

## Chapter 169, MERCANTILE LICENSING

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Fees -- See Ch. 122.

ARTICLE I, Licensing Provisions [Adopted 5-31-1984 by Ord. No. 366]

§ 169-1. License required.

It shall be unlawful for any person, firm or corporation to conduct, engage in or carry on any business, trade, occupation or activity as enumerated in this article within the Borough of Laurel Springs, New Jersey, without having first complied with the provisions of this article and obtained a license therefor as is herein provided.

§ 169-2. Applications for license.

Applications for all licenses required by this article shall be made in writing to the Borough Clerk on forms prepared and kept on file by the Borough Clerk. Each application shall contain the following information, in the suggested format:

- A. The name under which business is to be conducted.
- B. The name of the applicant. (If a corporation, give names and addresses of the president and secretary; if a partnership, give the names and addresses of all partners.)
- C. Present residence.
- D. The address of the business to be conducted.
- E. The nature of the business.
- F. The residence of the applicant during the past five years (if individual).
- G. The applicant has never had a license to conduct the business herein described denied or revoked, except as noted.
- H. Details of any arrests or convictions for misdemeanors and crimes, including the nature of the offense for which arrested or convicted, the date of conviction and the place where said conviction was obtained.
- I. The business telephone number of the applicant.
- J. The name and address of attorney, if applicable.
- K. The name and address of registered agent, if applicant is a corporation.
- L. The undersigned makes these statements above to induce the Borough of Laurel Springs to issue the license herein applied for and agrees to comply with all laws and ordinances of the Borough applicable to the subject matter thereof.

§ 169-3. Application to Planning Board; authorization by Council. [Added 8-3-1998 by Ord. No. 569EN]

The Borough Clerk shall refer the properly completed application to the Planning Board, which shall forward its findings, with its recommendations, within 30 days to the Borough Council, which body shall decide on granting or denying the license applied for. No license shall be issued for a new business until the Borough Council has authorized the issuance of the license.

§ 169-4. Persons subject to license.

Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if, by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the Borough of Laurel Springs, New Jersey.

§ 169-5. Borough Clerk's signature required.

Each license issued shall bear the signature of the Borough Clerk in the absence of any provision to the contrary.

§ 169-6. Investigations. EN

Upon receipt of an application for a license, the Borough Clerk shall refer such application to the proper officers for making such investigation. The officers charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within 15 days after receiving the application or a copy thereof. The Fire Marshal shall make or cause to be made an inspection in regard to such licenses in connection with the care and handling of food and the preventing of nuisances and the spread of disease, for the protection of health and any such inspections relative to the construction of buildings or other structures. The Zoning Officer shall make the appropriate zoning inspection. All other investigations, except where otherwise provided, shall be made by the Chief of Police or his designee.

§ 169-7. Standards for issuance of license. EN

All licenses shall be approved by resolution of the Borough Council. The Council shall examine the qualifications of any applicant for a licensee or renewal thereof to determine whether said applicant or licensee has complied with the general laws and statutes of the state and the ordinances of the Borough of Laurel Springs, and said Borough Council shall be guided in making its determination by the following standards:

- A. The Zoning Ordinance of the Borough of Laurel Springs (Chapter 270).
- B. The Building Code (Chapter 101).
- C. The Fire Prevention Code (Chapter 137).
- D. The reports of all municipal officers required under this chapter.
- E. Other general laws and public health statutes and codes of the State of New Jersey applicable to this municipality.
- F. The license history of the applicant regarding past violations, rejections or suspensions and the timeliness of past applications for licenses and the applicant's continued compliance with license requirements.

§ 169-8. Payment of fees.

A. In the absence of provision to the contrary, all fees and charges for licenses shall be paid in advance at the time application therefor is made to the Borough Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which

the business has been or will be conducted. Except as otherwise provided, all license fees shall become a part of the general Borough treasury.

B. Where the licensee is engaged in more than one activity as enumerated in the Annual Fee Ordinance, at the same location, which may be subject to more than one fee, said licensee shall be required to pay that fee which would be charged for the activity assessed the highest fee.

C. No license shall be issued unless and until all property taxes or assessments on the real property wherein the business or activity for which the license or permit is sought or wherein the business or activity is to be conducted are paid in full as of the date the license is issued. EN [Added 3-2-1992 by Ord. No. 481]

D. Any license not renewed on or before the last day of February annually shall be subject to a late fee of as provided in the Annual Fee Ordinance for every month that the license is not renewed. [Added 7-30-2001 by Ord. No. 607-2001]

§ 169-9. Termination.

