

**TOWNSHIP OF NORTH BRUNSWICK
ORDINANCE 25-10**

Ordinance to Amend the Revised General Ordinances of the Township of North Brunswick, County of Middlesex, State of New Jersey, to Delete Chapter 212, Licensed Occupations, and Add Chapter 183, General Business Licensing

WHEREAS, the Township Council has determined that the current title of Chapter 212 of the Municipal Code, "Licensed Occupations," does not fully encompass the subject matter of the chapter; and

WHEREAS, the Township Council desires to update the title to more accurately reflect the content of the chapter and to enhance clarity; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of North Brunswick, Middlesex County, State of New Jersey that the Chapter 212, Licensed Occupations of the Revised General Ordinances of the Township of North Brunswick be deleted; and

NOW THEREFORE BE IT FURTHER ORDAINED by the Township Council of the Township of North Brunswick, Middlesex County, State of New Jersey as follows:

Section 1. Chapter 183, General Business Licensing, of the Revised General Ordinances of the Borough of Milltown, is hereby established as follows:

§ 183-1 Licenses

The purpose of this chapter is to provide a uniform set of procedures for administering the issuance, renewal and revocation of licenses issued by the Township, except alcoholic beverage licenses, dog licenses and building permits.

§ 183-2 Definitions

- A.** Word usage. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B.** Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

BODY ART

Means the practice of physical body adornment in permitted establishments by operators utilizing, but not limited to, the following techniques: 1. Body piercing, 2. Tattooing, 3. Permanent Cosmetics

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BUSINESS

Includes all kinds of vocations, occupations, commercial enterprises and establishments and all other kinds of commercial activities, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on any premises of the Township or anywhere else within its jurisdiction.

INSIGNIA or INSIGNE

Any tag, plate, badge, emblem, sticker or any other kind of device which may be required for any use in connection with any license fee.

LICENSE or LICENSEE

As used generally herein, includes respectively the words "permit" or "permittee" or the holder for any use or period of time of any similar privilege wherever relevant to any provision of this chapter or other ordinances.

MAYOR AND COUNCIL

The Mayor and Council of the Township of North Brunswick.

HOTEL OR MOTEL

Means a commercial establishment with a building of four or more dwelling units or rooms used for rental and lodging by guests.

NUDITY

The showing of the human male or female genitalia, pubic area or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola; the exposure of any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.

PERSON

Includes individual natural persons, partnerships, joint ventures or corporations, or any officers, agents, employees, factors or any kind of personal representatives of any thereof in any capacity acting either for himself or for any other person under either personal appointment or pursuant to law.

PREMISES

Includes all the structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

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READILY PERISHABLE FOODS

Any food or beverage or ingredients consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or other food capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication. However, products in hermetically sealed containers processed by heat to prevent spoilage, and dehydrated, dry or powdered products so low in moisture content as to preclude development of microorganisms, are excluded from the terms of this definition.

TANNING FACILITY

Means any location, place, area, structure or business that, either as a sole service or in conjunction with other services, provides consumers with access to sunlamp products, ultraviolet lamps or other equipment intended to induce skin tanning through the irradiation of any part of the human body for cosmetic or non-medical purposes.

TOWNSHIP

The Township of North Brunswick.

§ 183-3 License required; consistency with business description on application.

It shall be unlawful for any person either directly or indirectly to conduct or carry on a business or to use in connection therewith any vehicle, premises, machine or device in whole or in part for which a license is required by any ordinance of this Township without a license having first been procured therefor and kept in effect at all such times as required by this chapter or other ordinance of this Township heretofore or hereafter adopted. Medical professions licensed and inspected by the State of New Jersey are exempt from the provisions of this chapter.

§ 183-4 Applications

All applications for licenses are accompanied by the required fee and made to the Township clerk upon forms provided by him or her and contain the following information:

- A. Name and permanent and local address of the applicant. If the applicant is a corporation, the name and address of its registered agent and the address of the principal business and name of the agent in charge thereof.
- B. If the licensed activity is to be carried on at a fixed location, the address, square footage, and description of the premises.
- C. If a vehicle is to be used, its description, including the license number.
- D. The days of the week and the hours of the day during which the licensed activity will be conducted.
- E. A description of the nature of the business and the goods, property or services to be sold or supplied.
- F. A statement as to whether the applicant has been convicted of any crime or the violation of any municipal ordinance other than traffic offenses and, if so, the date and place of conviction, the nature of the offense and the punishment or penalty imposed

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§ 183-5 License Terms and Fees

- A.** License and/or permit fees shall become payable to the Township Clerk at the Municipal Building the first day of August in each year, and all such licenses and/or permits shall expire on the last day of July the following year, unless otherwise specifically designated on the license or permit for a shorter term.
- B.** All businesses shall pay a nonrefundable basic annual license application fee of \$75. Those businesses enumerated below shall pay an additional annual application and license fee for licenses or permits in accordance with the fee specified herein.
- C.** Fees shall be reviewed by Mayor and Council annually and amended by resolution prior to the first day of August each year.
- D.** Late fees shall be assessed beginning September 1 and assessed monthly on the first day of each month. Late fees shall not be prorated.

