

BOROUGH OF PALMYRA

An Ordinance Requiring All Businesses Operating in the Borough of Palmyra to register annually with the Borough Clerk

ORDINANCE NO. 2013-10

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Palmyra in the County of Burlington, and State of New Jersey, as follows:

The Code of the Borough of Palmyra shall be supplemented to include a new Chapter 69 which shall be titled "Mercantile Licensing" and shall read as follows:

§ 69-1. License required.

Except as set forth in § 69-12. Exceptions below, it shall be unlawful for any person to engage in or carry on any business (for profit or not-for-profit), home business, profession, trade or calling, or to manufacture, sell, vend or otherwise offer for sale, use or consumption by the general public any goods or services, within the Borough of Palmyra when not otherwise required to be licensed by any other ordinance of the Borough of Palmyra, without obtaining from the Borough Clerk a license to do so, to be known as a "mercantile license."

§ 69-2. Duration of license; payment of fees.

Upon the payment of the appropriate fee and approval of an application as hereinafter provided, a mercantile license may be issued for a period of no longer than one year. All license fees shall be due and payable to the Clerk on or before September 1 of each year and all licenses shall expire on August 31 of the year following. For example, for the year 2013, all license fees shall be due by September 1, 2013 and shall expire by August 31, 2014. There shall be no pro-ration of license fees.

§ 69-3. Display of license certificate.

The license certificate shall be conspicuously displayed on the premises where the business is conducted. Licensees having no fixed location, vehicle or other suitable place to exhibit their licenses shall retain them in their possession at all times and shall produce them upon request.

§ 69-4. Contents of license.

Every license shall specify by name the person, firm, entity, LLC or corporation to which it is issued and a description of the business, trade, profession or calling which is to be carried on. The name to be displayed on the license shall be as follows:

A. If the business is owned by an individual, partnership, LLC or corporation, the license shall be secured in the name of that party.

B. If a business is conducted under a trade name, the license shall be secured in the name of the owner of the business, with a designation of the proper trade name. No license shall be granted hereunder until proof has been furnished to the Clerk that the trade name was registered in the office of the County Clerk or with the Secretary of State in the manner prescribed by the laws of the State of New Jersey.

§ 69-5. Application for license.

A. An application for a license hereunder shall be accompanied by the required fee and shall be made to the Clerk on forms provided by the Clerk or available on-line. The application shall contain the following information:

- (1) Name and permanent and local address of the applicant. If the application is a corporation or LLC, the name and address of its registered agent.
- (2) If the licensed activity is to be carried on in a fixed location, the address and description of the premises and the name and address of the owner if other than the applicant.
- (3) If a vehicle is to be used, its description, including the license number.
- (4) If the applicant is employed by another, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The days of the week and the hours of the day during which the licensed activity is anticipated to be conducted.
- (6) A description of the nature of the business and the goods, property or services to be sold or supplied.
- (7) Property owner and address if different from applicant.
- (8) The number of employees assigned to the business location.
- (9) Emergency contact information for the property and business.
- (10) Types and number of alarms.
- (11) Proof that all real estate taxes have been paid for the premises upon which the business operates.

§ 69-6. Fees.

A. The license fee to be paid annually hereunder for the operation of a business, trade, profession or occupation herein named at the places designated in the license certificate issued therefor shall be the sum of \$20.

B. No fee shall be charged when the entire proceeds of the business are for religious or charitable purposes.

C. No fee shall be charged for non-profit corporations. Proof of non-profit status is required.

D. No church, temple, mosque or house of religious worship need register or pay any fee under this Chapter.

§ 69-7. Activity covered by license.

No person shall be allowed to transact any business under any license granted under this chapter except the business for which the license was specifically granted.

§ 69-8. Compliance with zoning and safety regulations.

No license shall be issued to any person who has not complied with the laws of the State of New Jersey or the ordinances of the Borough of Palmyra which provide regulations respecting zoning and the safety of the persons who may have occasion to use the premises, services or activity licensed, and in case any person licensed fails to comply with these laws and ordinances after due notice and opportunity to be heard, the Borough of Palmyra governing body may revoke the license.

§ 69-9. Transfer of license; premises covered.

No license provided for by this chapter shall be transferred from one person to another person, and no license shall cover any other place of business than that for which it was issued. In the event that any of the information contained on a license application changes during the term of the license, an amended application shall be filed with the Clerk setting forth the changed information within 30

days from the date of the change. The amended application shall be accepted without fee for the balance of the term.

§ 69-10. Revocation of license.

Any license issued by the Borough of Palmyra hereunder may be revoked by the governing body, after notice and a hearing, for any of the following causes:

- A. Fraud or misrepresentation in an application for a license.
- B. Fraud, misrepresentation or dishonesty in the conduct of the licensed activity.
- C. A violation of any provision of this chapter.
- D. Conduct of the licensed activity, whether by the licensee himself or its agents or employees, in an unlawful manner or in a manner which constitutes a breach of the peace or menace to the public health, safety or general welfare.

§ 69-11. License issuance.

Upon receipt by the Clerk of a completed application for a license, together with the payment of the appropriate fee, a license may be issued to the applicant upon investigation and inspection. No annual license may be issued without receipt from the Zoning Officer of a report and certification that the activity proposed to be licensed and the premises upon which same is to be conducted comply with all local, county and state zoning regulations. A copy of all license applications shall be presented to the Chief of Police and no license shall be issued unless approved by the Chief of Police. The Clerk, after consultation with and approval by the Construction Official, shall otherwise be satisfied that the premises upon which the proposed activity is to be conducted meets all applicable building, plumbing, electrical and fire code standards.

§ 69-12. Exceptions.

This chapter shall not apply to:

- A. Businesses located outside the Borough of Palmyra.
- B. Soliciting of orders by outside wholesale dealers from local retail dealers, or deliveries by outside wholesale dealers to local retail dealers.
- C. Sale or delivery of newspapers, magazines or other similar periodicals.
- D. Any corporation authorized to transact business by the Department of Banking and Insurance of the State of New Jersey.
- E. Any vendor(s) selling goods to the public at any flea market or similar operation within the Borough of Palmyra.

§ 69-13. Violations and penalties.

- A. No business, profession, trade or calling shall be conducted within the Borough of Palmyra except in conformance with the provisions of this chapter.
- B. Any person, association or corporation conducting any such activity without being properly licensed therefor or who shall violate any of the other terms and regulations of this chapter shall, upon conviction, be punishable with a fine up to \$1,000 and incarceration up to 90 days for each offense. Each day that such activity shall continue without being duly licensed shall be considered a separate violation.

§ 69-14 All ordinances or parts of ordinances that are inconsistent with this ordinance are repealed as to their inconsistencies only.

§ 69-15 This ordinance shall take effect twenty (20) days after publication of final adoption.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Palmyra, County of Burlington, and State of New Jersey, held on April 15, 2013. This ordinance will be further considered for final passage by the Palmyra governing body at a meeting to be held in the Council Chambers of Palmyra, 20 West Broad Street, Palmyra, NJ on May 20, 2013 at 7pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Barbara Sheipe, RMC
Clerk

CERTIFICATION OF CLERK

I, Barbara A. Sheipe, Borough Clerk of the Borough of Palmyra, in the County of Burlington, State of New Jersey, hereby certify that the foregoing is a true copy of Ordinance 2013-10 duly adopted by the Borough Council of the Borough of Palmyra on second and final reading at the regular meeting held on May 20, 2013.



**Barbara A. Sheipe RMC
Municipal Clerk**