

LICENSED BUSINESSES

Chapter 38

LICENSED BUSINESSES

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[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 3-12-86.<sup>1</sup> Amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 13.  
Peace and good order — See Ch. 42.

Be it ordained by the Borough Council of the Borough of Helmetta in the County of Middlesex and State of New Jersey:

ARTICLE I  
General Provisions

§ 38-1. Permit and license required.

It shall be unlawful for any solicitors, canvassers or peddlers, as defined in § 38-2 hereof, to engage in such business within the corporate limits of the Borough of Helmetta without first having obtained a permit and license therefor in compliance with the provisions of this Article.

<sup>1</sup> Editor's Note: This legislation also provided for the repeal of former Ch. 38, Hawkers and Peddlers, adopted 1-12-72, as amended.

## § 38-2. Definitions.

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

**CANVASSER or SOLICITOR:**

- A. Any individual, whether a resident of the Borough of Helmetta or not, traveling either by foot, wagon, automobile, motortruck or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares and/or merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself or for any other person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any place within the Borough of Helmetta for the sole purpose of exhibiting samples and taking orders for future delivery.
- B. For the purpose of this chapter, a canvasser or solicitor shall also be deemed to be one who is not in the business of selling goods, but one who makes surveys for research purposes, analysis, opinion polls, rating data and any such similar work by which of its nature involves a door to door, or place to place activity, and shall include persons going from door to door or place to place for the purpose of seeking contributions or donations or alms for any persons or organization, or seeking to educate the public.

**PEDDLER** — Includes any person, whether a resident of the Borough of Helmetta or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats,

fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a "peddler" subject to the provisions of this chapter. The word "peddler" shall include the words "hawker" and "huckster."

PERSON — Includes the singular and the plural, and also means and includes any person, firm or corporation, association, club, copartnership or society or any other organization.

**§ 38-3. Purpose.**

The purpose of this chapter is to prevent fraud, crime and unethical and dishonest business practices, and for the general protection, health and welfare of the residents of the Borough of Helmetta.

**§ 38-4. Permit and license application; investigation fee.**

- A. Applicants for permit and license under this Article must file with the Borough Clerk an sworn application in writing (in duplicate) on a form to be furnished by said Borough Clerk, which shall give the following information:
- (1) The name and description of the applicant.
  - (2) The permanent home address and full local address of applicant, if any.
  - (3) A brief description of the nature of the business and/or goods to be sold.
  - (4) If employed, the name and address of the employer, or the name and address of the organization or person for whom solicitation or canvassing is being made.
  - (5) The length of time for which the right to do business is desired.

- (6) The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery.
  - (7) The names of at least two (2) reliable property owners of the County of Middlesex who will certify as to the applicant's good character and business respectability, or, in lieu thereof, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
  - (8) The make, model, year, color and license plate number of automobiles used by the applicant during the period of solicitation within the borough, and the number of his driver's license and the state of issuance.
- B. At the time of the filing of the application, a fee of ten dollars (\$10.) shall be paid to the Borough Clerk to cover the cost of the investigation of the facts stated therein.

**§ 38-5. Investigation; issuance.**

- A. Upon receipt of such applications, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good, and the conduct of such investigation prior to the issuance of a license hereunder shall be mandatory.
- B. The Borough Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received and proven against the applicant by authorities in the three (3) previous cities, villages and towns in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly

related to the applicant's fitness to engage in direct selling or canvassing or the applicant failed to comply with any applicable provision of this ordinance.

- C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his signature and return the same to the Borough Clerk, who shall, upon payment of the prescribed fee, deliver to said applicant his permit and license; provided, however, that a minimum period of twenty-one (21) working days shall expire between the time of the filing of an application for a permit and license hereunder and the time of the issuance thereof, the Mayor and Council finding that the reservation of such period of time for an investigation of the fitness of the applicant is necessary in the public interest. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in soliciting or canvassing. The Borough Clerk shall keep a permanent record of all licenses so issued.

