



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 20-04

**An Ordinance Amending Section 4-9.1 of the Borough Code
to Clarify Mercantile License Requirements**

WHEREAS, N.J.S.A. 40:52-1 authorizes the Borough to license businesses operating within the municipality; and

WHEREAS, Chapter 4, Section 9 of the Borough Code provides for such Mercantile Licenses; and

WHEREAS, the governing body of the Borough of Highlands wishes to clarify the license requirement provision set forth in Section 4-9.1 of the Borough Code.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I. Borough Code Section 4-9.1 "License Required" shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ***strikeovers in bold italics***).

4-9.1 License Required.

~~*Except in those cases where a different license is required by another provision of this revision or by the laws of the State of New Jersey, no*~~ ***No*** person shall either directly or indirectly conduct any business as defined in this subsection unless he has obtained a mercantile license. ***The issuance of a license under this chapter is in addition to, and not in derogation of, any law of the State of New Jersey or ordinance of the Borough regulating the business so licensed. This chapter shall not apply to any person, firm, corporation, partnership or other entity licensed under the various laws of this state which prohibits licensing by municipalities.*** For the purposes of this section, any person shall be deemed to be engaged in a business and subject to the provisions of this section when he does either or both of the following acts:

- a. Sells any goods or services from a fixed location in the borough where the business is conducted directly from a fixed location.
- b. Solicits business or offers goods or services for sale or for hire from a fixed location in the borough where the business is conducted directly from the fixed location.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

First Reading and Set Hearing Date for O-20-04 for February 19, 2020

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN	X		X			
VALKOS			X			
BROULLON		X	X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 02/05/2020



Matthew Conlon, RMC, Municipal Clerk

Public Hearing and Adoption February 19, 2020 Ordinance 20-04

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN		X	X			
VALKOS			X			
BROULLON	X		X			

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DATE OF VOTE: 02/19/2020



Matthew Conlon, RMC, Municipal Clerk

