

**TOWNSHIP OF NEPTUNE
ORDINANCE NO. 22-40**

**AN ORDINANCE TO OF THE TOWNSHIP OF NEPTUNE TO AMEND AND
SUPPLEMENT CHAPTER 4 BUSINESS AND LICENSING REGULATIONS BY AMENDING
SECTIONS 4-2 “DEFINITIONS”, 4-3 “GENERAL REQUIREMENTS FOR MERCANTILE
REGISTRATION, 4-11 “PENALTY” AND 4-23 “MOTELS, HOTELS AND TOURIST LODGES”
AND REPEALING SECTION 4-3.3 “TRANSFER OF REGISTRATION TO NEW PLACE OF
BUSINESS”**

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Ordinance be and is hereby amended as follows:

SECTION 1.

§4-2 Definitions

When used in this chapter, the following terms shall have the following meanings:

BUSINESS

Shall mean, for the purpose of this chapter, any person, whether as principal or agent, clerk or employee, either for himself/herself or any other person, or for anybody corporate or an officer of any corporation or otherwise, shall be deemed engaging in business and subject to the provisions of this chapter when he or she does one (1) act of selling any goods or service or soliciting business or offering goods or services for sale or hire or acquiring or using any vehicle, machine or device, or any land or premises in the Township for business purposes.

PEDDLER OR HAWKER

Shall mean and include any person, whether a resident of the Township or not, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise and offering or exposing the same for sale, or making sales and delivering articles to purchasers.

SOLICITOR OR CANVASSER

Shall mean and include any person, whether a resident of the Township or not, who goes from house to house, from place to place or from street to street, soliciting or taking or attempting to take orders for sale of services, goods, wares or merchandise, including magazines, books, periodicals, photographs or personal property of any nature whatsoever for future delivery or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject for such order or whether or not he or she is collecting advance payments on such orders.

PERSON

Shall mean and include any firm, partnership, partner, corporation or corporations, or persons. This chapter shall also include any person who distributes circulars or any other matter from house to house in the Township.

SALE

Shall mean any act wherein any person transfers to a customer goods, wares, merchandise, food or services in the ordinary course of their business and shall include not only the act of selling but also the opportunity to display goods and to interact with potential customers.

~~§4-3.3 Transfer of Registration to New Place of Business.~~

~~A registration may, with approval from the Township Registration Official, be transferred by the person firm, corporation or other business entity named therein to a different location in the event of removal from the place designated on said registration. A fee of twenty-five (\$25.00) dollars shall be paid for any request to~~

~~transfer the registration from one (1) location to another. Transfers shall only be valid if approved and signed by the Township Registration Officer.~~

§4-3.10 Registration Fees; How and When Payable.

All registration fees shall be paid in advance of any determination by the Township Registration Officer, and shall be tendered in lawful money of the United States at the office of the Mercantile Registration Officer of the Township of Neptune. All annual registrations shall date from the first day of January and expire on the last day of December of each year. The registration fee shall be one-half (1/2) of the registration fees contained herein for any new registration applied for after September 1st of the current licensing year. No greater or lesser amount of money shall be received for any registration than is provided in the section, and no registration shall be issued for any period of time other than as provided herein. There will be a late fee penalty of twenty-five (\$25.00) dollars for each registration not received by January 31 of the current registration year.

§4-3.5 Registration Duplications; Fee Errors

An applicant shall pay a fee of twenty (\$20.00) dollars for each duplicate registration requested to replace any registration issued under the provisions of this chapter. In no case shall any error made by the Township Registration Officer in calculating the amount of a registration fee prevent or prejudice the collection by the Township of Neptune of the amount which shall be actually due from anyone carrying on a business subject to a registration under this chapter.

§4-11 Penalty

Any person violating the terms of this section shall be punishable as follows:

1. First offense: A fine of \$500;
2. Second offense: A fine of \$1,000 and suspension for obtaining a mercantile registration for five years;
3. Third or subsequent offense: A fine of \$1,500 and/or up to 90 days in jail and/or a period of community service of not more than 90 days, or a combination thereof;
4. In the event that an offense is a continuing one, then each day, or portion of a day, such offense continues shall be deemed a separate and distinct offense and shall be punishable as such as provided herein;
5. No person convicted on a third or subsequent offense shall be entitled to a new mercantile registration license for a period of seven years from the third or subsequent offense.

§ Registration Fees, Amount of.

The annual fee under this section shall be sixty-five (\$65.00) dollars for the first two thousand (2,000) square feet, or fraction thereof, of improved floor area occupied by the applicant to conduct the occupation. If the occupied square footage is greater than two thousand (2,000) square feet, the annual fee shall be increased by thirty-two (\$32.50) dollars and 50 cents for each additional one thousand (1,000) square feet or fraction thereof. This fee shall be paid annually to the Township of Neptune, and shall be paid separately for each noncontiguous location in which the business is conducted.