**§ 38-6. License fee.**

The license fee which shall be charged by the Borough Clerk for such licenses shall be five dollars (\$5.) for the first six (6) days, ten dollars (\$10.) per month for the first four (4) months or fifty dollars (\$50.) for any period from five (5) months to a year.

**§ 38-7. Badges.**

The Borough Clerk shall issue to each licensee at the time of delivery of his license a badge which shall contain the words "Licensed Solicitor" or "Licensed Peddler," the period for which the license is issued and the number of the license, in letters and figures easily discernible from a distance of ten (10) feet. Such badge shall, during

the time such licensee is engaged in soliciting, peddling or canvassing, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous. No license or badge issued under the provisions of this Article shall be used or worn at any time by any person other than the one to whom it was issued. A refund of three dollars (\$3.) of the application fee shall be made if said badge is returned within one (1) week of the expiration of the license.

**§ 38-8. Unnecessary noise.**

All peddlers, canvassers and solicitors and any person in their behalf shall comply with the Antinoise Ordinance of the Borough of Helmetta in conducting their business.

**§ 38-9. Use of streets.**

No peddler, canvasser or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purposes of this Article, the judgment of the police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

**§ 38-10. Duty of police.**

It shall be the duty of any police officer of the Borough of Helmetta to require any person seen soliciting or canvassing and who is not known by such officer to be duly licensed, to produce his solicitor's or peddler's license, and to enforce the provisions of this Article against any person found to be violating the same.

**§ 38-11. Maintenance of records.**

The Chief of Police shall report to the Borough Clerk all convictions for violations of this Article, and the Borough Clerk shall maintain a record for each license issued and record the reports of the violations therein.

**§ 38-12. Revocation of permits and licenses; hearing.**

- A. Permits and licenses issued under this Article may be revoked by the Chief of Police of the Borough of Helmetta, after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for license.
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor, peddler or canvasser.
  - (3) Any violation of this Article.
  - (4) Conviction for any crime or misdemeanor involving moral turpitude.
  - (5) Conducting the business of peddling, soliciting or canvassing in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of the hearing for such revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for such hearing.

**§ 38-13. Appeals.**

Any person aggrieved by the action of the Chief of Police or the Borough Clerk in the denial of an application for a permit or license as provided in § 38-5 of this Article, or in the decision with reference to revocation of a license as provided in § 38-12 of this Article, shall have the right of appeal to the Mayor and Council of the Borough of Helmetta. Such an appeal shall be taken by filing with the Mayor and Council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of the appeal. The Mayor and Council shall set a time and place for a hearing on such

appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in § 38-12 of this Article for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

#### § 38-14. Exemptions.

Accredited representatives of all bona fide religious, veterans, civic or charitable organizations, the Rescue Squad and public utility corporations shall be exempted from compliance with § 38-4A(7) through (8) inclusive and § 38-6 hereof, but all nonreligious groups shall pay the sum of one dollar (\$1.) upon the issuance of a badge, which payment shall be refunded when the badge is returned. Local organizations of these types need only advise the Mayor and Council of their intention to solicit or sell and the nature of their operation.

#### § 38-15. Hours of operation.

No commercial soliciting, canvassing or peddling shall be done on Sundays or other than between the hours of 9:00 a.m. and 5:00 p.m. on weekdays, except by appointment prearranged with the prospective purchaser.

#### § 38-16. Violations and penalties.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars (\$500.) or by imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

### ARTICLE II Special Sales

#### § 38-17. Definitions.

For the purpose of this Article, the following terms and words shall have and shall be construed to have the following meanings:

**BOROUGH** — The Borough of Helmetta.

**CHAIRMAN** — The Chairman of the Finance Committee of the Borough of Helmetta.

**CLERK** — The Borough Clerk of the Borough of Helmetta.

**GOVERNING BODY** — The governing body of the Borough of Helmetta.

**PERSON** — Includes the singular and plural, and includes any person, firm, partnership or corporation.

**PUBLISH, PUBLISHING, ADVERTISEMENT, ADVERTISING** — Any and all means of conveying to the public notice of sale or notice of intention to conduct a sale whether by word of mouth, newspaper advertisement, magazine advertisement, handbill, written or printed notice, printed display, billboard display, poster, radio announcement and any and all other means, oral or written.

