

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2021-06

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING ARTICLE II,
CHAPTER 72 OF THE DENNIS TOWNSHIP CODE, GOVERNING BUSINESS
LICENSES AND REGISTRATION**

WHEREAS, Township of Dennis, a township form of government, is governed by statutes, specifically N.J.S.A. 40A:63-1, *et seq.* that allow the Township Committee to pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

WHEREAS, Article II, Chapter 72 of the Revised General Ordinances of the Township of Dennis currently outlines the requirements for Business Licenses and Registration within the confines the Township of Dennis;

WHEREAS, Specifically, Chapter 72, Section 5 of the Revised General Ordinances of the Township of Dennis sets forth, among other things, a requirement that anyone transacting business in the Township of Dennis or conducting a business, except those to which other ordinances, licensing or registration requirements apply, shall pay a yearly license fee of \$50.

WHEREAS, the Township Committee believes it desirable, and in the best interest of the Township and its citizens to lessen the yearly license fee for those transacting and/or conducting business in the Township of Dennis to alleviate some of their financial burden;

WHEREAS, the Township Committee further believes that it is desirable, and in the best interest of the Township and its citizens to delegate the authority under Chapter 72 to the Township's Code Enforcement Official;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey as follows:

Section 1. Portions of Chapter 72 of the Township of Dennis Municipal Code are amended as follows (additions are underlined; deletions are [bracketed]):

Article II. Business License and Registration

§ 72-5. License fee.

There is no initial and/or renewal fee due at the time of registration for anyone transacting business in the Township of Dennis or conducting a business, except those to which other ordinances, licensing or registration requirements apply, [shall pay a yearly license fee of \$50].

§ 72-7. Preemptive regulation.

The township recognizes that certain occupations are licensed and regulated by the State of New Jersey to a degree that preempts municipal business licensing. Such occupations shall not be required to obtain a local mercantile license [or pay a local licensing fee]; however, such occupations must comply with the registration requirements of § 72-6, except that they do not, unless applicable, have to execute the certification referred to therein.

§ 72-9. Term of license.

The [licensing fee] business license provided for in § 72-3 shall be valid for the year in which it is issued and shall expire on December 31 of that year. All [license fees] business licenses shall be [payable] applied for and/or renewed on or before January 31 of the year of issue.

§ 72-10. Application for license.

The Township Clerk is authorized to issue any such licenses upon [payment of the appropriate license fee and] completion by the applicant of an application in writing on a form approved by the Township Committee and which, at a minimum, shall require the applicant to specify the nature and location of the business conducted.

§ 72-11. Referral to [Zoning Officer] Code Enforcement Official.

A copy of all applications for license or registration shall be furnished to the Township [Zoning Officer] Code Enforcement Official, who shall determine whether the information set forth is accurate and make an appropriate report of his findings to the Township Clerk. Issuance of the license or registration shall not be delayed pending the [Zoning Official's] Code Enforcement Official's review.

Article V. Miscellaneous Provisions

§ 72-32. Violations and penalties.

- A. Any person, corporation or other entity who is operating without a valid license as required in this Chapter shall be issued a written warning and have ten (10) calendar days to apply and obtain a license in accordance with this Chapter. Failure to obtain the required license after ten (10) days following a written notice shall be a violation of the chapter.
- B. Any person, corporation or other entity who shall violate any provision of this chapter shall, upon trial and conviction, be subject to a fine of not less than \$100 nor more than \$1,000, to imprisonment for a term not exceeding 90 days, to a period of community service not exceeding 90 days or to any combination of these penalties. Each day upon which a violation of this chapter shall continue to exist shall be deemed a separate offense.
- C. Any person who is convicted of violating any provision of this chapter within one year of the date of the previous violation of this chapter and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender,

such fine to be not less than \$100 nor more than \$1,000. Said penalty shall be calculated separately from the fine imposed for the violation of the chapter.

D. The Township Code Enforcement Official and/or his designee shall have the authority to enforce all provisions of this Chapter 72 and pursue legal remedies of § 72-32.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall take effect within twenty (20) days of final passage and publication, as provided by law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas Van Artsdalen, III, Committee Member

Matthew Cox, Committee Member

Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on September 28, 2021. Publication will be held on October 04, 2021 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 12, 2021 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk