

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #13/23

**AN ORDINANCE AMENDING CHAPTER 59 TO ESTABLISH UNIFORM LICENSE
APPLICATION PROCEDURES**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety, and welfare of the municipality and its inhabitants; and

WHEREAS, the Town of West New York (the “Town”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, there are a number of businesses operating within the Town which require licensing; and

WHEREAS, the Town desires to amend the current Code regulating licensing requirements to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses issued by the Town, except alcoholic beverage licenses and dog licenses and except as may be specified otherwise or provided elsewhere in the Code.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, as follows:

SECTION ONE

The current text and title of Chapter 59, of the Code of the Town of West New York “License applications to be submitted to License Department” shall be deleted and replaced as follows:

CHAPTER 4

GENERAL LICENSING

§59-1 Applications.

All applications for licenses shall be accompanied by the required fee and shall be made to or through the Office of the Town Clerk upon forms provided by them. Applications shall contain the information specified by resolution of the Board of Commissioners and may include the following, along with any other information deemed necessary or specifically called:

- A. Name and permanent and local address of the applicant. If the applicant is a corporation, the name and address of its registered agent.
- B. If the licensed activity is to be carried on at a fixed location, the address and description of the premises.
- C. If a vehicle is to be used, its description including the license number.
- D. If the applicant is employed by another, the name and address of the employer, together with credentials establishing the exact relationship.

- E. The days of the week and hours of the day during which the licensed activity will be conducted.
- F. A description of the nature of the business and the goods, property, or services to be sold or supplied.
- G. A statement as to whether the applicant has ever been convicted of any crime or the violation of any municipal ordinance, other than traffic offenses, and if so, the date and place of the conviction, nature of the offense, and punishment or penalty imposed.
- H. Appropriate evidence as to the good character and business responsibility of the applicant so that an investigator may properly evaluate their character and responsibility.
- I. Applications by partnerships shall be signed by all partners with the information required by this subsection supplied in detail as to each partner, and applications of corporations shall have attached individual statements containing all of the information required by this subsection relating to each employee or agent who shall engage in the licensed activity, and shall be signed by each employee or agent.

§ 59-2 Issuance by department; exceptions.

All licenses of every type and kind as regulated by the various ordinances of the Town of West New York shall be issued after proper application as set forth in § 59-1 hereof, through the Office of the Town Clerk, except that this chapter shall not apply to the various types of licenses which are specifically delegated to be applied for, issued and regulated by any municipal department or municipal agency pursuant to the direction of any law or statute of the State of New Jersey.

§ 59-3 Investigation of Applicants

- A. Each application shall be referred to the Deputy Chief of the Police Department or their designee, who shall immediately institute an investigation of the applicant's business responsibility, moral character, and ability to properly conduct the licensed activity within the Town of West New York. The Deputy Chief of Police shall communicate their findings in writing to the Office of the Town Clerk within a reasonable time after the application has been filed.
- B. If the investigator determines that the applicant's character, ability or business responsibility is unsatisfactory, or the products, services or activities are not free from fraud, they shall disapprove the application and the Office of the Town Clerk shall refuse to issue the license and shall so notify the applicant. Otherwise, the Office of the Town Clerk shall issue the license, provided the required license fees have been paid, except in cases where approval of the Board of Commissioners is required.
- C. In the event of the refusal of the issuance of a license, the applicant may appeal to the Board of Commissioners for a hearing. The appeal shall be filed in writing with the Office of the Town Clerk within 14 days after notification of the refusal. The Board of Commissioners shall hold its hearing within 30 days thereafter, and its decision shall be final.

§ 59-4 Contents of License

Licenses shall be in a form which the Board of Commissioners shall prescribe by resolution and shall contain the following information:

- A. The name and address of the licensee;
- B. The number and type of the license and nature of the licensed activity;

- C. The address at which the licensed activity shall be conducted, if the activity occurs at a fixed location;
- D. If the licensed is conducted from a vehicle, the make, model and license plate number of the vehicle;
- E. The expiration date of the license; and
- F. Any other appropriate information which the Deputy Chief of Police may request and the Board of Commissioners may require by resolution.

