



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 21-05

AN ORDINANCE AMENDING SECTION 4-9.1 OF THE BOROUGH CODE TO REVISE MERCANTILE LICENSE REQUIREMENTS

WHEREAS, N.J.S.A. 40:52-1 authorizes the Borough to license businesses operating within the municipality; and

WHEREAS, Chapter 4, Section 9 of the Borough Code provides for such Mercantile Licenses; and

WHEREAS, the governing body of the Borough of Highlands wishes to amend the license requirement and application provisions set forth in Sections 4-9.1 and 4-9.2 of the Borough Code.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I. Borough Code Section 4-9.1 "License Required" shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as **strikeovers in bold italics**).

4-9.1 License Required.

No person shall either directly or indirectly conduct any business as defined in this subsection unless he has obtained a mercantile license. The issuance of a license under this section is in addition to, and not in derogation of, any law of the State of New Jersey or ordinance of the Borough regulating the business so licensed. This section shall not apply to any person, firm, corporation, partnership or other entity licensed under the various laws of this state which prohibits licensing by municipalities. **Additionally, this section shall not apply to Home Occupations, Home Offices, and Home Professional Offices as defined in Section 21-8 of the Borough Code, and instead shall only apply to Class 4 properties as defined by N.J.A.C. 18:12-2.2.** For the purposes of this section, any person shall be deemed to be engaged in a business and subject to the provisions of this section when he does either or both of the following acts:

- a. Sells any goods or services from a fixed location in the Borough where the business is conducted directly from a fixed location.
- b. Solicits business or offers goods or services for sale or for hire from a fixed location in the Borough where the business is conducted directly from the fixed location.

SECTION II. Borough Code Section 4-9.2 “Application for License” shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~).

4-9.2 Application for License.

Any person required to procure a mercantile license under the provisions of this section shall submit an application to the borough clerk accompanied by the required fee. **Before applying for a mercantile license, an applicant must obtain a business certificate of occupancy for the premises pursuant to Section 10-14 of the Borough Code.** The application **for a mercantile license** shall be on a form provided by the borough clerk and shall contain the following:

- a. Any previous revocation or suspension of any license issued by the borough and the reasons therefor.
- b. A statement that the applicant's business will not violate the zoning ordinance of the borough.
- c. A statement that the applicant is not in default under the provisions of this section, or indebted or obligated in any manner to the borough, except for current taxes.
- d. Such other facts relative to the general personal history of the applicant or his officers and managers if the applicant is not an individual, so as to enable the borough to make a fair examination of the eligibility of the applicant.
- e. Name of person to whom license will be issued and his residence address. If applicant is not an individual, then the names, positions, and residence address of all officers and managers of the applicant.
- f. Premises at which the business is to be carried on and the name and address of the owner of the premises.

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION IV. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION V. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN						
MAZZOLA						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: January 1, 2021

Michelle Hutchinson Acting Municipal Clerk
Borough of Highlands

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN						
MAZZOLA						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: January 20, 2021

Michelle Hutchinson Acting Municipal Clerk
Borough of Highlands