

BOROUGH OF FANWOOD

**APPLICATION FOR BUSINESS LICENSE OF
NEW AND EXISTING BUSINESSES**

APPLICANT:

Name: _____ **Percentage** _____ %

Address: _____

Telephone No. _____ **Cell Phone No.** _____ **Fax:** _____

All principals owning 10% or more of business:

Name: _____ %

Address: _____

Telephone No. _____ **Cell Phone No.** _____ **Fax:** _____

Name: _____ %

Address: _____

Telephone No. _____ **Cell Phone No.** _____ **Fax:** _____

CORPORATION:

Registered Agent: _____

Address: _____

Telephone No. _____ **Cell Phone No.** _____ **Fax:** _____

NAME AND ADDRESS OF BUSINESS:

Name: _____

Address: _____

Description of Premises: _____

Chapter 142

BUSINESSES, CERTIFICATION OF NEW AND EXISTING

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[HISTORY: Adopted by the Mayor and Council of the Borough of Fanwood 7-11-2006 by Ord. No. 06-14R; amended in its entirety 3-13-2007 by Ord. No. 07-06R. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Business, trade or occupation licensing — See Ch. 141.

§ 142-1. Purpose.

The purpose of this chapter is to assist in developing, promoting and encouraging greater and more successful business and industrial activity in the Borough. This overall objective will best be served by: first, having those businesses and industries presently located in the Borough register the names and general nature of their activity; secondly, the Borough will endeavor to foster a harmonious relationship between Borough officials and members of the Borough's business and industrial community; and thirdly, the Borough will interact with the businesses and promote an exchange of information between government and the Borough's business and industrial community which will constructively serve the mutual interests of all.

§ 142-2. Definitions.

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

BUSINESS — Any commercial, industrial or mercantile activity as set forth in N.J.S.A. 40:52-1.

PERSON — Includes plural as well as singular, and also includes corporations, associations, limited liability companies and partnerships, and joint ventures.

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§ 142-3. Certification required.

Before any person shall open, operate or establish a business in the Borough of Fanwood ("Borough"), said person shall apply for and secure a certification for such business from the Borough Clerk ("Certification"). The requirements of this chapter shall apply to all existing businesses within the Borough, as well as any businesses commenced on or after the effective date of this chapter.

§ 142-4. Application for certification.

- A. Application for a certification shall be made on forms obtained from the Borough Clerk. In the case of corporations, associations, partnerships, limited liability companies and limited liability partnerships, all officers, directors, stockholders or members owning an interest of 10% or more shall be listed on the application. In the case of partnerships and joint ventures, all general partners or members, as the case may be, of said partnership or joint venture shall be listed on the application.
- B. The issuance of a certification by the Borough shall not act as or be interpreted as a certification that the business is in compliance with zoning and/or land use requirements for the district in which the business is located, certification of a valid preexisting nonconforming use for the business as contemplated by N.J.S.A. 40:5D-68, and/or permit the business not to obtain any and all certifications required by the State of New Jersey, the County of Union, the Borough, and/or all other governmental entities. Issuance of a certification by the Borough does not evidence compliance with other applicable rules, regulations, ordinances and statutes of the municipality, county and State of New Jersey, or other regulatory agencies having jurisdiction over the activities of the certification holder.
- C. An application for a certification shall be accompanied by the required fee as set forth hereafter.
- D. The application shall contain the following information:
 - (1) Name and permanent and local address of the applicant and telephone number and email address of the business. If the applicant is a corporation, the name and address of its registered agent.
 - (2) If the business activity is to be carried on at a fixed location, the address and description of the premises.
 - (3) The days of the week and the hours of the day during which the certification activity is expected to be conducted.
 - (4) A description of the nature of the business and the goods, property or services to be sold, rented or supplied.
- E. Existing businesses in the Borough are required to comply with the terms of this chapter not later than March 1, 2007.

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§ 142-5. Contents of license.