**SALE** — The sale of or an offer to sell to the public goods, wares and merchandise of any and all kinds and description on hand and in stock in connection with a declared purpose as set forth by advertising on the part of the seller that such sale is anticipatory to the termination, closing, liquidation, revision, windup, discontinuance, conclusion or abandonment of the business in connection with such sale. It shall also include any sale advertised to be a "fire sale," "adjustment sale," "creditor's sale," "alteration sale," "executor's sale," "administrator's sale," "insolvent sale," "insurance salvage sale," "mortgage sale," "assignee's sale," "adjuster's sale," "receiver's sale," "loss of lease sale," "wholesaler's closeout sale," "creditor's committee sale," "forced out of business sale," "removal sale" and any and all sales advertised in such manner as to reasonably convey to the public that, upon the disposal of the stock of goods on hand, the business will cease and be discontinued.

**STOCK** — Goods, wares and merchandise of all kinds and description.

**§ 38-18. License required.**

It shall be unlawful for any person to publish, announce or conduct any sale of the type or kind herein defined without first obtaining a license therefor in compliance with the provisions of this Article.

**§ 38-19. Application.**

- A. Applicants for a license under this Article, whether a person, firm or corporation, shall file a written application with the Clerk, signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation, showing:
- (1) The name of the person having management or supervision of applicant's business during the time that it is proposed that the sale will be conducted; the local address of such person while engaged in the sale; the permanent address of such person; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise); the name and address of the person for whose account the sale will be carried on, if any; and if a corporation, its full corporate name, under the laws of what state it is incorporated, the name and address of its agent upon whom service of legal process may be had.
  - (2) A description of the place where such sale is to be held.
  - (3) The nature of the occupancy, whether by lease or by sublease, and the commencement date and the effective date of termination of such occupancy.
  - (4) The means to be employed in publishing such sale, together with the proposed content of any advertisement.
  - (5) An itemized inventory and list of stock to be offered for sale, together with a statement of the quality and cost price thereof.
  - (6) The place where such stock was purchased or acquired, and, if not purchased, the manner of such acquisition.

(7) Any additional information which may be required or requested by the Clerk or the Chairman in connection with the application.

B. The content of the application shall be verified under oath by the applicant.

**§ 38-20. Issuance; duration.**

The Clerk shall, upon written consent of the Chairman, endorsed upon such application, issue a license for a period not exceeding thirty (30) days. Said license shall not be transferable.

**§ 38-21. Renewal of license.**

- A. Upon satisfactory proof by the licensee that the stock itemized in the original application has not been disposed of, said license may be renewed for an additional thirty-day period.
- B. The application for renewal shall be made on a form furnished by the Clerk and shall contain an itemized list of stock remaining on hand to be offered for sale. The content of the application for renewal shall be verified under oath by the applicant.
- C. The Chairman shall cause the application for renewal to be examined and investigated, and upon being satisfied as to the truth of the statements therein contained, he may authorize the issuance of a renewal license for a period not exceeding thirty (30) days; provided, however, that no further renewal may be granted for any such sale for the same location within one (1) year from the issuance of the original license.

**§ 38-22. Rules and regulations.**

- A. The Chairman may make such rules and regulations for the conduct and advertisement of such sales as may be necessary to prevent deception and to protect the public interest and welfare.

- B. The Chairman may, in his discretion, verify the details contained in an application for a license or for a renewal thereof or cause a check and verification to be made of the items of stock sold during the sale, and it shall be unlawful for any person to whom a license has been issued to fail or refuse to furnish the Chairman or his designated representative with information concerning goods sold, goods on hand or any other information that may be required to make a complete investigation of all applications for license and renewals thereof.

