

**TOWNSHIP OF EDGEWATER PARK  
ORDINANCE NO. 2019-4**

*Mercantile Licensing Ordinance for the Township of Edgewater Park, New Jersey*

**Title 5 – Chapter 5.36 Mercantile Licensing in the Township of Edgewater Park**

**Section 1: Title**

This Chapter shall be known and may be cited as “Mercantile Licensing in the Township of Edgewater Park.”

**Section 2: Definitions**

BUSINESS: Except those operations expressly regulated under Title 5, Chapters 5.04 through Chapter 5.32 herein, all kinds of vocations, occupation, professions, enterprises, establishments and all other kinds of activities and matters, conducted for private profit or benefit either directly or indirectly, and which maintain an office, retail store, or other physical location for an indefinite period of time within the Township and which the Township has authority to license and regulate.

THE TOWNSHIP: The Township of Edgewater Park

**Section 3: Applications**

A. There is no fee for timely submitting a Mercantile Licensing Application. Annual licenses shall expire at midnight on December 31 in the year when issued, unless another expiration date has been expressly provided on the license. Renewal of licenses shall be made not later than December 1 of the year of issue. Late renewal applications will be subject to a penalty in the amount of \$25.00.

B. An applicant for a license under this chapter shall file an application with the Municipal Clerk unless otherwise stated and shall give the following information:

(1) Name, physical description and permanent and local address of the applicant. If the applicant is a corporation, the name and address of its registered agent and a copy of its certificate of incorporation;

(2) The address and description of the premises;

(3) If a vehicle is to be used in furtherance of the licensed activity, provided the vehicle is not the primary location of the operation, 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 will be conducted;
- (6) A description of the nature of the business and the goods, property or services to be sold or supplied;
- (7) The source of supply of the goods or property or services proposed to be sold, where such goods, services or products are located and the method of delivery;
- (8) 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;
- (9) If previously convicted of any crime or the violation of any municipal ordinance, appropriate evidence as to the good character and business responsibility of the applicant so that an investigator may properly evaluate his/her character and responsibility;
- (10) Applications by partnerships shall be signed by all partners with the information required by this section supplied in detail as to each partner and applications of corporations shall have attached individual statements containing all of the information required by this subsection relating to each employee or agent who shall engage in the licensed activity and shall be signed by each employee or agent;
- (11) When submitting the information described in this section, the applicant shall certify that such information is supplied to the Township of Edgewater Park with full understanding that the Township shall rely upon the accuracy of the facts set forth therein in granting the mercantile license. By its submission for a mercantile license, the applicant further agrees to comply with the laws and ordinances of the Township of Edgewater Park applicable to the operation of said business.
- (12) The Township may create an electronic registration system to administer applications.

#### **Section 4: Contents of License and Conditions of Issuance**

Licenses shall be in a form which the Mayor and Committee shall prescribe by resolution and shall contain the following:

- A. The name and address of the licensee;
- B. The number and type of the license and the nature of the licensed activity;
- C. The address at which the licensed activity is conducted.
- D. The expiration date of the license;
- E. Any other appropriate information which the Mayor and Committee may, by resolution, require.
- F. 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 any other ordinances of the Township of Edgewater Park.

### **Section 5: Display of License**

When the licensed activity is conducted at a fixed location the license shall be prominently displayed at the location

### **Section 6: Transferability of License**

A license shall apply only to the person to whom it was issued and shall not be transferable to another person. Licenses may be transferred from place to place in cases where the licensed activity is conducted at a fixed location, but only with the approval of the Mayor and Committee by resolution. Any person, firm or corporation receiving a license pursuant to the within chapter shall notify the Township Clerk within 10 days after a change in the location of any licensed business.

### **Section 7: Revocation of License**

The Township Clerk shall have the right to revoke any license whenever the holder thereof or any of the licensee's agents, employees or servants violates 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 Township Committee within 10 days of service of said notice. The Township Committee 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.

A. Causes. Any license or permit issued by the Township may be revoked after notice and a hearing for any of the following causes:

- (1) Fraud or misrepresentation in any application for a permit or license;
- (2) Fraud, misrepresentation or other material misrepresentation made in the conduct of the licensed activity;
- (3) A violation of any provision of the Municipal Code or state or federal law;
- (4) Conviction of the licensee for any felony or high misdemeanor or a misdemeanor or disorderly person's offense involving moral turpitude;
- (5) Conduct of the licensed activity whether by the licensee or his/her agents or employees in an unlawful manner or in a manner that constitutes a breach of the peace or a menace to the public health, safety or general welfare;

B. Notice of hearing. Notice of hearing for the revocation of a license or permit shall be given in writing by the Township Clerk. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. It shall be served by mailing

a copy to the licensee at his/her last known address by certified mail, return receipt requested, at least five (5) days prior to the date set for the hearing.