All annual licenses shall terminate on the 31st day of January each year.

§ 169-10. Premises to comply with Borough requirements.

No license shall be issued for the conduct of any business if the premises and building to be used for the purpose do not fully comply with the requirements of the Borough.

§ 169-11. Change of location.

The location of any licensed business or occupation may be changed, provided that 10 days' notice thereof is given to the Borough Clerk and approval is granted by the governing body, provided that the requirements of the ordinances are complied with.

§ 169-12. Nuisances prohibited.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. EN

§ 169-13. Inspection of premises.

Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto, for the purposes of making the inspection, any officer or employee of the Borough who is authorized or directed to make such inspection, at any reasonable time that admission is requested.

§ 169-14. Revocation of license. [Amended 3-2-1992 by Ord. No. 481]

The Mayor and Council of the Borough shall have the right to revoke or suspend any license whenever the holder thereof or any of the licensee's agents or servants violate any provisions of this chapter, the laws of the State of New Jersey, any rules or regulations promulgated as herein provided, or in the event the real estate taxes for the real property upon which the licensed business or activity is conducted are delinquent and remain unpaid for three consecutive quarters. Prior to the revocation of a license, a notice of the contemplated action of the Mayor and Council of the Borough shall be served upon said licensee, setting forth such charges as may be the reason for said proposed revocation, and the place, date and hour when the Mayor and Council of the Borough will hear the matter. The licensee may be represented by counsel at such hearing.

§ 169-15. Posting.

Licenses issued under this chapter shall be posted at the place of business shown on said license, in a conspicuous place. Said license shall remain posted for the duration of the licensing year when issued and so long as the licensed business is in operation.

§ 169-16. Fee schedule.

The license fees to be paid, as hereinbefore provided, to the Borough of Laurel Springs for conducting or engaging in the business, trades or activities herein named at the place designated in the license certificate shall be as provided in the Annual Fee Ordinance.

§ 169-17. Fee for unclassified businesses, trades or activities.

All businesses, trades and activities which have not been classified in the license fee section of this chapter, for each location, shall pay a license fee as provided in the Annual Fee Ordinance.

§ 169-18. Purpose of fees.

The fees herein imposed for business and mercantile licenses are revenue-producing in nature, but said fees are used primarily in an attempt to cover the costs of inspections of such businesses to ensure compliance with the laws of the state and the ordinances of this municipality. It is the legislative intent of this chapter to ensure the fact that all businesses of whatsoever kind and wheresoever located in this Borough shall be inspected periodically to ensure compliance with the laws as aforesaid. In certain instances there are those businesses which warrant additional police surveillance and inspection. There are those businesses which attract unusual amounts of vehicular traffic, necessitating additional regulation and enforcement. These fees provide a reasonable relationship to the costs of regulation and administration.

§ 169-19. Exempt businesses or occupations.

This article shall not apply to any business or occupation licensed under those various laws of this state which prohibit licensing by municipalities.

§ 169-20. Enforcement.

The proper enforcement of the provisions of this article dealing with mercantile licenses shall be within the jurisdiction of the Police Department of this Borough and additionally within the jurisdiction of those officers charged with providing the necessary inspections and regulations.

§ 169-21. Violations and penalties.

Any person, firm, association or corporation violating any section of this article shall, upon conviction, be subject to the penalties provided in Chapter 1, § 1-15.

ARTICLE II, Payment of Taxes and Assessments [Adopted 3-7-1994 by Ord. No. 524]

§ 169-22. Proof of payment required.

Pursuant to the provisions of N.J.S.A. 40:52-1.2, as a condition for the issuance or renewal of any license or permit issued by or requiring the approval of the Borough of Laurel Springs, the applicant, if he is the owner thereof, must have paid any property taxes or assessments on the property wherein the business or activity for which the license or permit is sought or wherein the business or activity is to be conducted. Appropriate proof of payment must be provided before such license or permit shall be issued.

§ 169-23. Revocation or suspension for failure to pay taxes.

In the event that a license or permit has been issued, it shall be revoked or suspended when any licensee, who is an owner of the property upon which the licensed business or activity is conducted, has failed to pay taxes due on the property for at least three consecutive quarters. Upon payment of the delinquent taxes or assessments, the license or permit shall be restored for the balance of its term.

§ 169-24. Nonapplicability.

The provisions of this article shall not apply to or include any dog licenses and alcoholic beverage license or permit issued pursuant to the Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 et seq. EN