**§ 38-23. Revocation; suspension.**

- A. A license or renewal thereof issued pursuant to this Article may be revoked by the Chairman, after notice and hearing for any of the following reasons:
- (1) Any fraud, misrepresentation or false statement contained in the application.
  - (2) Any fraud, misrepresentation or false statement made as to inventory, stock sold or stock on hand.
  - (3) Any violation of this Article.
  - (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
  - (5) Conducting the business licensed under this Article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid to the licensee at his last known address at least five (5) days prior to the date set for the hearing.
- C. A license may be suspended for not more than five (5) days by the Chairman upon probable cause being shown that the license should be revoked.

- D. The Chairman shall hold such hearing and make such investigations as may be necessary to carry out the provisions and intent of this Article.

**§ 38-24. Appeals.**

Any person aggrieved by the decision of the Chairman with respect to the denial of an application for a license or in connection with the revocation or suspension of a license shall have the right to appeal to the governing body. Such appeal shall be taken by filing a written statement of the grounds for the appeal with the governing body within ten (10) days after notice of the decision of the Chairman has been mailed to such person's last known address. The governing body shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to such person in the same manner as provided by § 38-23B of this Article for notice of hearing on revocation. The decision of the governing body on such appeal shall be final.

**§ 38-25. Stock; stock records.**

- A. A duplicate original of the application and stock list by virtue of which a license is granted shall be available by the licensee to the Chairman or his designated representative, and the licensee shall permit the Chairman or his representative to inspect and examine all stock on the premises for comparison with the stock list.
- B. At the close of each business day, the duplicate of the original stock list in possession of the licensee shall be revised by the licensee and items on such list sold on that day shall be noted thereon.
- C. Suitable books and records shall be kept by the licensee at the place of sale and shall be made available for inspection by the Chairman or his authorized representative.
- D. It shall be unlawful to sell, offer or expose for sale at any such sale, or to list on the inventory required by § 38-19 any stock which is not the stock of the store or other place, the business

of which is to be closed out by such sale for which a license has been granted, or to replenish or add to such stock for the purpose of disposal at such sale, or to fail, neglect or refuse to keep accurate and true records of the initial stock, stock sold and stock on hand.

**§ 38-26. Fees.**

Upon filing an application for an original or renewal license as provided herein, the applicant shall pay to the Clerk a fee of twenty-five dollars (\$25.). If any such application shall be disapproved, such payment shall be forfeited to the borough to defray the costs of investigation of the application.

**§ 38-27. Display of license.**

Upon commencement of any such sale, the license issued therefor shall be conspicuously displayed near the entrance to the premises where such sale is conducted.

**§ 38-28. Advertisement.**

All advertising shall be as descriptive of the nature of such sale. The content of the advertisement shall be identical with the proposed advertisement submitted with the application.

**§ 38-29. Exemptions.**

The following persons shall be exempted from the provisions of this Article:

- A. Persons acting pursuant to an order or the process of a court of competent jurisdiction.
- B. Sheriffs, marshals and constables acting in accordance with their powers and duties as public officers.
- C. Duly licensed auctioneers selling at auction.

**§ 38-30. Violations and penalties.**

Any person who violates any of the provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.) or by imprisonment not exceeding ninety (90) days, or by both said fine and imprisonment.

**ARTICLE III**  
**Trades and Occupations**

**§ 38-31. License required.**

It shall be unlawful for any person, firm or corporation to conduct, engage in or carry on any business, trade, occupation or activity within the Borough of Helmetta, New Jersey, without having first complied with the provisions of this Article and obtained a license therefor as is herein provided.

**§ 38-32. Application.**

Applications for all licenses and permits required by this Article shall be made in writing to the Borough Clerk. Each application shall contain the following information in the suggested format:

- A. The name under which the business is to be conducted.
- B. The name of the applicant. (If a corporation, give names and addresses of president and secretary; if a partnership, give names and addresses of all partners.)
- C. Present residence.
- D. The address within the borough of business to be conducted and addresses of said business for the past five (5) years.
- E. The nature of the business.
- F. Residence of the applicant during past five (5) years (if individual).
- G. Whether the applicant has ever had a license to conduct the business herein described denied or revoked, except as noted.