C. Hearing; determination. At the hearing the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his/her own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his/her own expense. The Committee shall revoke or suspend the license if it is satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.

D. Reinstatement of revoked license. The Committee may issue another license to a person whose license has been revoked or denied if after hearing it is satisfied by clear and convincing evidence that the acts which led to the revocation or denial will not occur again; otherwise, no person whose license has been revoked or denied nor any person acting for him/her, directly or indirectly, shall be issued another license to carry on the same activity.

### **Section 8: Rules and Regulations**

Every person to whom a license is issued under the terms of this chapter shall be governed by the following rules and regulations:

A. No person, subject to the terms of this chapter, shall enter or attempt to enter the house of any resident in the Township without an express invitation from the occupant of the house.

B. No person, subject to the terms of this chapter, shall conduct himself/herself in such a manner as to become objectionable to or annoy an occupant of any house.

### **Section 9: Enforcement**

The Clerk, any code enforcement official or any other appropriate Township official shall enforce the provisions of this chapter.

### **Section 10: Exceptions**

The provisions of this chapter shall not apply to the following:

A. Any person who has been honorably discharged from the active military service of the United States, who is a resident of this state, and every exempt member of a volunteer fire department, volunteer fire engine, hook and ladder, hose, supply company or salvage corps, of any municipality or fire district in this state, who holds an exemption certificate issued to him as an exempt member of any such department, company or corps, and who is a resident of this state, provided that any such person shall have been issued a license pursuant to N.J.S.A. 45:24-9 et seq. Such person shall be required to comply with all other applicable provisions of this chapter;

B. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement;

C. Any person under 18 years of age;

D. Federal census takers and polls or surveys taken pursuant to federal, state or local laws

### **Section 11: Use of Public Streets Prohibited**

No licensee under this Chapter shall have any exclusive right to any location on any public street, nor shall any licensee be permitted a stationary location or be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. All activity that will occur in the street or right of way must first receive zoning approval and submit an application for a permit.

### **Section 12: Violations and Penalties**

A. It shall be unlawful for any person, firm or corporation to maintain an office or place of business, to conduct, engage in or carry on any business, trade or occupation within the Township of Edgewater Park, without first complying with the provisions of this chapter and obtaining a license therefor as provided herein.

B. It shall be unlawful for any person, firm or corporation to conduct business within the Township of Edgewater Park in a manner inconsistent with the license issued by the Township to conduct business within the Township of Edgewater Park in a manner which is an unauthorized expansion of the business purpose or premises as licensed by the Township.

C. It shall be unlawful for any person, firm or corporation to maintain an office or place of business, to conduct, engage in or carry on any business, trade or occupation within the Township of Edgewater Park, in violation of any applicable Land Use Ordinance.

D. Any person, firm, association or corporation violating any section of this chapter shall, upon conviction in the Municipal Court, be subject to one or more of the following: a fine not exceeding \$1,000. Each day after the initial violation shall be considered a new and individual violation.

### **Section 13: Records of Licenses**

The Municipal Clerk shall keep a record of all licenses issued under this chapter. The record shall be in a form prescribed by resolution of the Mayor and Committee and shall contain the same information as is required by [the Contents of License Section] to be contained in the license. It shall also indicate the amount of the fee paid for the license, the date upon which payment was received, the date of the issuance of the license, whether the license is a new

license or a renewal and any other information which the Mayor and Committee may, by resolution, require.

TOWNSHIP OF EDGEWATER PARK

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William A. Belgard III, Mayor

**NOTICE OF INTRODUCTION**

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on March 19, 2019. This ordinance will be consider for adoption of final reading after the public hearing to be held on April 2, 2019 at 7:00 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk’s office to the members of the general public who shall request the same.

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Colleen A. Treusch, RMC  
Municipal Clerk

Record Vote of the Township Committee on Introduction					
Committee Member	Yes	No	Abstain	Absent	Motioned By:
Mr. Amutah					
Mrs. DiFilippo					
Mr. Johnson					
Mr. Trainor					
Mayor Belgard					

1st Reading:  
Publication:  
Amendment:  
Tabled:  
2nd Reading:  
Publication:  
Adoption:

TOWNSHIP OF EDGEWATER PARK

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William A. Belgard III, Mayor

**NOTICE OF FINAL ADOPTION:**

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Township Committee of the Township of Edgewater Park at a Regular Meeting held on \_\_\_\_\_, 2019 at the Municipal Building, 400 Delanco Road.

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Colleen A. Treusch, RMC  
Municipal Clerk

Record Vote of the Township Committee on Final Passage					
Committee Member	Yes	No	Abstain	Absent	Motioned By:
Mr. Amutah					
Mrs. DiFilippo					
Mr. Johnson					
Mr. Trainor					
Mayor Belgard					