


ORDINANCE OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY

No. MC 3876

Effective Date OCTOBER 1, 2024

Dated SEPT. 9, 2024

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

  
Legislative Research Officer

COUNCIL MEMBER BEASLEY presents the following Ordinance

SECONDED EVANS

Chapter 290. Fees and Licenses

Article I. Licensing Procedure

§ 290-4. Prerequisite for issuance and continuation of licenses and permits.

[Added 8-13-1991 by Ord. No. MC 2929<sup>II</sup>; amended 12-18-2012 by Ord. No. MC 3476; 4-8-2019 by Ord. No. MC 3696; 9-23-2019 by Ord. No. MC 3712]

**BUSINESS**

A. Definitions. As used in this section, the following term(s) shall have the meanings as indicated:

**BUSINESS**

Any individual, partnership or corporation who is conducting a commercial activity within the physical boundary of the Township of Irvington.

B. Display of license or permit.

(1) Any and all license(s) or permit(s) issued to an individual, partnership or corporation to conduct business in the Township of Irvington must be current and displayed on such premises, at all times and in a conspicuous manner, within five feet of the front entrance of said business. Failure to properly display a license required to operate the business shall constitute a violation of this section subjecting the property and/or business owner to penalty as indicated by this section.

(2) This subsection shall not apply to those businesses regulated by the Alcoholic Beverage Control Act.

(3) Failure to obtain a license covering the type of commercial activity for which the property and/or business owner is engaged in shall constitute a violation of this section and subject both the property and/or business owner to a penalty as indicated by this section.

(4) Failure to obtain a Township license covering the commercial activity for which the property and/or business owner is engaged shall subject the property and/or business owner to the following penalties:

(a) **The business/entity may be issued a "Cease & Desist" order to close and stop all operations until such time it is properly licensed by the township with all of the necessary inspections and approvals 100% complete.**

(b) **A Code Violation Summons will be issued with a minimum fine of \$1,000, and a maximum fine \$5,000 for the first offense. For subsequent violations the fines will double. For a third offense the fines will triple.**

(c) **If the cease and desist order is violated a minimum fine of \$200 per day will be imposed for every day the business/entity is open from the date of the order.**

(5) Failure to display a license covering the commercial activity for which the property and/or business owner is engaged shall subject the property Fourth offense: mandatory court hearing with a fine up to \$500 and prohibition on conducting any commercial activity within the Township for one year by the business entity and/or owner.

**DENIAL OF LICENSE**

C. No license or permit shall be issued or renewed, as the case may be, to any applicant who is the owner of property wherein a business or activity for which a license or permit is sought or wherein a business or activity is to be conducted unless and until any delinquent property taxes or assessments on such property are paid and

current. This subsection shall not apply to licenses issued pursuant to the Alcoholic Beverage Control Act<sup>[2]</sup> of the State of New Jersey.

[2] *Editor's Note: See N.J.S.A. 33:1-1 et seq.*

- D. The applicant shall supply a certificate from the Township Tax Collector that all property taxes and assessments are paid and current on the subject property.
- E. A license issued pursuant to this chapter may be revoked or suspended when any licensee who is the owner of the property upon or within which the licensed activity is conducted has failed to pay the taxes due on the property for at least three consecutive quarters.
- F. A license may be denied wherein the business has willfully conducted business activity with the intent to avoid the requirements of this Code and/or the payment necessary to conduct such activity(ies).

**RECORD OF COUNCIL VOTE**

X = Indicates Vote    N.V. = No Vote    A.B. = Absent    X.O.R. = Indicates Vote to Override Veto

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BROWN	X				DR. HUDLEY, 1 <sup>ST</sup> VICE PRES.	X			
COX				X	VICK	X			
EVANS	X				BEASLEY, PRESIDENT	X			
DR. FREDERIC, 2 <sup>ND</sup> VICE PRES.	X								

Ordinance on First Reading Date AUG 12 2024 Council Adopted on Second Reading Date SEP 09 2024  
 MAYOR \_\_\_\_\_ Date 9/11/2024 Approved  Rejected \_\_\_\_\_  
 Reconsidered by Council - Override Yes \_\_\_\_\_ No \_\_\_\_\_ Date of Override \_\_\_\_\_

COUNCIL PRESIDENT Amillah Z. Beasley

I hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK Shawna M. Supal DATE 9/11/2024

