

LICENSING

Chapter 168

LICENSING

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 12-26-75 by Ord. No. 700 as Section 4-1 of Chapter IV of the 1975 Revised General Ordinances of the Borough of Wood-Ridge. Sections 168-8B and 168-9B amended and § 168-15 added at time of adoption of Code; see Ch. 1, General Provisions, Art. III. Other amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1, Art. II.
Alarm systems — See Ch. 90.

Amusement devices — See Ch. 94.
Auctions and auctioneers — See Ch. 100.
Billiard and pool rooms — See Ch. 106.
Carnivals, circuses and traveling shows — See Ch. 118.
Fire prevention — See Ch. 146, Art. I.
Garage sales — See Ch. 154.
Excavation, demolition, construction or repair work — See Ch. 176.
Parades — See Ch. 180.
Peddling and soliciting — See Ch. 190.
Plumbing — See Ch. 194.
Rooming houses — See Ch. 204.
Sale of used vehicles — See Ch. 236, Art. I.
Wreckers and tow trucks — See Ch. 244.

§ 168-1. Purpose; exceptions to provisions.

The purpose of this chapter is to provide a uniform set of procedures for administrating the issuance, renewal and revocation of all licenses issued by the borough, except alcoholic beverage licenses, dog licenses and taxicab licenses.

§ 168-2. Contents of application.

- A. All applications for licenses shall be accompanied by the required fee and, except where otherwise specifically provided, shall be made to or through the Borough Clerk upon forms provided by him and shall contain the following information:
- (1) The name, permanent and local address and telephone number of the applicant. If the applicant is a corporation, the name and address of its registered agent.
 - (2) If the licensed activity is to be carried on at a fixed location, the address and description of the premises.
 - (3) If vehicles are to be used, a description of each, including the license number.
 - (4) If the applicant is employed by another, the name, address and telephone number 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) 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 sentence or penalty imposed.
 - (8) Appropriate evidence as to the good character and business responsibility of the applicant.
- B. 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 section relating to each employee or agent who shall engage in the licensed activity and shall be signed by each employee or agent.

§ 168-3. Investigation of applicant; issuance of license.

Each application shall be referred to the Chief of Police or a police officer designated by him, who shall immediately institute whatever investigation of the applicant's business responsibility, moral character and ability to properly conduct the licensed activity he considers necessary for the protection of the public. He shall communicate his findings in writing to the Borough Clerk within a reasonable time after the application has been filed. If the investigator shall determine that the applicant's character, ability or business responsibility is unsatisfactory, or that the products, services or activity is not free from fraud, he shall so advise the Clerk who shall, when he is the issuing authority, refuse to issue the license and so notify the applicant. Otherwise, where the Borough Clerk is the issuing authority, he shall issue the license immediately, provided that the required license fees have been paid. A solicitor's or canvasser's license may be issued immediately subject to investigation.¹

¹ Editor's Note: See Ch. 190, Peddling and Soliciting.

§ 168-4. Appeal upon denial of license; hearing.

In the event of the refusal of the issuance of a license, the applicant may appeal to the Council for a hearing. The appeal shall be filed in writing with the Borough Clerk within fourteen (14) days after notification of the refusal. The Council shall hold the hearing within ten (10) days thereafter, and its decision shall be final.

§ 168-5. Contents of license.

Licenses shall be in a form which the Council shall prescribe by resolution and shall contain the following information:

- 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, if the activity is carried on at a fixed location.
- D. If the licensed activity is conducted from a vehicle, the make, model and license number of the vehicle.
- E. The expiration date of the license.
- F. Any other appropriate information which the Mayor and Council may, by resolution, require.

§ 168-6. Record of licenses issued.

The Borough Clerk shall keep a record of all licenses issued under this chapter. The record shall be in a form prescribed by resolution of the Council and shall contain the same information as is required by § 168-5 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 Council may require by resolution.

§ 168-7. Display of licenses.

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

§ 168-8. Transferability of licenses; fee.

- A. Every license shall apply only to the person to whom it was issued and shall not be transferable to another person. Unless otherwise provided, 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 Council by resolution.
- B. The fee for the transfer of a license from place to place shall be twenty-five dollars (\$25).²

§ 168-9. Expiration and renewal of licenses; proration of fees.

- A. Except where expressly provided otherwise, all licenses shall expire on December 31 of the year of issue at 12:00 midnight. Applications for the renewal of licenses shall be made not later than December 1 of the year of issue.
- B. Except where expressly provided herein or by law, when an application for a license is made during the course of any calendar year, the fee shall be prorated to the nearest month. Any period of time greater than one-half ($\frac{1}{2}$) of a month shall be considered as a full month for this purpose.³

§ 168-10. Revocation of licenses.

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

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. III.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. III.

- (1) Fraud or misrepresentation in any application for a permit or license.
- (2) Fraud, misrepresentation or other dishonesty in the conduct of the licensed activity.
- (3) A violation of any provision of this Code.
- (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 himself or his agent 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 welfare.

B. Whenever a license has been issued immediately upon application, pending the results of the investigation, the license may be summarily revoked if the result of the investigation is such as would have resulted in denial of the license.

§ 168-11. Notice of hearing for revocation.

Notice of a hearing for the revocation of a license or permit shall be given in writing by the Borough 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 last known address by certified mail, return receipt requested, at least five (5) days prior to the date set for the hearing.

§ 168-12. Conduct of hearing.

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 own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his own expense. The Council shall revoke or suspend the license if they are satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.

§ 168-13. Issuance of license after hearing.

The Council may issue another license to a person whose license has been revoked or denied as provided in this chapter 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, directly or indirectly, shall be issued another license to carry on the same activity.

§ 168-14. Promulgation of rules and regulations.

The Council may, by resolution, make rules and regulations which interpret or amplify any provision of this chapter or for the purpose of administering the provisions of this chapter or making them more effective. No regulation shall be inconsistent with or alter or amend any provision of this chapter, and no regulation shall impose any requirement which is in addition to or greater than the requirements that are expressly or by implication imposed by any provision of this chapter.

§ 168-15. Violations and penalties.⁴

Any violation of the provisions of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II.

⁴ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. III.