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ARTICLE 1. CIRCULAR DISTRIBUTION

8-1. Unlawful to Distribute Except in Accordance with Law.

No person shall distribute or in any manner circulate, or cause, suffer or permit the distribution or circulation of printed or other matter commonly known as hand bills (hereinafter referred to as circulars) in or along any public street, place, sidewalk, dwelling, store or building, or the porch, vestibule, or other entrance thereto, or in any automobile or conveyance in the Town except in accordance with the provisions hereof. (7-12-38 s1)

8-2. Manner of Distribution.

Circulars may be distributed by handing them to persons over the age of fourteen years, upon the premises wherein it is intended that such delivery shall be made, or by placing them under the door of the premises, or otherwise in such manner as to prevent the circulars from being strewn or littered on the premises or streets. (7-12-38 s2)

8-3. Placing Circulars on or in Automobiles Prohibited.

Circulars shall not be placed in automobiles parked along the streets in the Town, nor shall they be attached thereto in any manner without the consent of the owner or occupant thereof and under no circumstances shall circulars be placed in or attached to any automobile or other conveyance which is unoccupied at the time of such delivery or distribution. (7-12-38 s3)

8-4. Newspapers and Other Articles Excepted.

This Article shall not apply to the delivery of newspapers, political circulars, election campaign material, or articles which shall have been ordered or purchased by the recipient thereof and shall not affect the delivery of mails or any other governmental function.

8-5. License Required: License Fee; Term; Non-Transferable; Possession of License.

No person shall distribute circulars without first having obtained a license from the Town Clerk to do so. The license when issued shall not become effective until at least twenty-four (24) hours after the application is received and the Town Clerk shall advise the Police Department of the issuance of the license and the time when the distribution of circulars will be made. The license shall be issued by the Town Clerk on application of any person, to said person, on payment of a license fee of thirty (\$30.00) Dollars (1996), which shall be transmitted by said Clerk to the Town Treasurer. The license shall be valid for a period of forty-eight (48) consecutive hours, to be specified thereon and shall not be

transferable. The license shall be carried on the person on the license and exhibited whenever he is called upon to do so.

8-6. Purpose.

The purpose of this Article is to regulate and prevent the careless distribution of the articles enumerated in Section 8-1 hereof, and thereby reduce the governmental costs of street cleaning in the Town. (7-12-38 s7)

8-7. Violations.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both.

ARTICLE 2. ENTERTAINMENT, SHOWS, CIRCUSES, MOTION PICTURE THEATRES, ETC.

8-15. License Required.

No person shall carry on or conduct the business of traveling or other shows, circuses, plays, dances, exhibitions, concerts, theatrical performances or street parades in connection therewith, theatres, show houses, opera houses, concert halls, motion picture theatres, dance halls, pool or billiard parlors, exhibition grounds or other places of public amusement without having first obtained a license from the Town Clerk to do so. (6-19-22 sl)

8-16. Issuance of License by Town Clerk.

The Town Clerk is hereby authorized to issue any such license upon the payment by the applicant of the proper fee therefore as hereinafter provided. (6-19-22 s2)

8-17. Term; Non-Transferable.

Every license shall remain in force and be valid only for the time therein-expressed and shall not be transferable. (6-19-22s3)

8-18. License Exhibited.

Any person to whom such license is granted as herein-provided is hereby required to exhibit such license whenever called upon to do so. (6-19-22 s4)

8-19. License Fees.

The license fees under this Article shall be as follows:

(a) Circuses, traveling or other shows, including street parades in connection therewith, or other street parades: Fifty (\$50.00) Dollars per day.

b) Plays, exhibition, concerts, theatrical performances, exhibition grounds, or other public amusements: Twenty-five (\$25.00) Dollars per day.

(c) Theatres, motion picture houses, opera houses or concert halls: Two Hundred (\$200.00) Dollars per year.

(d) Dance halls or skating rinks: One Hundred (100.00) Dollars per year.

