

Introduction date: June 25, 2018
Adoption date: July 16, 2018

**ORDINANCE 2018-11
TOWNSHIP OF EASTAMPTON
BURLINGTON COUNTY**

**AN ORDINANCE OF THE TOWNSHIP OF EASTAMPTON TO AMEND CHAPTER
185 BUSINESS LICENSES**

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Eastampton, County of Burlington, State of New Jersey as follows:

SECTION 1. Chapter 185 of the Township Code of Eastampton shall be renamed “**Business Registration**” and shall be amended to read as follows:

§185-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUSINESS

Any commercial, industrial or mercantile activity engaged in as set forth in N.J.S.A. 40:52-1.

PERSON

Includes plural as well as singular and also includes corporations, associations, partnerships and joint ventures.

§185-2. Registration required; responsibility of owner.

A. It shall be unlawful for any person to maintain an office or place of business to conduct, engage in or carry on any business, trade or occupation within the Township of Eastampton without first complying with the provisions of this chapter and **completing registration** as provided herein.

B. Responsibility of owner.

(1) It shall be unlawful for any owner of real property to permit a tenant to conduct, engage in or carry on any business, trade or occupation in the owner's leased premises without first complying with the provisions of this chapter.

(2) An owner of real property in the Township shall be responsible for notifying any tenant of the provisions of this chapter prior to the tenant's occupancy of the owner's leased premises.

§185-3. Application for registration.

A. Application for business **registration** shall be made on forms to be obtained from the Township Clerk **or online once available**. In the case of corporations and associations, all officers, directors or stockholders owning 10% or more of the stock and members thereof shall be listed on the application. In the case of partnerships and joint ventures, all members of said partnership or joint venture shall be listed on the application. The business premises shall be subject to inspection by the Code Enforcement Officer to determine compliance with Chapter 540, Zoning, and Building Code requirements. Prior to the **approval** of a business **registration**, the applicant shall be required to obtain a zoning use permit to be signed by the Zoning Official.

B. The **approval** of a business **registration** by the Township of Eastampton shall not act as or be interpreted as a certification that the business is in compliance with all zoning and land use requirements for the zone in which the business is located, nor shall the **approval** of a business **registration** be deemed a certification of a valid preexisting nonconforming use for the business as contemplated by N.J.S.A. 40:55D-68.

§185-4. Investigation; Approval of registration.

A. With respect to each application received, the Township Council shall conduct such investigations through the Code Enforcement Officer and/or Fire Inspector as may be necessary to establish:

(1) With respect to the premises for which **registration** is sought, that it is in compliance with all applicable building, housing, health, fire and safety codes and regulations.

B. Upon completion of inspection of the proposed business premises by the Township Code Enforcement Officer and the review of the proposed use, the Code Enforcement Officer shall recommend the **approval** or denial of said **registration** to the Township Clerk, setting forth his reasons therefor in writing. The Township Clerk shall **approve the registration** or refuse to **approve the registration** within three weeks of the date of the recommendation of the Code Enforcement Officer.

§185-5. Registration fee.

There shall be no fee associated with business registration.

§185-6. Delinquent taxes.

A. No **registration** shall be approved by the Township of Eastampton unless the applicant for said **registration**, if he or she is the property owner, shall pay any and all delinquent property taxes or assessments and/or other municipal charges due on the property wherein the business or activity for which the **registration** is sought or is to be conducted. Proof of payment of taxes shall be provided to the Township Clerk by submission of the form entitled "Certification of Tax Collector."

B. The **registration** may be revoked or suspended when any applicant, who is an owner of the property upon which the **registered** 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 **registration** shall be restored. The provisions of this section shall not apply to or include any alcoholic beverage license or permit issued pursuant to the Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 et seq.

§185-7. Revocation of registration.

A. The Township Council may revoke a **registration** granted under this chapter for any of the following reasons:

(1) A finding that there was any misstatement of material fact in the application upon which the **registration** was issued.

(2) The occurrence of any fact which, had it occurred and been known to the **Township** before issuance of the **registration**, would have resulted in the denial of the application.

(3) Repeated violations or prolonged failure to correct any violation of any applicable building, housing, health, fire or safety code or regulations.

(4) Refusal to allow access to any portion of the **registered** premises at reasonable times, with or without advance notice, in order that officers or agents of the **Township** or any official charged with enforcement within the municipality of any building, housing, health, fire or safety code or regulations applicable to the premises may determine compliance with such codes or regulations.

(5) Failure or refusal to comply with any laws of the United States, the State of New Jersey or any ordinance of this municipality or order of the Township.

B. A **registration** issued under the provisions of this chapter shall not be revoked or suspended until a hearing shall be held by the governing body on said **registration**. Written notice of the time and place of such hearing shall be served upon the **registration** holder at least seven days prior to the date set for such hearing by personal delivery or certified mail. Such notice shall provide a statement of the grounds for the proposed revocation or suspension. The governing body shall render its decision within 15 days of such hearing.

§185-8. Term of registration; application for renewal.

A **registration**, when issued, shall be valid through the month of May in the calendar year following the year in which the **registration** is issued, unless sooner terminated by revocation pursuant to the terms of this chapter. At least 10 days prior to June 1 of each year, the holder of a **registration** shall make application and submit the required fee to the Township Clerk for its renewal.

§185-9. Registration nontransferable.

Any **registration** issued by the Township Council under this chapter is not transferable to any other person, entity or location.

§185-10. Certificate of authority to collect sales tax.

No **registration** shall be issued to a vendor of tangible personal property, other than property exempted from sales and use taxation, having no fixed place of business in the municipality without the submission of a copy of a valid certificate of authority issued to the vendor pursuant to state law empowering the vendor to collect sales tax.

§185-11. Violations and penalties.

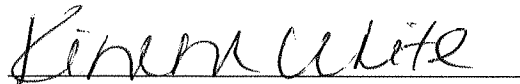
Any person who shall violate any provision of this chapter shall, upon conviction, be subject to a fine of not more than \$2,000, imprisonment for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof, in the discretion of the Municipal Court Judge.

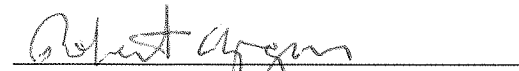
SECTION 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 3. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Eastampton declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 4. Effective Date. The ordinance shall take effect on June 1, 2019 upon passage and publication according to law.

ATTEST:


KIM-MARIE WHITE
Municipal Clerk


ROBERT APGAR
Mayor

Adopted: July 16, 2018

Introduction: 6.25.18

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Adams		X	X			
Councilman Edson	X		X			
Councilman Springer			X			
Councilman Zeno						X
Mayor Apgar			X			
		VOTE	4	0		

Adoption: 7.16.18

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Adams		✓	✓			
Councilman Edson						✓
Councilman Springer						✓
Councilman Zeno	✓		✓			
Mayor Apgar			✓			
		VOTE	3	0		