

ORDINANCE 2305-19

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WOODBURY,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 125
ENTITLED “MERCANTILE LICENSES” OF THE CODE OF THE CITY OF
WOODBURY**

WHEREAS, the Mayor and Council of the City of Woodbury have determined that certain amendments to Chapter 125 entitled “**Mercantile Licenses**” are necessary; and

WHEREAS, in all other respects Chapter 125 entitled “Mercantile Licenses” shall remain in full force and effect.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Woodbury, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Section 125-3 entitled “Application” be amended to add as follows:

§125-3. Application.

A. Applications for all licenses required by this chapter shall be made in writing to the City Clerk, who shall serve as the licensing officer. Each application shall contain the following information:

- (1) The name of the applicant; if a corporation, the names and addresses of the president and secretary shall be set forth; if a partnership, the names and addresses of all partners shall be set forth.
 - (a) If a corporation, the name and address of the registered agent thereof.
- (2) Business Entity Type: Sole Proprietorship, Partnership, Corporation (including if there is an S-Corporation or LLC designation)
- (3) Federal Tax ID
- (4) Include any former trade names
- (5) The name under which the business is to be conducted.
- (6) The residence of the applicant.
- (7) The address, lot, block and zone at which the business is to be conducted.

- (8) The building type and size, including a description of any renovations to the building.
 - (a) Is the building being rented or owned by the applicant
 - (b) Owner's address if not the same as the applicant
 - (c) Any changes to signage must comply with City ordinance
 - (d) Where will employees and customers park
- (9) The specific nature of the business.
 - (a) Will there be storage of volatile or explosive compounds
 - (b) Will food or alcohol be sold
 - (c) Approximate number of employees
 - (d) Days and Hours of Operations
- (10) The residence of the applicant during the past five years.
- (11) Whether or not the applicant has ever had a license to conduct the business herein described denied or revoked. If such license has been denied, the applicant shall set forth in detail the facts leading to such denial.
- (12) The details of any conviction for crimes of the first, second, third or fourth degree, the date of the conviction and the place where said conviction was obtained.
- (13) The business contact information including telephone number, mobile number and email address of the applicant.
- (14) Are there any other state/county licenses required for operation.
- (15) Certification that the information and statements on the application are true and correct.

B. Prior to the issuance of a license, the City Clerk, in his or her discretion, shall have the authority to cause a routine police check to be made of the applicant to verify the validity of the information above described.

C. Prior to issuance of a license, each application shall have the accompanying information:

- (1) Federal/State Tax Certificate.
- (2) State of New Jersey Business Registration.
- (3) Identification (Driver's License).
- (4) Fire Inspection.

(5) Zoning Inspection.

(6) Fee.

Section 125-5 entitled “Authorization to prepare forms” shall be amended as follows:

§125-5. Authorization to prepare forms.

The City Clerk be and he or she is hereby authorized to prepare forms to be utilized for the purposes of this chapter.

Section 125-7 entitled “Termination of License” shall be amended as titled “Term of License”.

§125-7. Term of License.

All licenses shall have a term of one year beginning January 1st and expiring December 31st. Licenses shall be renewed no later than the 15th day of February of each year. All licenses renewed after the 15th of February will be issued a late fee.

Section 125-8 entitled “Payment and proration of fees” shall be amended as follows:

§125-8. Payment and proration of fees.

All fees and charges for mercantile licenses as set forth in the within chapter shall be paid in advance at the time of application to the City Clerk.

Section 125-10 entitled “Change in location” shall be amended as follows:

§125-10. Change in location.

Any person, firm or corporation receiving a license pursuant to the within chapter shall notify the City Clerk within 10 days after a change in the location of any licensed business.

Section 125-11 entitled “Fees.” shall be amended to add as follows:

§125-11. Fees.

All businesses, trades and activities conducted within the City of Woodbury regulated by the within chapter shall pay a license fee of \$40 for each year in which they shall operate said business.

- (a) Late Fee – a late fee of \$30 shall be assessed to all licenses renewed after February 15th of each year.

Section 125-12 entitled “Revocation” shall be amended to add as follows:

§125-12. Revocation.

The City Clerk shall have the right to revoke any license whenever the holder thereof or any of the licenses, agents or servants violate any provision of this chapter, the laws of the State of New Jersey or any rules or regulations promulgated as herein provided. After written notice of the revocation has been served upon the licensee, an appeal may be filed to the City Council within 10 days of service of said notice. The City Council shall thereon conduct a hearing of the matter within 30 days after receipt of the notice of appeal and shall render a decision within 15 days of such hearing.

Section 125-13 entitled “Enforcement” shall be amended to add as follows:

§125-13. Enforcement.

The City Clerk of the City of Woodbury is hereby authorized and directed to enforce the terms and conditions of this chapter and shall have the authority to delegate such enforcement power to other employees of the City of Woodbury and/or the State of New Jersey. In addition, the clerk may refer license requests to the Planning Board for a hearing if the clerk deems necessary.

Section 125-14 entitled “Conditions of issuance” shall be amended to add as follows:

§125-14. Conditions of issuance.

It shall be a condition of the issuance of any and all licenses under the provisions of this chapter that said business shall be used and operated only for lawful purposes and not in violation of Chapter 202, Zoning, or other ordinances of the City of Woodbury.

Section 125-16 entitled “Delinquent Taxes or Assessment shall be amended to add as follows:

§125-16. Delinquent Taxes or Assessment.

- (a) Issuance of licenses and permits – No business or other activity, license or permit issued by or requiring the approval of the City of Woodbury or any of its city agencies shall be issued or renewed if there are any delinquent taxes or assessments due on the property on which such business or activity is to be conducted and the applicant has a property interest in such property.
- (b) Revocation or suspension of license or permit – The governing body may also revoke or suspend a license or permit issued by or requiring the approval of the City of Woodbury or any of its city agencies when the licensee who has an ownership interest in the property upon which the licensed business or activity is conducted has failed to pay the taxes due on the property for at least three consecutive quarters. Upon payment of the delinquent taxes or assessments, the license or permit shall be restored, provided that all other conditions for issuance of the license or permit have been satisfied.

- (c) Exception – The provisions of this article shall not apply to or include any alcoholic beverage license or permit issued pursuant to the Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq.

Section 2.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

CITY OF WOODBURY

Tracey Parker,
President of Council

Attest: _____
Daneen Fuss, City Clerk

Approved:

Jessica Floyd, Mayor

Date introduced: _____
Date advertised: _____
Date adopted: _____

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilman Johnson				
Councilman McIlvaine				
Councilwoman Miller				
Councilwoman O'Connor				
Councilwoman Tierney				
Council President Parker				
Mayor Floyd				

CERTIFICATION OF INTRODUCTION

I, Daneen D. Fuss hereby certify that the foregoing Ordinance 2305-19 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **March 12, 2019** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Daneen D. Fuss
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilman Johnson				
Councilman McIlvaine				
Councilwoman Miller				
Councilwoman O'Connor				
Councilwoman Tierney				
Council President Parker				
Mayor Floyd				

CERTIFICATION OF ADOPTION

I, Daneen D. Fuss hereby certify that the foregoing Ordinance 2305-19 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **March 26, 2019** at the library of the Junior Senior High School located at 25 North Board Street, Woodbury, New Jersey 08096

Daneen D. Fuss
City Clerk