(e) Pool and billiard rooms: One hundred (\$100.00) Dollars per year. (1996)

(f) Bowling Lanes: Fifteen (\$15.00) Dollars per year for each alley. (1997)

(g) All of such fees are payable on application, and must be paid before license is issued or delivered.

(h) No license shall be deemed necessary for any person operating any of the above enumerated places for non-profit, the proceeds of which are devoted exclusively to the purpose of philanthropic, charitable or religious societies, on whose behalf they act as an agent without pay.

8-20. Violations.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both.

ARTICLE 2A. SPECIAL EVENTS (1995)

8-21. Definitions.

(a) Municipal Costs - Any and all expenses incurred by the Town of Hackettstown for a licensed special event including operating expenses, salary and wages, benefits and any other expenses of any department.

(b) Special event All shows, carnivals, circuses, festivals, fairs, flea markets, outdoor plays, outdoor dances, outdoor concerts or outdoor theatrical events, parades, sporting events not directly involved in interscholastic sports or not directly sponsored by the Hackettstown Recreation Commission. Special events also includes any event requiring the temporary or permanent closure of any Town streets or sidewalks or any event impacting on the public health, safety or welfare of the Town of Hackettstown or its residents. Excluded are any funerals, memorials, memorial parades, graduations or Town sponsored functions. Also excluded are any events conducted inside any permanent structure and which do not impact on Town services.

(c) Flea Market - A sale of items of tangible personal property wherein on one (1) location there are multiple vendors who have paid a fee for the privilege of occupying the space allotted to each such vendor for the purpose of displaying and selling items of tangible personal- property.

8-22. License Required,

No person, corporation or organization shall carry on or conduct a special event without having first obtained a license from the Mayor and Common Council.

8-23. Issuance of License.

(a) Application - All applicants shall submit an application to the Town Clerk for consideration by the Mayor and Common Council at least 60 days prior to the special event. The application shall include the following information:

1. Date, times and location including zone of special event.
2. Name, address and phone number of applicant, property owner and emergency contact.
3. Detailed description of special event, including activities planned, estimated number of persons attending, etc.
4. Description of security.

5. Description of sanitary provision.
6. Description of health, fire and rescue squad provisions.
7. Traffic and parking control.
8. Evidence of insurance.
9. Alcohol or food permits required, if any.
10. Lighting.
11. Description of any proposed open flame cooking facilities or proposed use of any pressurized flammable or combustible gases.
12. Any and all other information necessary for the Mayor and common Council to properly evaluate the application.

(b) The Construction Official, Chief of Police, Fire Chief, Chief of the Hackettstown First Aid and Rescue Squad and Superintendent of the Department of Public Works shall all review the application and provide their comments and estimated cost of the Town services required prior to the consideration of the application by the Mayor and Common Council.

8-24. License Fee. The license fee under this Article shall be \$50.00 per special event and shall be due at the time of application. The Mayor and Common Council may vote to waive the fee where the special event is being operated for a non-profit organization whose exclusive purpose is devoted exclusively for eleemosynary, philanthropic, charitable or religious purposes.

8-24A. Reimbursement Agreement.

1. The approval of any license application in which it is the opinion of the Mayor and Common Council that the special event will require the Town to incur municipal costs shall be conditioned upon the execution by the applicant of an agreement providing that the applicant will pay for all municipal costs incurred for the special event.

2. The applicant shall deposit with the Town 50% of the estimated municipal costs required to be reimbursed to the Town by the applicant prior to the issuance of the license by the Clerk. The applicant shall pay the balance owed for municipal costs within 10 days of the issuance of a bill from the Town.

3. The Mayor and Common Council may in their sole discretion vote to waive all or some of the required reimbursement for special events sponsored by charitable or nonprofit organizations.

4. All Town employees, staff or police officers required to work a special event shall be paid their on duty rate.

8-24B. Flea Markets; License Required.