Licenses shall be in a form which the Mayor and Council of the Borough shall prescribe and shall contain the following information:

- A. The name and address of the licensee.
- B. The number, type of the license and the nature of the licensed activity.
- C. The address at which the licensed activity is conducted, if the activity is carried on at a fixed location.
- D. If the licensed activity is conducted from a vehicle, the make, model and license number of the vehicle.
- E. The expiration date of the license.

§ 142-6. Certification fee.

A certification fee of \$25 shall be paid to the Borough Clerk at the time the initial application is submitted and the fee for renewal shall be \$10.

§ 142-7. Term of certification; application for renewal.

A. A certification when issued shall be valid for two years following the year in which the certification is issued, unless sooner terminated by the business discontinuing its operations in the Borough. No later than 30 days prior to the expiration of the certification, the holder shall make application to the Borough Clerk for its renewal. Application for a renewal shall follow the same procedures and requirements as set forth for a new application.

§ 142-8. Revocation of certification.

A. The Mayor and Council may revoke a certification granted under this chapter for any of the following reasons:

- (1) A finding that there was any misstatement of material fact in the application upon which the certification was issued.
 - (2) The occurrence of any fact which, had it occurred and been known to the licensing authority before issuance of the certification, would have resulted in the denial of the application.
 - (3) Failure or refusal to comply with any lawful regulation or order of the Mayor and/or Council.
- B. The holder of the certification may request a hearing before the certification is revoked and such a hearing shall be held before the Mayor and Council.

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C. A certification shall not be revoked until 10 days' written notice has been served upon the holder of the certification at his or her last known address, within which time the certification holder shall be permitted to request a hearing.

§ 142-9. Certification nontransferable.

Any certification issued by the Borough under this chapter is not transferable to any other person, entity or location.

§ 142-10. Record of certifications.

The Borough Clerk shall keep a record of all certifications issued under this chapter. The record shall be in a form prescribed by the Mayor and Council and shall contain the same information as is required to be contained in the certification. It shall also indicate the amount of the fee paid, if any, for the certification, the date of the issuance of the certification, whether the certification is a new certification or a renewal.

§ 142-11. Display of certification.

When the certification activity is conducted at a fixed location, or from a vehicle, the certification shall be prominently displayed at the location or on the vehicle. In all other cases, the holder shall have the certification in his/her/its possession at all times and shall display it upon the request of any police officer or any person with whom he or she is doing business.

§ 142-12. Power to make rules and regulations.

The Mayor and Council may, by resolution, make rules and regulations, which interpret or amplify any provision of this chapter or for the purpose of administering the provisions of this chapter or making them more effective. No regulation shall be inconsistent with or alter or amend any provision of this chapter, and no regulation shall impose any requirement which is in addition to or greater than the requirements that are expressly or by implication imposed by any provision of this chapter.

§ 142-13. Exemptions.

- A. Persons rendering services to a household and persons engaged in a home occupation as defined in Chapter 184 of the Borough Code or legally operating from a professional office in a residential zone.
- B. Persons conducting or participating in activities such as art shows, rummage sales or similar events for which other Borough permits have been issued.
- C. Person(s) rendering delivery services to residential or business properties, if such person(s) does not maintain a business physically located within the Borough.
- D. Utility companies whose activities or rates are regulated by the State of New Jersey.

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§ 142-14. Exemptions from fee only.

- A. An institution or organization, which is conducted, managed or carried on wholly for the benefit of charitable purposes, or from which profit is not derived either directly or indirectly by any individual, firm or corporation.
- B. Persons who are paying license fees to the State of New Jersey, County of Union or the Borough in order to operate their specific occupation or business.

§ 142-15. Changes in businesses or locations.

Every person having a certification which ceases to operate, changes the principal activity in which it is engaged, changes its location and/or locations in the Borough, moves out of the Borough or changes owners must submit written notice to the Borough Clerk within 30 days of such change.

§ 142-16. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction therefor, be subject to a fine not exceeding \$2,000, or by imprisonment for a term not exceeding 90 days, or both.