

Chapter 24

CUSTOM GARMENT FABRICATION BUSINESSES

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HISTORY: Adopted by the Mayor and Borough Council of the Borough of Seaside Park 8-21-1986 as Ordinance No. 980. Amended 12-20-2001 by Ord. No. 1291.

GENERAL REFERENCES: See Chapter 43 (Mercantile Licenses).

Be it ordained by the Mayor and Borough Council of the Borough of Seaside Park, in the County of Ocean and State of New Jersey, as follows:

§24-1. Definitions.

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

CUSTOM-FABRICATED GARMENT — Any garment that, at the request of a customer, is fabricated to meet the customer's demands.

CUSTOM GARMENT FABRICATION — A process where a plain, unadorned garment, such as a shirt, sweatshirt, sweater, jacket or other garment, is processed through a heat-transfer, screen printing or other similar process to add adornments such as lettering, designs, artwork or similar artistic or commercial designs to add to its value to a buyer.

FULL PURCHASE PRICE — The maximum price for which a garment may be sold, which shall be inclusive of all charges, services, taxes (if any) and fees.

LAST RETAIL PRICE — The price for which a garment may be purchased without any addition of a customizing process.

POINT OF SALE — The location at which a purchase for goods is consummated, being a cash register or where orders for garments are taken.

RETAIL BUSINESS — A business that sells products to a single customer, normally in what is traditionally known as a "retail business outlet."

§24-2. Legislative findings.

The Borough of Seaside Park has received many complaints from its residents and visitors about unethical business practices of individuals engaging in the sale of custom-fabricated garments, and the Mayor and Council of the Borough of Seaside Park finds that it is in the public interest to adequately regulate such businesses to ensure the public safety and health against unethical business practices.

§24-3. License required.

- A. Any retail business that engages in the business of custom garment fabrication shall obtain a mercantile license in accordance with Chapter 43 of the Code of the Borough of Seaside Park.
- B. No retail business in the borough shall operate a custom garment fabrication business except in accordance with this chapter.
- C. The application for said license must include all pertinent information about the business required of any other business in the borough, in addition to which, the following information must be provided by the applicant:

- (1) The name of the proprietor of the business.
 - (2) The local and permanent address and telephone number of the proprietor.
 - (3) The name, local address and telephone number of the manager of the business, if different from the proprietor.
 - (4) A copy of the New Jersey sales tax certificate.
 - (5) The federal employer identification number or social security number of the proprietor if an unincorporated business.
 - (6) If the proprietor is not an American citizen, proof of citizenship and permission to work in the United States.
- D. Any person or corporation receiving a license under this section must operate the business in accordance with its provisions. Conviction of any violation of its provisions may result in revocation of said license to do business.

§24-4. Price marking of garments; pricing regulations.

Any business operating under the conditions of this chapter shall operate in accordance with the following:

- A. Price marking of garments. A price must be shown for each garment posted separately in accordance with the following:
- (1) Display type:
 - (a) Individually: A tag attached to or immediately adjacent to the garment with its price (as defined below) exposed to plain view in numerals clearly marked at least two (2) inches tall.
 - (b) Rack: If composed of identical or identically priced garments, each individual rack holding the garment must have the price marked on a sign on the rack, in exposed plain view of the buyer on a sign at least six by six (6 x 6) inches with numerals clearly printed at least three (3) inches tall.
 - (c) Shelf: For each individual pile of garments on a shelf, composed of identical or identically priced garments, the price must be posted on or above the shelf in exposed plain view of the buyer and on a sign or other identifying device at least six by six (6 x 6) inches with numerals clearly printed at least three (3) inches tall. One such sign or marking may be used to identify no more than two (2) identical piles of such garments.
 - (d) Horizontal rod: If identical or identically priced garments, the price must be exposed in plain view of the buyer and on a sign or other identifying device at least six by six (6 x 6)

inches with numerals clearly printed at least three (3) inches tall on the rod, located at a minimum of every four (4) feet along the rod.

- (e) Mixed goods: In any type of shelf, rack, rod or similar display where differently priced or different garments are displayed, each garment displayed shall be priced individually with a tag attached to garment at the collar, sleeve, base or other commonly found area, exposed in plain view. The tag shall be at least three-fourths by one (3/4 x 1) inch or seventy-five hundredths (0.75) square inches in area with the price shown in ink in clear numerals at least one fourth (1/4) inch high.
- (2) The price to be marked shall be in accordance with the type of garment as follows:
 - (a) An unadorned garment shall be marked with its base retail price.
 - (b) Precustomized garments (customizing done prior to a customer requesting it, samples or garments not being available for sale shall be marked with their full purchase price.
- B. Custom fabrication pricing regulations.
- (1) Any unadorned or partially adorned shirt that a customer wishes to have customized or additionally customized through the application of silk screening, heat-transfer, cold-transfer or any other process shall be provided with an itemized estimate of the final, total cost of such customization and shall approve by signing or initialing the estimate prior to the actual customization of the garment. It is illegal to sell a customized garment without providing the estimate and obtaining a signature or initial for doing same.
 - (2) Said estimate shall be in the form of a two-part, preprinted form (custom garment order form) which shall be at least five by eight (5 x 8) inches and shall have printed on it the following as a minimum:
 - (a) The name and address of the store the garment is to be purchased from.
 - (b) A column for the quantity of item or service being purchased.
 - (c) A column naming the process or item for which a price is being charged (for example: garment type, decal, pressing, waxing, etc.).
 - (d) A column showing the unit price of the item or process being charged.
 - (e) A column showing the extension of the multiplication of the unit price times the quantity.
 - (f) A total column showing the full purchase price of the garment.