§59-5 License Record

The Office of Town Clerk shall keep a record of all licenses issued under this Chapter. The record shall be in a form prescribed by resolution of the Board of Commissioners and shall contain the same information as required by §59-4. It shall also indicate the amount of the fee paid for the license, the date upon which the payment was received, the date of the issuance of the license, whether the license is new or a renewal and any other information which the Board of Commissioners may require by resolution.

§ 59-6 Display of License

When the licensed activity is conducted at a fixed location or from a vehicle, the license shall be prominently displayed at the location or on the vehicle. In all other cases, the licensee shall have the license in their possession at all times, and shall display it upon the request of any employee of the Town of West New York or any person with whom the licensee is doing business.

§59-7 Transferability

Except as otherwise provided, a license shall apply only to the person to whom it was issued and shall not be transferrable to another person. In cases where the licensed activity is conducted at a fixed location, licenses may be transferred from place to place, but only with the approval of the Board of Commissioners by resolution. The fee for the transfer of a license from place to place shall be five dollars (\$5.00).

§59-8 Expiration Date and Renewal

Except as may be specified otherwise or provided elsewhere in the Town Code, all licenses shall expire on December 31st of the year of issuance at 12:00 midnight, and applications for the renewal of licenses shall be made not later than December 1st in the year of issuance.

§59-9 Revocation of License

Any license or permit issued by the Town may be revoked by the Board of Commissioners after notice and a hearing for any of the following causes:

- A. Fraud or misrepresentation in any application for a permit or license;
- B. Fraud, misrepresentation or other dishonesty in the conduct of the licensed activity;
- C. A violation of any provision of this Chapter;
- D. Conviction of the licensee or any person possessing an ownership interest in the licensee's business for any felony or misdemeanor or disorderly person's offense involving moral turpitude;
- E. Conduct of the licensed activity whether by the licensee himself or their agents or employees in an unlawful manner or in a manner which constitutes a breach of the peace or a menace to the public health, safety or general welfare.
- F. Whenever a license has been issued immediately upon an application pending the results of the investigation provided for by this Chapter, such license may be summarily revoked if the result of the investigation is such as would have resulted in denial of the application.

§ 59-10 Notice of Hearing

Notice of a hearing for the revocation of a license or permit shall be given in writing by the Office of the Town Clerk. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. It shall be served by mailing a copy to the licensee at their last known address by certified mail, return receipt requested, at least five days prior to the date set for the hearing.

§59-11 Hearing and Determination

At the hearing, the licensee shall have the right to: appear and be heard, be represented by an attorney, present witnesses on their own behalf, cross-examine opposing witnesses, and create a permanent record of the proceedings at their own expense. The Board of Commissioners shall revoke or suspend the license if it is satisfied by a preponderance of evidence that the licensee is guilty of the acts charged.

§59-12 Reinstatement of Revoked Licensed

The Board of Commissioners may issue another license to a person whose license has been revoked or denied as provided in this Chapter if after a hearing, the Board of Commissioners is satisfied by clear and convincing evidence that the acts which led to the revocation or denial will not occur again. Otherwise, no person whose license has been revoked, nor any agent acting on their behalf, directly or indirectly, shall be issued another license to carry on the same activity.

§ 59-13 Power to Make Rules and Regulations

The Board of Commissioners 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.

SECTION TWO:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION THREE:

Repealer. To the extent that any provision of the Code of the Town of West New York is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR:

In order to avoid accidental repeal of existing provisions, the Town Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE:

This Ordinance shall take effect upon passage and publication as required by law.

Introduced: 8/30/2023

Adopted: 9/20/2023

Statement

The foregoing ordinance having been previously adopted for first reading and published was further considered by the Mayor and Board of Commissioners of the Town of West New York on **September 20, 2023** and at said date was duly and finally adopted after public hearing thereon.

Adelanny Plaza, RMC
Town Clerk

Commissioner Marcos A. Arroyo

Commissioner Victor M. Barrera

Commissioner Marielka A. Diaz

Commissioner Adam W. Parkinson

Mayor Albio Sires
Board of Commissioners

Attest: _____
Adelanny Plaza, RMC
Town Clerk