- H. Details of any arrests or convictions for misdemeanors and crimes.
- I. The business telephone number of the applicant.
- J. The name and address of the attorney, if applicable.
- K. The name and address of the registered agent if applicant is a corporation.
- L. The undersigned makes these statements above to induce the Borough of Helmetta to issue the license herein applied for and agrees to comply with all laws and ordinances of the borough applicable to the subject matter thereof.

#### § 38-33. Applicability.

Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if, by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the Borough of Helmetta, New Jersey.

#### § 38-34. Preparation and filing of forms.

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the Borough Clerk.

#### § 38-35. Signature required.

Each license or permit issued shall bear the signature of the Borough Clerk in the absence of any provision to the contrary.

#### § 38-36. Investigations; inspections.

Upon receipt of an application for a license or permit, the Borough Clerk shall refer such application to the proper officers for making

an investigation or inspection, and said officers shall make a report thereon, favorable or otherwise, within 15 days after receiving the application or a copy thereof. The Health Officer shall, for the protection of health, make or cause to be made an inspection in regard to such licenses in connection with the care and handling of food and the preventing of nuisances and the spread of disease; the Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures; and the Zoning Officer shall make the appropriate zoning inspection. All other investigations, except where otherwise provided, shall be made by the Chief of Police or his designee.

**§ 38-37. Approval standards; time limit.**

All licenses shall be approved by resolution of the Borough Council within 45 days of receipt of an application. If a resolution of approval or denial has not been passed by the Borough Council within 45 days of receipt of an application, the application shall be deemed approved. The Council shall examine the qualifications of any applicant for a license or renewal thereof to determine whether said applicant or licensee has complied with the general laws and statutes of the state and the ordinances of the Borough of Helmetta, and said Borough Council shall be guided in making its determination by the following standards:

- A. The Zoning Ordinance of the Borough of Helmetta.
- B. The Building Code.
- C. The Fire Prevention Code.
- D. The reports of all municipal officers required under this article and the general laws and public health statutes and codes of the State of New Jersey applicable to this municipality.
- E. The license history of the applicant regarding past violations, rejections or suspensions and the timeliness

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of past applications for licenses and the applicant's continued compliance with license requirements.

**§ 38-38. Disposition of fees; fee for more than one activity.**

- A. In the absence of provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Borough Clerk. Except as otherwise provided, all license fees shall become a part of the general borough treasury.
- B. Where the licensee is engaged in more than one activity, as enumerated in this article, at the same location, which may be subject to more than one fee, said licensee shall be required to pay that fee which would be charged for the activity assessed the highest fee.

**§ 38-39. Termination of license.**

All licenses shall terminate when the licensee ceases operating within the Borough of Helmetta.

**§ 38-40. Lawful compliance required.**

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act, if the premises and building to be used for the purpose do not fully comply with the laws of the borough, county, state or federal government.

**§ 38-40.1. Opening and closing hours of commercial establishments. [Added 10-23-1996 by Ord. No. 10-1996]**

- A. Declaration of purpose and scope.

- (1) The purpose of this section is the regulation of the opening and closing hours of all business and commercial establishments to which the public is invited in the interest of the protection of employees, patrons and law enforcement officers. It has been determined that unprotected and understaffed business and commercial enterprises are prey to the criminal element in our society during the late night and early morning hours and that certain security devices must be provided in order to protect the general public who use these establishments.
  - (2) The provisions and requirements of this section shall not apply to, nor include, any business or commercial establishment issued a license or permit for on-the-premises consumption of alcoholic beverages or permitted to carry on a business or commercial activity under the laws of the United States, the State of New Jersey or other municipal ordinances not inconsistent with the provisions of this section.
- B. Closing hours, personnel and security requirements. It shall be unlawful to operate a business or commercial establishment to which the public is invited between the hours of 11:00 p.m. and 5:00 a.m. Eastern Standard Time (2300 -0500) hours unless:
- (1) There are two employees on continuous duty in that part of the business or commercial establishment to which the public is invited; and in addition thereto;
  - (2) The business or commercial establishment shall employ a security officer or the premises has in operation a security device approved by the Chief of Police of the borough which may consist of a silent and/or audible burglar alarm connected to a central security monitoring system designed to activate police response or such other device which can be activated instantaneously to notify law enforcement

officers that a crime or disorderly persons activity is in progress.