For inspections requested to be scheduled outside of the Township's regular business hours, in addition to the regular registration fee set forth above, the following fee schedule shall be in addition to the minimum fees:

- a. A minimum fee of two hundred (\$200.00) dollars.
- b. For each man-hour in excess of two (2) man-hours, an additional seventy-five (\$75.00) dollars per man-hour.

Regular business hours shall mean the hours the Mercantile Registration Office is open.

Man-hour shall mean the time up to one (1) hour for one (1) inspector. Any fraction of a man-hour shall be considered one (1) man-hour.

As indicated, the following fee schedule may be in addition to the fees designated above:

Schedule of Additional Fees

"A"

Automobile Sales - New/Used

As per Section 4-12 plus	
1—200 Vehicles	\$150.00
201—500 Vehicles	\$250.00
501 or more Vehicles	\$350.00

"B"

Bathing Beaches

As per Section 4-12, plus (if applicable)	\$250.00
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Boat Sales - New/Used

As per Section 4-12 plus	
1— 50	\$150.00
51—100	\$250.00
More than 100	\$350.00

Boat Slips and Docks

As per Section 4-12 plus	
1-5 slips	\$75.00
Over 5 slips	\$7.50 per additional slip

Boat Storage (outside)

\$150.00 per lot

"C"

Coin Operated Machines (excluding laundromats)

(All types and uses) per machine	\$25.00 for each machine
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"H"

Home Occupation

In lieu of Section 4-12	\$50.00
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"J"

Junk and/or Salvage Yard

\$500.00

"P"

Precious Metals and Previously Owned Jewelry

a. Initial application	\$300.00
b. After a registration is issued, the annual renewal fee shall be as indicated in Section 4-12.	

"R"

Rental Offices and Residential and/or Commercial Rental

Units

Rental Office	\$50.00
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Number of Residential and/or Commercial Units

1	\$100.00
2	\$150.00
3 to 12	\$200.00
13 to 24	\$250.00

Schedule of Additional Fees

25 to 50	\$250.00
51 to 75	\$ 300.00
76 to 100	\$ 350.00
101+	\$5.00 per each additional unit
"S"	
Self-Storage Facilities	\$400.00
Short Term Seasonal Rental Property	\$50.00
"T"	
Trailer Park	
As per Section 4-12 plus	\$250.00

§4-23 Motels, Hotels and Tourist Lodges

§4-23.1 Definitions

As used in this section:

BED AND BREAKFAST ESTABLISHMENTS

Shall mean a hotel which serves a continental breakfast, but does not serve regular meals, and:

- a. Is comprised of a structure that was originally constructed for the purpose of a private residence.

HOTEL

Shall mean any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests. This definition shall also mean and include any motor lodge, motor court, motel, and tourist lodge or tourist court.

HOUSING OR LODGING UNIT

Shall mean any room, cabin, or quarters, whether or not physically attached to or connected with any other building or structure, used for the sleeping or housing accommodations in the business of conducting tourist lodges, hotels, or motels.

PERSON

Shall mean any person, individual, firm, association, partnership or corporation.

§4-23.5 Violations and Penalties.

Any person violating the terms of this section shall be punishable as follows:

6. First offense: A fine of \$500;
7. Second offense: A fine of \$1,000 and suspension for obtaining a mercantile registration for five years;
8. Third or subsequent offense: A fine of \$1,500 and/or up to 90 days in jail and/or a period of community service of not more than 90 days, or a combination thereof;
9. In the event that an offense is a continuing one, then each day, or portion of a day, such offense continues shall be deemed a separate and distinct offense and shall be punishable as such as provided herein;
10. No person convicted on a third or subsequent offense shall be entitled to a new mercantile registration license for a period of seven years from the third or subsequent offense.

SECTION 2.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3.

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5.

This Ordinance shall take effect upon its passage and publication according to law.

Motion/ Second	Roll Call To Adopt On First Reading				Adopted on First Reading Dated: July 25, 2022
	YAY	NAY	ABSTAIN	ABSENT	
	Dr. Michael Brantley				X
Motion	Keith Cafferty	X			
	Robert Lane, Jr.	X			
Second	Tassie D. York	X			
	Nicholas Williams	X			

Gabriella Siboni, RMC
Township Clerk

Motion/ Second	Roll Call To Adopt On Second and Final Reading				Adopted on Second Reading Dated: August 22, 2022
	YAY	NAY	ABSTAIN	ABSENT	
	Dr. Michael Brantley	X			
	Keith Cafferty	X			
Motion	Robert Lane, Jr.	X			
Second	Tassie D. York	X			
	Nicholas Williams	X			

Gabriella Siboni, RMC
Township Clerk

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor