

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, CHAPTER 5, "BUSINESS LICENSES AND REGULATIONS"

WHEREAS, the Legislature has authorized municipalities to enact, amend, and supplement ordinances as set forth in N.J.S.A. 40: 48-2; and

WHEREAS, the Legislature has also authorized municipalities to pass ordinances for the protection of life, health, and property, and for the preservation of the general welfare as set forth in N.J.S.A. 40:72-3; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of New Brunswick, County of Middlesex, State of New Jersey as follows:

SECTION I

Section 5.04.030, Investigation of applicants, is **amended to read** as follows:

Each application shall be referred to the police director, chief of police or a police officer designated by him or her who shall immediately institute whatever investigation of the applicant's business responsibility, moral character and ability to properly conduct the licensed activity as he or she considers necessary for the protection of the public. He or she shall communicate his or her findings in writing to the city clerk within a reasonable time after the application has been filed. If the police director or chief of police determines that the applicant's character, ability or business responsibility are unsatisfactory or the products, services or activity are not free from fraud, or the applicant has committed wage theft which finding has not been cured by the applicant by compliance with the Order/Decision of the governmental entity determining same **within ninety (90) days of such finding**, he or she shall disapprove the application and the clerk shall refuse to issue the license and shall so notify the applicant, **or in the case of an active license not considered in compliance with this section, shall move to suspend the license upon notice to the licensee of non-compliance, and after an opportunity for hearing before the City Council.** Otherwise, the clerk shall issue the license immediately, provided the required license fees have been paid except in cases where approval of the governing body is required. In the case of an application for a solicitor's, peddler's or canvasser's license, the license may be issued immediately subject to the investigation. In the event of the refusal of the issuance of a license **or notice of suspension as provided for above**, the applicant may appeal to the governing body for hearing. The appeal must be filed in writing with the clerk within fourteen (14) days after notification of the refusal **or suspension**. The governing body shall hold its hearing within a reasonable time, ordinarily within thirty (30) days thereafter. The decision of the governing body is final.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:

DATED: January 16, 2019



 COUNCIL PRESIDENT

COUNCIL MEMBER	Y	N	AB	NY	NV	N	NY	AB
EGAN	X							
ESCORIBAR	X							
FLIMING	X							
COUNCIL MEMBER								
BOBULLI/BOULEVARD								
ANDERSON Pres								

FIRST READING VOTE ON JANUARY 16, 2019: N= MOVED S= SECOND NY= NO VOTE AB= ABSENT

ADOPTED ON SECOND READING:
DATED:

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF , 2019.

MAYOR

APPROVALS:

CITY ADMINISTRATOR



CITY ATTORNEY

TKS/kc