- C. Penalty. Any person other than the employee of the business or commercial establishment assigned to work during the hours designated by Subsection B of this section who shall violate or cause to be violated a provision of this section shall, upon conviction thereof, be subject to the General Penalty as established in Chapter 1, § 1-14 of the Code of the Borough.

#### § 38-41. Change of location.

The location of any licensed business or occupation or of any permitted act may be changed, provided that 10 days' notice thereof is given to the Borough Clerk and approval is granted by the governing body and provided that the requirements of all borough ordinances are complied with and payment of a license transfer fee is made in accordance with this article.

#### § 38-42. Nuisances.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

#### § 38-43. Right of entry for inspections.

Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto, for the purposes of making the inspection, any officer or employee of the borough who is authorized or directed to make such inspection, at any reasonable time that admission is requested.

**§ 38-44. Revocation of license; notice of hearing; counsel.**

The Mayor and Council of the borough shall have the right to revoke any license whenever the holder thereof or any of the licensee's agents or servants violate any provision of this article, the laws of the State of New Jersey or any rules or regulations promulgated as herein provided. Prior to the revocation of a license, a notice of the contemplated action of the Mayor and Council of the borough shall be served upon said licensee, setting forth such charges as may be the reason for said proposed revocation and the place, date and hour when the Mayor and Council of the borough will hear the matter. The licensee may be represented by counsel at such hearing.

**§ 38-45. Posting of license.**

Licenses issued under this article shall be posted at the place of business shown on said license in a conspicuous place. Said license shall remain posted for the duration of the licensing year when issued and so long as the licensed business is in operation.

**§ 38-46. License fees.**

The license fees to be paid, as hereinbefore provided, to the Borough of Helmetta for conducting or engaging in business, trades or activities at the place designated in the license certificate shall be as follows:

- A. Initial license fee: \$10.
- B. License transfer fee: \$5.

**§ 38-47. Fees set in relation to municipal costs.**

The fees herein for canvassing, sales, business and mercantile licenses are not revenue-producing in nature, but said fees are used primarily in an attempt to cover the cost of inspections of such businesses to ensure compliance with the

laws of the state and the ordinances of this municipality. It is the legislative intent of this article to ensure that all such activities of whatsoever kind and wheresoever located in this borough shall be regulated and inspected periodically to ensure compliance with the laws as aforesaid. In certain instances, there are those activities which warrant additional police surveillance and inspection and there are also those businesses which attract unusual amounts of vehicular traffic, necessitating additional regulation and enforcement. The fees herein set forth provide a reasonable relationship to the costs of the regulation of these businesses and the administration of this chapter.

**§ 38-48. Exception.**

This article shall not apply to any business or occupation licensed under those various laws of this state which prohibit licensing by municipalities.

**§ 38-49. Enforcement.**

The proper enforcement of the provisions of this article dealing with mercantile licenses shall be within the jurisdiction of the Police Department of this borough and additionally within the jurisdiction of those officers charged with providing the necessary inspections and regulations.

**§ 38-50. Violations and penalties. [Amended 10-23-1996]**

- A. Pursuant to N.J.S.A. 40:49-5, any person, firm, association or corporation violating any section of this article, except § 38-40.1 hereof for which a separate penalty is established herein, shall, upon conviction in the municipal court having jurisdiction, be subject to a fine not exceeding \$500 or imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners for any term not exceeding 90 days, or both.

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B. The court before which any person is convicted of violating this article shall have power to impose any fine or term of imprisonment, or suspension thereof, not exceeding the maximum fixed by this article.

**§ 38-51. Severability.**

Any part or parts of this article, if ever declared to be invalid, shall in no way or manner affect the validity of all remaining part, or parts of this article, which shall continue in full force and effect.