§ 183-5.1 License Fees

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| General Business License | Seventy-five dollars | \$75.00 |
| General Business Late Fee | Forty Dollars per month | \$40.00 |

Those businesses enumerated below shall pay an annual application and license fee for licenses or permits in accordance with the fee specified herein.

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| Alcohol beverage sales (no food) | Five hundred ten dollars | \$500.00 |
| Auto repair | Three hundred dollars | \$300.00 |
| Auto sales lot less than 10,000sq ft | Three hundred dollars | \$300.00 |
| Auto sales lot 10001+ sq ft | Three hundred fifty dollars | \$350.00 |
| Beauty/barber | Seventy-Five dollars | \$75.00 |
| Bowling alley | Two hundred sixty dollars | \$260.00 |
| Gasoline station | Three hundred dollars | \$300.00 |
| Hotel/Motel | Seventy-five PLUS (ten dollars per unit) | \$75.00 + |
| Laundromat per machine | Ten dollars per machine (min fifty dollars) | \$10.00+ |
| Limo owner license | Seventy-five dollars | \$75.00 |
| Limo driver | Twenty-five dollars | \$25.00 |
| Manicure | Seventy-five dollars | \$75.00 |
| Mechanical Amusements | One hundred fifty dollars | \$150.00 |
| Pawnbrokers | One hundred fifty dollars | \$150.00 |
| Precious Metals | One hundred twenty-five dollars | \$125.00 |
| Taxi Owner License | Three hundred dollars | \$300.00 |
| Taxi Driver | One hundred dollars | \$100.00 |
| Seasonal Sale | One hundred dollars | \$100.00 |
| Sidewalk Tent Sales (4 days or less) | Fifty dollars | \$50.00 |
| Vending Machines (per location) | Seventy-five dollars | \$75.00 |
| warehouse/distribution up 5,000 sq ft | One hundred dollars | \$100.00 |
| warehouse/distribution up 20,000 sq ft | Three hundred twenty-five dollars | \$325.00 |
| warehouse/distribution up 50,000 sq ft | Three hundred seventy-five dollars | \$375.00 |
| warehouse/distribution 50,001+ sq ft | Four hundred twenty-five dollars | \$425.00 |
| late fee | One hundred dollars per month | \$100.00 |

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Those businesses enumerated below shall pay an annual application and license fee for licenses or permits in accordance with the fee specified herein and are subject to an inspection by the Health Department.

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| Bars/Taverns with food prep * | Six hundred dollars | \$600.00 |
| Bars/Taverns – prepackaged only * | Five hundred dollars | \$560.00 |
| Body art | Two hundred dollars | \$200.00 |
| Convenience Store – prepackaged only | Sixty dollars | \$60.00 |
| Daycare/nursery school | One Hundred Dollars | \$100.00 |
| Food Trucks - food prep | One hundred seventy-five dollars | \$175.00 |
| Food Trucks - prepackaged only | One hundred sixty dollars | \$160.00 |
| Kennels 1-10 dogs | Twenty-five dollars | \$25.00 |
| Kennels 11+ dogs | Fifty Dollars | \$50.00 |
| Massage (see § 221) | Five hundred dollars | \$500.00 |
| Movie theater | Three hundred dollars | \$300.00 |
| Pet shop | Seventy-Five dollars | \$75.00 |
| Public Hot tub/spa – year-round | Two hundred fifty dollars | \$250.00 |
| Public hot tub/spa – seasonal | One hundred twenty-five dollars | \$125.00 |
| Public Swimming Pool – year-round | Two hundred fifty dollars | \$250.00 |
| Public Swimming Pool – seasonal | One hundred twenty-five dollars | \$125.00 |
| Public Wading Pool – year-round | Seventy-five dollars | \$75.00 |
| Public Wading Pool – seasonal | Seventy-five dollars | \$75.00 |
| Restaurants 1-50 seats | One hundred dollars | \$100.00 |
| Restaurants 51-99 seats | Two hundred sixty dollars | \$260.00 |
| Restaurants 100+ seats | Two hundred eighty dollars | \$280.00 |
| Retail Food 1-1000 sq ft | One hundred dollars | \$100.00 |
| Retail Food 1001-5000 sq ft | Two hundred sixty dollars | \$260.00 |
| Retail Food 5001-10000 sq ft | Two hundred eighty dollars | \$280.00 |
| Retail Food 10000+ sq ft | Three hundred dollars | \$300.00 |
| Seasonal Farm Market | Seventy-five dollars | \$75.00 |
| Shelter/Pound - 10 or less | Ten dollars | \$10.00 |
| Shelter/Pound - 11 or more | Twenty-five dollars | \$25.00 |
| Tanning Facility/Salon | Seventy-five dollars | \$75.00 |
| Temporary Food (events up to 2 days) | Sixty dollars | \$60.00 |
| Temporary Food (events 3+ days) | Eighty dollars | \$80.00 |
| late fee | One hundred dollars per month | \$100.00 |

