

## Chapter 43

### MERCANTILE LICENSES

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HISTORY: Adopted by the Mayor and Borough Council of the Borough of Seaside Park 12-15-1988 as Ordinance No. 1052.<sup>1</sup> Amended 12-16-1993 by Ord. No. 1155; 3-3-1994 by Ord. No. 1159; 11-19-2001 by Ord. No. 1285; 12-20-2001 by Ord. No. 1291; 12-22-2004 by Ord. No. 1358.

GENERAL REFERENCES: See Chapter 19 (Business Hours); Chapter 24 (Custom Garment Fabrication Businesses).

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

#### §43-1. **Activities requiring mercantile license.**

No person, persons, partnership, association or corporation shall engage in or carry on any business in the Borough of Seaside Park, nor encourage and assist in the carrying on of any business unless a mercantile license as hereinafter provided for shall have been first obtained.<sup>1</sup>

#### §43-2. **Application for mercantile license.**

An application for a mercantile license to conduct a business shall be submitted, together with the

appropriate fee, to the Borough Clerk of the Borough of Seaside Park on forms provided for such purpose. The application shall include the name of the person, persons, partnership, association or corporation operating the business, the location of said business, the nature of the business, the category of mercantile license, the fee submitted and the signature and title of the person submitting the application.

#### §43-3. **Form of mercantile license.**

The mercantile license shall include the name of the person, persons, partnership, association or corporation operating the business, the location of said business, the nature of the business, the category of mercantile license, the fee paid and the signature of the Borough Clerk.

#### §43-4. **Duration, display and transferability of license.**

All mercantile licenses shall be issued on a calendar year basis and shall expire on December 31 of the year

<sup>1</sup> EDITOR'S NOTE: Ord. No. 1052 repealed former Chapter 43 (Licenses) adopted 5-25-1972 as Ord. No. 690, amended as follows: 5-24-1973 by Ord. No. 699; 7-11-1974 by Ord. No. 711; 7-14-1977 by Ord. No. 756; 5-7-1981 by Ord. No. 816; 12-16-1982 by Ord. No. 858.

issued. All licenses shall be prominently displayed within the licensed premises. No licenses shall be assignable or transferable to any other person, persons, partnership, association or corporation.

#### §43-5. Fees; businesses to be licensed.

*Amended 12-16-1993 by Ord. No. 1155  
3-3-1994 by Ord. No. 1159; 11-19-2001 by Ord. No. 1285  
12-22-2004 by Ord. No. 1358*

- A. The following non-refundable fees are payable without proration upon submission of the application for a mercantile license.
- B. In the event two (2) or more businesses are operated under the same ownership and within the same building or structure, but are physically separated by a door and can function independently, then a separate license shall be required for each business at the full fees hereinafter set forth.
- C. In the event two (2) or more businesses are operated under the same ownership and within the same building or structure, but are not physically separated and do not function independently, then a separate license shall be required for each business. However, the fee for said licenses shall be determined as follows:
1. Assessed the highest fee of the license for the first license.
  2. Assessed fifty percent (50%) of the fee for the second, and each subsequent license.
- D. The fees for each category of mercantile license shall be as follows:
1. Category #1. Service Establishments.  
The fee for a Category One license shall be one hundred dollars (\$100.00) for each business. Businesses to be licensed under this category include service stations; tailors; laundries; dry cleaners; and laundromats.
  2. Category #2. Retail, Wholesale, Rental, and Food Establishments.  
The fee for a Category Two license shall be one hundred dollars (\$100.00) for each business. Businesses to be licensed under this category include: bait and tackle shops; dry goods stores; drug stores; department stores; gift shops and novelty stores; hardware stores; newsstands; photographers; print shops; retail stores; new and used car lots; supermarkets; soft drink bottlers; bicycle sales and/or rentals; boat sales and/or rentals; appliance sales and/or rentals; bakeries; butcher shops; candy stores; ice cream and frozen custard stores; fish markets; fruit and/or vegetable stores; grocery stores; food and/or beverage stands; and restaurants.
  3. Category #3. Lodging and Storage Establishments.

The fee for a Category Three license shall be one hundred dollars (\$100.00) plus fifteen dollars (\$15.00) per dwelling unit, hotel room, motel room, or room in a rooming-house and boarding-house. Businesses to be licensed under this category include: hotels; motels; rooming-houses; bathhouses; parking garages, parking lots; storage rooms and garages; and marinas.

#### 4. Category #4. Recreation and Amusement Establishments.

The fee for a Category Four license shall be seventy-five dollars (\$75.) for each business. Businesses to be licensed under this category include: amusement stands not requiring an Amusement Games License; "major" and/or "kiddie" amusement rides, each; shooting galleries where no prizes are offered; carousels; merry-go-rounds; miniature golf courses; public swimming pools; and theaters.

