

**ORDINANCE 24-06C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" CREATING CHAPTER 73, WHICH SHALL PERTAIN TO BUSINESS LICENSES, AND AMENDING CHAPTER 82, WHICH PERTAINS TO FEES, LICENSES, BONDS, AND PERMITS**

**STATEMENT OF PURPOSE**

The purpose of the Ordinance is to create Chapter 73 to add business license regulations and amend Chapter 82 to set forth the fees relating to business license regulations.

**SECTION I**

A new Chapter 73 is adopted as follows.

Chapter 73 Business Licenses

§73-1 General regulations.

- A. Term. All licenses required by this Chapter, unless otherwise specified, shall be annual licenses and shall be issued for 1 year commencing on April 1 of each year and shall terminate and become invalid on May 31 of the next succeeding year. Mercantile licenses shall be subject to the provisions of Section 73-3.
- B. Exceptions. The following are exempt from the provisions of this Chapter.
  - (1) Licenses pertaining to alcoholic beverage control, Chapter 184, and Chapter 195.
  - (2) Any person acting pursuant to an order or process of a court of competent jurisdiction.
  - (3) Real estate that is publicly advertised for sale and/or "open houses," sponsored by the owner or listed real estate agent.
  - (4) Persons acting in accordance with their powers and duties as public officials.

§73-2 Revocation of licenses.

- A. Causes. Any license or permit may be revoked by the officer issuing such license after notice and hearing for any of the following causes.
  - (1) Fraud, misrepresentation, or false statement contained in any application for permit or license.
  - (2) Fraud, misrepresentation, or false statement in the conduct of any business or activity authorized by such license.
  - (3) Any violation of this Chapter.
  - (4) Conviction of the licensee, which includes any principal, owner, member, or shareholder of the licensee, for any felony or a misdemeanor involving moral turpitude.
  - (5) Conducting any business or activity licensed under this Chapter, through the licensee himself or herself, which includes any principal, owner, member, or shareholder of the licensee, or any of his or her agents, servants, or employees in any unlawful manner or in such a manner as to constitute a breach of the peace or a threat to the public health, welfare, or safety.
  - (6) Conducting any business or activity not in compliance with the zoning or land use regulations.
- B. Notice of Hearing. Notice of a hearing for revocation of a license or permit shall be given in writing by the Municipal Clerk, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed to the

licensee by certified mail to his or her last known address at least 5 days prior to the date set for the hearing.

- C. Appeal. Any person aggrieved by the revocation of any license or permit may appeal to the Board of Commissioners by filing a written appeal with the Municipal Clerk within 14 days after the applicant or licensee has been notified of the complaint. The notice of appeal shall include a written statement setting forth the grounds for the appeal. The Board of Commissioners shall set a time and place for a hearing on such appeal and notice shall be given to the appellant in the manner provided in Section 5.04.020(B). The decision and order of the Board of Commissioners on such appeal shall be final and conclusive.

#### §73-3 Mercantile licenses.

- A. License Required. Except in those cases where a different license is required by another provision of the Township Code or by the laws of the state of New Jersey, no person shall either directly or indirectly conduct any business as defined herein unless he or she has obtained a mercantile license. For the purposes of this section, any person shall be deemed to be engaged in a business and subject to the provisions of this section when he or she does any of the following acts.
- (1) Sells any goods or services from a fixed location.
  - (2) Solicits business or offers goods or services for sale or for hire from a fixed location.
- B. Application for License. Any person required to procure a mercantile license shall file an application with the Municipal Clerk accompanied by the required fee. The application shall be on a form provided by the Borough clerk and shall contain the following.
- (1) Any previous revocation or suspension of any license issued by the Township and the reasons therefor.
  - (2) A statement that the applicant's business will not violate any provisions of the Township Code and the applicant has complied with the insurance requirements of Chapter 104.
  - (3) A statement that the applicant is not indebted or obligated in any manner to the Township, except for taxes.
  - (4) Such other facts relative to the general personal history of the applicant or his or her officers and managers if the applicant is not an individual to ensure a fair examination of the eligibility of the applicant, including its principals, owners, members, and shareholders.
  - (5) Name of person(s) to whom license will be issued and his or her residence address. If an applicant is not an individual, then the names, positions, and residence addresses of all principals, owners, members, shareholders, officers and/or managers of the applicant.
  - (6) The property at which the business is located and the name and address of the owner of the property.
  - (7) If the business has seating for customers, the total capacity of the place of business and number of seats, including, the total, indoor, and outdoor seating.
- C. Investigation and Appeal. On submission of the application and required fee to the Municipal Clerk, the Township shall cause an investigation to be made and, if a license is not granted, shall state its disapproval in writing within 21 days after the filing of the application. If approved, the license shall be issued. If disapproved, the applicant shall have 10 days from receipt of notice of disapproval to file a written appeal setting forth the grounds for appeal to the Board of Commissioners. The Board of Commissioners shall render a decision no later than 30 days after the date of filing of the appeal.
- D. Regulations. The holder of a mercantile license shall comply with the following.

