

ORDINANCE NO. 22-21-OAB

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER V, ENTITLED "GENERAL
LICENSING AND BUSINESS REGULATIONS" SO AS TO
AMEND SECTION 5-1.9**

May 23, 2022

SECTION 1. Chapter 5 of the Township Code of the Township of Berkeley, entitled "General Licensing and Business Regulations," is hereby amended and supplemented so as to amend §5-1.9, entitled "Duties of Licensees", which shall now read as follows:

Every holder of a license issued by the Chief of Police under the authority of this section or by the Clerk of the County of Ocean under the authority of N.J.S.A. 45:24-9 shall be required to carry such license with him while engaged in the business or activity licensed within the corporate limits of the Township. He shall produce such license or sanitary inspection certificate, as hereinafter provided, at the request of any official of the Township or of any resident of the Township with whom he wishes to conduct, his business or activity. Every such licensee shall restrict his or her activity within the Township of Berkeley to the hours between 9:00 a.m. and 7:00 p.m. prevailing time on Mondays through Saturdays, **except in the PRRC communities, which such hours shall be from 10:00 a.m. to 4:00 p.m. prevailing time on Mondays through Saturdays.** The licensee shall not engage in any door-to-door business activity on the following family-oriented holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

a. If a vehicle or vehicles are to be used by the licensee under this section or by a licensee licensed under the authority of N.J.S.A. 45:24-9, et seq., where the business of the licensee is the sale of foodstuffs, within the Township, the licensee shall, before commencing business, present such vehicle or vehicles to the Ocean County Board of Health for inspection. The Ocean County Board of Health shall inspect such vehicle or vehicles and, if satisfied that the vehicle is in a sanitary condition and capable of readily being maintained in a sanitary condition, shall furnish to the licensee a certification that such vehicle, identifying it by license plate number, has been inspected and approved. The licensee shall thereafter have such vehicle or vehicles so inspected and obtain from the Ocean County Board of Health an endorsement to the initial certification of approval at intervals of not more than two weeks from the previous inspection, during the period in which the licensee engages in business. Any such vehicle found to be in an unsanitary condition shall not be used by the licensee in the conduct of business in the Township.

b. If a vehicle or vehicles are to be used by a licensee in any operation regulated by this section, the applicant for a license hereunder shall file with the Chief of Police, in addition to the requirements of Subsection 5-1.5, evidence that such vehicles are covered by liability insurance to satisfy any claim for damages sustained by any person as a result of the use by licensee of such vehicle or vehicles in the conduct of his business under this section, resulting in property damage or personal injury. Such insurance shall have a minimum limit of \$250,000/\$500,000 for personal injury and \$10,000/\$20,000 for property damage.

c. As a condition for the issuance or renewal of any license or permit issued under this section or requiring the approval of the municipality, the applicant shall be required, if he or she is the owner thereof, to pay any delinquent property taxes or assessments on the property wherein the business or activity for which the license or permit is sought or wherein the business or activity is to be conducted

SECTION 2. This ordinance shall take effect after second reading and publication as required by law and the filing of the adopted ordinance with the Ocean County Planning Board.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.



CARMEN F. AMATO, JR., Mayor



SOPHIA GINGRICH, Council President
JOHN BACCHIONE, Council Vice President

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on May 23, 2022, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 27th day of June, 2022, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.



BEVERLY M. CARLE, RMC
Township Clerk, Township of Berkeley