- (g) An extended total line if more than one (1) identical garment is being bought.
 - (h) A line for the signature or initials of the purchaser.
 - (i) (Optional) If the business engages in the practice of discounts off a posted price, a line may be shown for the amount of the discount.
- (3) The salesperson for the business shall fill out an order form for any person wishing to purchase a custom-fabricated garment and shall fill in all information on the form that would relate to the sale.
- (4) Prior to the customizing process, the customer shall be given the order form, completely filled out to sign or initial, and the customer shall be given a copy of said form prior to the garment being made.
- (5) One (1) form shall be made out for each different garment to be customized. If the customer orders more than one (1) identically fabricated and priced garment, the form may be used to show the quantity to be purchased (extended total line).
- (6) In no case may the price charged to a customer exceed the amount on the garment order form.

§24-5. Sale or offer of related items.

Where a business offers for sale materials such as decals, transfers, appliquéés and similar items for use in the fabrication of custom garments or offers additional services where a price is charged for the service on any basis, the following shall apply:

- A. At each point of sale in a store there shall be a clearly lettered sign, at least eight and one-half by eleven (8-1/2 x 11) inches, exposed in plain view to the public, with lettering at least two (2) inches high, that itemizes by category or process the unit price for each type of item or process that can be purchased either independently or as part of the custom-fabricated garment.
- B. Two (2) prices may be shown: one, the price of the item included on a garment, the other if purchased independently. If this practice is used, headings at top of each price column, in letters no smaller than three (3) inches tall, the wording "BOUGHT SEPARATELY" and "INCLUDED ON GARMENT" shall be used as appropriate.
- C. A clearly visible identifying mark, at least one-half (1/2) inch high, must be used adjacent to a price or item to refer to a legend at the bottom of the posting, that reads in one-inch-high letters the phrase "TAXABLE ITEM" for all items for which New Jersey State sales tax is charged if such New Jersey sales tax is applicable to any of the items.

- D. Prices for items used on fabricated garments must be the same as those that would be shown on the custom garment order form.

§24-6. General sales regulations.

- A. All buyers of any merchandise or products in a licensed establishment shall be given a receipt for any purchases showing the price(s) and charges of materials bought and the amount of sales tax, if any. This is commonly known as a "cash register receipt" and does not affect the requirements of a custom garment order form, except that the price on the cash receipt for custom-fabricated garments must reflect the price(s) on the order form.
- B. All businesses must keep a copy of this ordinance, as provided by the borough, at each point of sale in the store and make it available for any customer or Borough Inspector to read upon request.
- C. All stores must post, at the point of sale, a sign, to be provided by the Borough of Seaside Park to license holders in quantities as needed by the license holder, that details conditions of the license as follows:
 - 1. This business has been licensed by the Borough of Seaside Park to sell custom-fabricated garments.
 - 2. The license number is _____
 - 3. It is illegal for the seller to fabricate a garment for a customer without first providing the customer a written custom garment order form which details and itemizes the prices being charged for a garment to be prepared to the customer's specifications.
 - 4. You must also receive a cash register or other receipt for any purchase from this store when you pay for your goods.
 - 5. A copy of the Borough of Seaside Park ordinance regulating the sale of custom-fabricated garments is available for a customer to read at any cash register or other point of sale in this store.
 - 6. The failure of a merchant to comply with any of these provisions should be reported to the Police Department (793-8000) of Seaside Park at Sixth Avenue and Central Avenue, Seaside Park, New Jersey.
- D. Failure to post this sign in plain view of the customer at the point of sale is a violation of this ordinance.

§24-7. Violations and penalties.

Amended 12-20-2001 by Ord. No. 1291

Any person who violates any one (1) or more of the provisions of this ordinance, shall be subject to a fine of not more than one thousand (\$1,000.) dollars for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90)

days. In the case of a continuing violation or violations, a fine of not more than one thousand (\$1,000.) dollars may be assessed for each day that said violation or violations continue unabated, until such time as said violation or violations are corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§24-8. Repealer.

This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

§24-9. When effective.

This ordinance shall become effective immediately upon final passage and publication as required by law.