- (1) Permit access to the licensed premises at all reasonable times for the purpose of inspection.
  - (2) Not engage in any prohibited, improper, unlawful, or unnecessary practices or conditions which do or may adversely affect public health, safety, and welfare.
  - (3) Post or maintain the license on the licensed premises in a place where it may be seen by the public at all times.
- E. Permits for Nonprofit and Public Welfare Purposes. The Board of Commissioners may authorize the issuance of special permits without the payment of the mercantile license fee to any public, charitable, educational, literary, fraternal, or religious organization for the conduct or operation of a temporary nonprofit enterprise of a public, charitable, educational, literary, fraternal, or religious nature. However, applicants shall submit the required license application form in the manner provided, and, if such permit is granted, shall observe all other requirements of this Chapter.
- F. Duration of License. All mercantile licenses shall be due and payable on April 1st of each year and shall terminate and become invalid on March 31st of the next succeeding year.
- G. Relocation, transfer, and sale of business. On transfer of the location of the licensed business to a new location or on sale or transfer of a business, application shall be made to the Municipal Clerk in accordance with the requirements of this Chapter.
- H. Fees. The application and transfer fees are set forth in Chapter 82.

§73-4 Enforcement, Violations, and Penalties.

- A. The Zoning Officer, Code Enforcement Officer, and/or their designees shall enforce the provisions of this Chapter.
- B. If, within 10 business days after being notified in writing that a license is required, the business so notified does not obtain a license or if the license is revoked and the business continues to operate, a summons shall be issued for each day the business is in operation, beginning from the date of notice.
- C. Except for the late fee provided by Chapter 82, a violation of this Chapter shall be punishable by a fine of \$500 per offense, with each separate day being a separate offense.

**SECTION II**

§82-18 is hereby added as follows.

§82-18 Chapter 73, Business Licenses.

- A. Section 73-3, initial license fee for applications: \$125
- B. Section 73-3, license fee for renewal applications submitted after April 1st: \$250 within 30 days of the due date (§73-4C shall apply to all applications not filed within 30 days).
- C. Section 73-3, license fee for transfer application: \$50

**SECTION III**

All Ordinances or parts of Ordinance inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION IV**

If any word, phrase, clause, section, or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

## **SECTION V**

This Ordinance shall take effect upon publication thereof after final passage according to law.

### **Effective date.**

This ordinance shall take effect after final adoption and publication as required by law.

**NOTICE**

Public Notice is hereby given that the foregoing Ordinance 24-06C was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Monday, February 5, 2024, at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, March 4, 2024, at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

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Danielle La Valle, RMC  
Municipal Clerk

First Reading: February 5, 2024  
Publication: February 9, 2024  
Second Reading: March 4, 2024  
Final Publication: March 8, 2024  
Effective: March 8, 2024

**CERTIFICATION**

I, **DANIELLE LAVALLE, RMC**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 24-06C was duly adopted by the Board of Commissioners at their meeting held on Monday, March 4, 2024, at 4:00 p.m.

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Danielle La Valle, RMC  
Municipal Clerk

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