director of Planning and Development in consultation with appropriate City Departments.

B. ~~(2) [No tables and chairs are permitted on any sidewalk between the hours of 12:00 midnight and 6:00 a.m. In addition, tables must be removed from the sidewalk within one hour after the close of the adjacent retail establishment and may not be set up prior to one hour before the retail establishment opens for business.]~~

[Amended 9-22-2004 by Ord. No. 106-2004]

(3) Any seating and/or tables may not extend beyond the street level frontage of the retail food establishment unless the licensee has authority, in writing, and filed with the Director of Planning, from one or both immediately adjacent property owners permitting seating and/or tables in front of said adjacent property or properties.

A. Furniture, including Shading, are to be limited to Bistro Tables, Umbrellas, Canopies and Trellises.

B. Seating Area must have Perimeter definition, including, but not limited to Decorative Fencing, Cord and Pole three (3) feet high.

(4) The owner of any Retail Food establishment providing Seating and/or Tables on the Sidewalk pursuant to this section must maintain the sidewalk to the curb, free and clear of all rubbish and litter. This duty is in addition to any and all other duties imposed on all Retail Food establishments by the Department of Health and/or any code enforcement agency having jurisdiction over such premises.

A. **A sample of all proposed Tables and Chairs shall be submitted to the City Division of Planning prior to their placement on the Sidewalk. No Table or Chair set will be permitted without prior approval. In no event shall Picnic Style Tables (rectangular table with bench seating) be permitted in the Sidewalk seating area.**

(5) Alcoholic beverages may be served and/or consumed at any seating and/or tables permitted under this section.

[Amended 11-20-2002 by Ord. No. 61-2002]

(6) Privileges permitted under this section are specifically limited to sidewalks and do not extend to the streets, boardwalks or highways of the City of Atlantic City.

(7) 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 food 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.

[Amended 7-10-2002 by Ord. No. 21-2002; 1-27-2010 by Ord. No. 03-2010]

(8) The privileges provided under this section are not intended to provide any license, easement or other property interests.

(9) Tables and Chairs under this section shall also be governed by 222-26 G (1,2,3,4,5 and 7).

(10) The annual fee to be paid to the City is \$300 per linear foot of the frontage of the establishment for alcoholic beverage license and \$150 per linear feet for non-alcoholic establishments.

March 19, 2026 7:52 AM 2-D

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.
AHMED	X						KURTZ	X					
BAILEY	X						LACCA	X					
CROUCH	X					X	MARSHALL				X		
DUNSTON	X						SHABAZZ	X				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 ...FEBRUARY 18, 2026.....

Adopted on second and final reading after hearing on...MARCH 18, 2026.....

Approved By.../s/ *Marty Smalley* Date: *3/19/26* Reconsidered _____ Over _____
 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* PAULA GELETEI, City Clerk