

ORDINANCE NO. 2019-70

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 430: "LICENSES AND PERMITS" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO ELIMINATE CITIZENSHIP REQUIREMENT FOR BUSINESS LICENSES

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that the following Article 1 of Chapter 430, "Licenses and Permits" of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, is hereby amended as follows (stricken text denotes deletions, underlined text denotes additions):

§ 430-1 License required.

It shall be unlawful for any person to engage in any new business in the Borough or to perform any act included within the provisions of this article without first obtaining a license as herein provided and the paying of the license fee prescribed therefor when such license fee is required.

- A. Definition. As used in this article, the following terms shall have the meanings indicated:

BUSINESS

(As used in both singular and plural sense.) Includes all kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, or any premises in the Borough, as set forth in Section 40:52-1 of the Revised Statutes of the State of New Jersey and the acts amendatory thereof and supplemental thereto. Excluded from the terms of this article shall be occupations, professions or enterprises licensed by the State of New Jersey.

- B. No license shall be issued or renewed unless the applicant therefor shall designate in writing an individual as agent of the business residing or maintaining offices within the Borough, or residing within the State of New Jersey, upon whom service of process against the business may be served.
- C. If at any time thereafter, the address of the office shall change; or if the agent is changed, dies, resigns or ceases to act, then the applicant shall forthwith file in the office of the Borough Clerk a notice setting forth the name of the applicant, the old address and the new address of the principal office, the name of the agent being succeeded, and the name of the successor agent.

§ 430-2 Certain persons exempt from fees.

The requirements of this article shall be held not to exclude the following persons, who are expressly exempt from its application, so far as any fee is required, but shall in all other respects abide by the provisions of this article as a matter of regulation.

- A. Any person selling fruits, vegetables and farm products raised or grown by him.
- B. Any person selling fish, clams or oysters caught or gathered by him.
- C. Any person honorably discharged from the military, naval or marine forces of the United States.
- D. Any blind person who is a resident of this Borough.
- E. Any person who conducts a sale pursuant to statute or court order.
- F. Any person who is an exempt member of a volunteer fire department as defined by New Jersey Public Laws 1911, Ch. 133.

§ 430-3 Application.

Any person desiring a license shall file with the Borough Clerk an application blank, separate blanks being provided for each class of licenses. The blanks shall contain the following information:

- A. Name of applicant.
- B. Permanent home residence.
- C. Name and address of firm represented, the names and addresses of the person from whom goods making up the stock were or are to be purchased.
- D. Three business references.
- E. The place or places of residence of the applicant for the preceding three years.
- F. The length of time for which the license is desired.
- G. A description of the wares to be offered for sale.
- H. The number either of arrests or convictions for misdemeanors or crimes and the nature of the offense for which arrested or convicted.
- I. To the application must be appended a letter from the firm for which he purports to work, authorizing the applicant to act as its representative.

§ 430-4 Verification by Chief of Police.

- A. Following the filing of the application, the Chief of Police shall verify the information respecting the moral character of the applicant and shall signify his approval or rejection on the reverse side of the form; and the Borough Clerk shall verify the financial information, approving or rejecting the application on its reverse side.
- B. The license issued shall not authorize any person, except the designated person named in the license, to engage in the business thereunder. The license shall not be transferable from the person to whom issued to any other person. All licenses provided for this article shall expire on December 31 in the year for which it was issued.

§ 430-5 Citizenship requirement.

No licenses shall be issued or renewed unless the applicant therefor shall be a citizen of the United States and a person of good moral character.

§ 430-65 Issuance.

All licenses shall be issued on forms drawn in accordance with this article. They shall be printed in book form, with corresponding stubs, and shall be consecutively numbered. The license shall contain suitable blank spaces for writing in the name, and the class of the license granted, the location of the business and the amount of the fee paid.

- A. There shall be kept in the office of the Borough Clerk the necessary books for recording the time the application for a license is received, whether new or renewal, name of licensee, regular number of blank form, when the application was approved by the Chief of Police and the Borough Clerk, the amount of the fee received therefor, and the date when the license was issued.
- B. The Borough Clerk shall monthly file a report with the Council showing the number of licenses granted by classes and the amounts of fees received therefor. Each report shall state the number and class of licenses revoked and the reasons for such revocation. The monthly report shall be cumulative during the course of the year so that each report summarized the action of all preceding months of the current year.

§ 430-76 Display of license upon request.

Every person holding a license under this article shall be required to carry the license with him or at his business premise while engaged in the business licensed. He must produce the license at the request of any official of the Borough.

§ 430-87 Fees established.

License fees shall be as follows:

- A. Auction stores, \$15 per day.
- B. Auctioneers, \$10 annually.
- C. Billiard and pool tables, other than of fraternal or religious organizations, \$10 per table each, annually.
- D. Dance halls, including cabarets and any public place where food is served accompanied by dancing, other than charitable exhibitions, \$100 annually. No license shall be issued for any dance hall unless the premises comply with and conform to all laws of the United States, State of New Jersey and the ordinances and regulations of the Borough, and are properly ventilated and supplied with sufficient toilet conveniences, and are in the judgment of the Chief of Police, a sufficient and proper place for the purposes for which they are to be used.
- E. Distributors of circulars for commercial advertising, samples and any other similar writings as follows:
 - (1) Fifteen dollars for distribution over a period not to exceed three days.
 - (2) Twenty-five dollars for distribution over a period not to exceed 10 days.
 - (3) One hundred dollars for annual distribution license.
 - (4) Distribution in cars, moving or standing, on private property or in public streets or parking areas is prohibited.
 - (5) Advertising material shall not be distributed on any street or other public place.
- F. Miniature golf courses, \$25 annually.
- G. Theaters, including places where moving pictures are shown, \$100 annually.
- H. Pawnbrokers, \$50 annually.
- I. Retail food establishments.
 - (1) Retail food establishments on the basis of the following:

Square Feet	Fee
Up to 1,000	\$25
1,001 to 2,000	\$50
2,001 to 3,000	\$75
3,001 to 5,000	\$100
5,001 to 10,000	\$150
10,001 to 20,000	\$200
20,001 and over	\$300

- (2) Itinerant retail food establishment: \$25.
- J. All other businesses: \$25 annually.

§ 430-98 Revocation.

A license may be revoked by the Mayor and Council by reason of the violation of the terms of the license, the violation of any municipal ordinance, state or federal statute or falsification in applying for a license. Before revocation, the licensed person may be granted a hearing by the Mayor and Council, after five days notice thereof and furnishing the person with a written statement of the charges against him.

§ 430-109 Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as established in Chapter I, General Provisions, Article II, General Penalty, of the Code of the Borough of Red Bank.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin	Second	X			
Councilwoman Triggiano		X			
Councilman Ballard					X
Councilman Yngstrom	Motion	X			
Councilman Zipprich		X			
Councilwoman Horgan		X			

Introduction: November 13, 2019

Public Hearing/Adoption: November 26, 2019