- E. Fees Waived.** Nonprofit, Charitable Organizations, and Public Schools are exempt from the fees under this chapter, but must still complete an application and abide by all other regulations promulgated hereunder.

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§ 183-6 Application of regulations.

- A. For the purpose of this chapter, any person shall be deemed to be in business and thus subject to the requirements of **§ 183-3** when he does one act of:
 - 1. Selling any goods or service;
 - 2. Soliciting business or offering goods or services for sale; or
 - 3. Acquiring or using any vehicle or any premises in the Township for business purposes.
- B. The agents or other representatives of nonresidents who are doing business in this Township shall be personally responsible for the compliance of their principals and of the businesses they represent under this chapter.
- C. No license shall be required of any person for any mere delivery in the Township of any property purchased or acquired in good faith from such person at his regular place of business outside the Township where no intent by such person is shown to exist to evade the provisions of this chapter.

§ 183-7 Contents of license.

Each license issued hereunder shall state upon its face the following:

- A. The name of the licensee and any other name under which said business is to be conducted.
- B. The kind and address of each business so licensed.
- C. The amount of license fee therefor.
- D. The date of expiration thereof.

§ 183-8 Duties of licensee.

Every licensee under this chapter shall:

- A. Permit all reasonable inspections of his business by public authorities so authorized by law.
- B. Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
- C. Avoid all forbidden, improper or unnecessary practices or conditions which do or may affect public health, morals or welfare.
- D. Post and maintain such license upon the licensed premises in a place where it may be seen at all times.
- E. Affix any insignia delivered for use in connection with a licensed motor vehicle on the inside of the windshield of the vehicle or as may be otherwise prescribed by law.
- F. Affix any insignia delivered for use in connection therewith upon the outside of any vending machine or device so that it may be seen at all times.

§ 183-9 Purpose of fees.

The fees herein imposed for such licenses are imposed for administration, revenue, regulation and control.

§ 183-10 Display of License

When the licensed activity is conducted at a fixed location or from a vehicle, the license is prominently displayed at the location or on the vehicle. In all other cases the licensee has the license in his or her possession at all times and shall display it upon the request of any police officer or any person with whom he or she is doing business.

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§ 183-11 License nontransferable; duplicates

- A. At no time shall a license issued under this chapter be transferrable.
- B. In the event that a licensee shall lose or destroy a license or the same shall have been lost or destroyed, said licensee, upon application to the Township Clerk, shall be issued a duplicate license in accordance with the provisions of this chapter.
- C. The Township Clerk shall collect a duplicate license fee of \$25 prior to the issuance of any duplicate license to a licensee.

§ 183-12 Refund

No refund shall be made of any license fee paid on account of a cessation of a business after such license shall have been issued.

§ 183-13 Enforcement

The Director of the Department of Community Development, Township Clerk, Health Inspector, and/or the Township Police Department are hereby authorized and directed to execute and enforce all of the terms and regulations promulgated by this chapter.

§ 183-14 Nudity

No business shall permit any person actually present in the business premises to appear in a state of nudity.

§ 183-15 Violations and penalties; notice of violation; revocation of license

Upon a determination by the Township that any person has violated or failed to comply with the provisions of the chapter, the Township shall immediately issue a notice of violation to any such person, applicant, licensee or permittee, affording the individual an opportunity to cure the violation within 72 hours.

In the case of a licensee or permittee who has failed to apply for and pay for renewal of a license or permit within 30 days of its renewal date, in addition to any penalties imposed pursuant to this section, the licensee or permittee shall be required to pay a late fee, in addition to the license or permit fee, which late fee shall be as listed in **§ 183-16**. If the individual, applicant, licensee or permittee fails to cure the violation, the Township shall immediately issue a cease and desist order, including a revocation of license or permit where applicable to the subject premises.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$2,000 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the Judge. The continuation of such violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

Section 2. Each clause, section or subsection of this Ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the Ordinance shall not be affected.

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Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed as to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately upon adoption and publication according to law.