

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2023-19

Title: AN ORDINANCE AMENDING CHAPTER 432, MERCANTILE LICENSES, IN ORDER TO MODIFY THE ANNUAL LATE FEE IMPOSED FOR FAILING TO TIMELY RENEW ANNUAL MERCANTILE LICENSES

WHEREAS, pursuant to N.J.S.A. 40:52-1 et seq. the Township of Lower is given the power to license and regulate commercial activities within its jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 40:52-2, the Township of Lower "may fix the fees for all such licenses, which may be imposed for revenue, and may prohibit all unlicensed persons and places and vehicles, businesses and occupations from acting, being used, conducted or carried on" within its jurisdiction; and

WHEREAS, pursuant to § 432-3, Term of License, all mercantile licenses, with the exception of mercantile licenses associated with rental units, must be renewed on or before July 15th of each year, and rental unit mercantile licenses must be renewed on or before March 15th of each year; and

WHEREAS, pursuant to § 432-4(N), individuals who fail to renew mercantile licenses, with the exception of mercantile licenses associated with rental units, by August 15th of each year, and April 15th for rental unit mercantile licenses, are subject to a late fee of \$75.00; and

WHEREAS, following a review of the late fees imposed in connection with the failure to renew annual mercantile licenses, the Township Council of the Township of Lower has determined that it is appropriate to reduce applicable late fees for failing to timely renew mercantile licenses, as the current late fee, in many cases, exceeds the actual cost associated with the annual renewal of a mercantile license;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

Section 1. Chapter 432, Mercantile Licenses, Subsection 4(N), Late Fees, is hereby repealed and replaced with:

432-4 Annual Fees.

N. Late Fees.


- (1) All annual fees for mercantile licenses, with the exception of rental units, are to be paid on or before July 15th of the year of intended operation or conduction of business. Any business owner or operator who conducts any business governed by Chapter 432 of the Lower Township Code, with the exception of rental units, who has not paid the required annual fee set forth herein by the July 15th deadline, will be subject to a late fee of \$ 25.00 in addition to the application fee which is normally required
- (2) All annual fees for rental unit mercantile licenses are to be paid on or before March 15th of the year of intended operation or conduction of business. Any business owner or operator who engages in the rental of a unit, as set forth within § 432-4(l), who has not paid the required annual fee set forth herein by the March 15th deadline, will be subject to a late fee of \$ 25.00 in addition to the application fee which is normally required.
- (3) Individuals and/or Businesses who fail to renew their mercantile license, with the exception of rental units, by August 15th, and by April 15th for rental unit mercantile licenses, shall be subject to the potential revocation of their mercantile license pursuant to § 432-17.

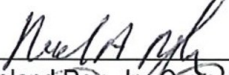
Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

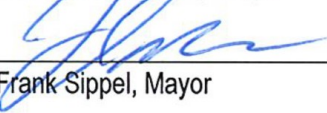
Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.


Thomas Conrad, Councilmember


Kevin Coombs, Councilmember


Roland Roy, Jr., Councilmember


David Perry, Deputy Mayor


Frank Sippel, Mayor

First Reading: September 18, 2023

Adopted: 

Attest: 
Julie A Picard, Township Clerk