#### 5. Category #5. Mobile Vending Units.

The fee for a Category Five license shall be nine hundred dollars (\$900.) for each vehicle. Businesses to be licensed under this category include: motor vehicle, vending trucks and mobile vending vehicles. (See §43-11. Mobile Vending Unit regulations.)

#### 6. Category #6. Coin-Operated Machines and Automated Teller Machines (ATM).

The fee for a Category Six license shall be twenty-five dollars (\$25.) for each machine with a maximum fee of five hundred dollars (\$500.) per establishment. Machines to be licensed under this category include all coin-operated vending machines except newsracks; and all coin-operated amusement devices not requiring an amusement games license and Automated Teller Machines (ATM). (See §43-12. Coin-operated Machine regulations.)

#### 7. Category #7. Carnivals and Circuses.

The fee for a Category Seven license shall be one thousand dollars (\$1,000.) for each day.

#### §43-6. Inspections and right of entry.

*Amended 12-16-1993 by Ord. No. 1155*

Upon the receipt of an application for a Mercantile License, the Code Enforcement Officer or a duly designated representative shall conduct a general inspection of the premises and the visible parts of the building exterior and interior to determine compliance with all applicable ordinances of the Borough of Seaside Park including the Property Maintenance Code as adopted pursuant to Chapter 58 (Property Maintenance) of the Code of the Borough of Seaside Park. The Code Enforcement Officer shall make a report thereon, favorable or otherwise, within ten (10) days after completing the inspection. The property

owner, license applicant or manager shall admit the Code Enforcement Officer at any reasonable time for the purpose of making the required inspection.

#### **§43-7. Denial of application.**

If the applicant's premises are found not to conform with the standards herein enumerated, the applicant shall be notified that the application will be denied. Such notification shall be written and shall state the reasons for such refusal and advising the steps that should be taken so that a license could be issued. Thereafter, the applicant may proceed in accordance with the provisions outlined in the "Appeal" section below.

#### **§43-8. Revocation of license.**

Any mercantile license may be revoked by the Borough after an inspection, written notice of violation and a five (5) day period to correct such violations.

#### **§43-9. Appeals.**

Upon the revocation of a mercantile license, or refusal to issue a license, the licensee or applicant shall be given notice of the right to appeal such action to the Mayor and Borough Council. A full report of the reasons for revocation or refusal shall be made available to the licensee or applicant and shall be provided to the Mayor and Borough Council. In considering the appeal, the Mayor and Council shall give due regard to the seriousness of the violations; the good faith efforts, or lack thereof to remedy the violations; and the reasonable time period necessary to correct such violation. The Mayor and Council shall have the power to issue the license and to stay any revocation and provide a reasonable period within which the licensee or applicant shall correct the violations.

#### **§43-10. Business hours.**

Business establishments licensed hereunder may be open for business daily from 7:00 a.m. until 3:00 a.m. of the following day. Business establishments shall remain closed for business daily, including Sundays, from 3:00 a.m. until 7:00 a.m.

#### **§43-11. Mobile vending unit regulations.**

*Amended 3-3-1994 by Ord. No. 1159*

The following regulations shall apply to any business requiring a "Category 5" mercantile license.

- A. All sales are to be conducted from areas where automobiles are permitted to park.
- B. All sales are to be conducted from the curb side of the vehicle and only to pedestrians.
- C. All sales shall begin within five (5) minutes of the time the vehicle is parked.
- D. Sales from any metered parking space is prohibited.

- E. Sales to any individuals remaining in another motor vehicle is prohibited.
- F. Parking in any no-parking area, handicapped-reserved area or yellow-curbed area, even temporarily, is prohibited.
- G. Parking in any fixed location for more than three (3) minutes from the completion of the last sale is prohibited.
- H. No sales of glass containers shall be permitted from mobile units.
- I. All vending units shall be required to provide trash and recycling containers.

#### **§43-12. Coin-operated machine regulations.**

The following regulations shall apply to any business requiring a "Category 6" mercantile license.

- A. Coin-operated vending machines and coin-operated amusement devices are permitted in only the Commercial Zoning District, Boardwalk Zoning District, Marina Zoning District, and the Hotel Zoning District.
- B. Coin-operated vending machines located outside of any building or structure are prohibited from extending beyond any setbacks required for that zoning district.
- C. No coin-operated vending machines are permitted to vend soft drinks in glass containers.
- D. Except in the Boardwalk Zoning District, coin-operated amusement devices are limited to two (2) machines per store and must be located inside the building or structure.

#### **§43-13. Enforcement.**

The Code Enforcement Officer of the Borough of Seaside Park and the Seaside Park Police Department are hereby designated as the enforcement officers of the provisions of this chapter. It shall be the duty of the Code Enforcement Officer to make initial and periodic inspections of the licensed premises.

#### **§43-14. Violations and penalties.**

*Amended 12-16-1993 by Ord. No. 1155  
12-20-2001 by Ord. No. 1291*

Any person who violates any one (1) or more sections 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.