No person, firm or corporation may conduct a flea market other than a bona fide charitable, eleemosynary, educational or cultural organization organized not for profit and being able to establish that it is such type of nonprofit organization, subject, however, to the following requirements:

(a) Each organization authorized to conduct a flea market in accordance with this section shall obtain a special events license in accordance with this article.

(b) Flea Markets shall be limited to two (2) consecutive calendar days, and shall be conducted only between the hours of 9:00 a.m. and 5:00 p.m. There will be a maximum of two (2) rain dates allowed. No organization will be granted more than two (2) licenses for a flea market in any calendar year.

8-24C. Violations.

Any person who shall violate any provision of this Article shall, upon conviction, thereof, be punished by a fine not exceeding One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. Each day any violation of this Article shall continue shall constitute a separate offense and be punishable as such. The institution of any fine or penalty shall not relieve any applicant of the obligation to pay any municipal costs related to the special event.

ARTICLE 3. PEDDLERS AND SOLICITORS

8-25. Permit and License Required.

It shall be unlawful for any person to engage in the business of peddler, solicitor, or itinerant merchants as defined in Section 8-26 of this Article within the Town without first obtaining a license therefor as provided herein.

8-26. Definitions.

(a) Person: The word "person" as used shall include the singular and plural and shall mean and include any person, firm or corporation, association, club, partnership, society or any other organization.

(b) Peddler: A "peddler" is any person who goes from place to place by traveling on the streets and roads or from house to house carrying, conveying or transporting goods, wares, or merchandise for the purpose of selling and delivering them to customers. The word "peddler" shall include the words "hawker" and "huckster".

(c) Solicitor or Canvasser: A "Solicitor" is any person who goes from place to place by traveling on the streets or roads or from house to house taking or attempting to take orders for the sale of goods, wares and merchandise, or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not they are collecting advance payments on such sales. The word "solicitor" shall include the word "canvasser", provided, however, that this definition shall not include wholesalers calling on retail merchants.

(d) Merchandising: "Merchandising" shall include all goods, wares, food, fruit, vegetables, farm products, magazines, periodicals, and all kinds of articles of personal property for domestic use; and orders or contracts for a service, home improvement or alterations shall be considered merchandise within the terms of this Article.

8-27. Exceptions from License.

The requirements of this Article shall not apply to the following:

(a) Any person honorably discharged from the military service of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9.

(b) Any person who is an exempt fireman of a volunteer Fire Department as defined by N.J.S.A. 45:24-9, possessing a license in conformity with said law.

(c) Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business, to the premises or persons who had previously ordered the same or were entitled to receive the same by reasons of a prior agreement.

(d) Any school, charitable, political or civic organization, benevolent society, service club, or organization not for profit which is located in, or has a substantial membership from the Town of Hackettstown, and carrying identification assigned by the organization the canvasser represents shall be excepted from the provisions of this Article.

8-28. Application for License.

Every applicant for a license under this Article shall file with the Chief of Police a sworn written application containing the following information:

(a) Name and description of the applicant.

(b) Permanent home address and full local address of the applicant.

(c) A brief statement of the nature of the business and a description of the merchandise or service to be sold.

(d) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(e) The length of time for which the license is desired.

(f) If a vehicle is to be used, a description of such vehicle and its license number.

(g) The place where the goods or property to be sold or offered for sale or manufactured or produced, where such goods or property are located at the time such application is filed, and the proposed method of delivery.

(h) A photograph of the applicant taken within (60) days immediately prior to the date of application, which photograph shall clearly show the head and shoulders of the applicant and shall measure 2" x 2".

(i) Two (2) business references located in the County of Warren, State of New Jersey; or in lieu thereof, such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and responsibility.

(j) A statement as to whether the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

8-29. Fees.

(a) Registration Fee: At the time the application is filed, a fee of forty (\$40.00) dollars shall be paid Town Clerk to cover the cost of processing the application and investigating the facts stated therein.

(b) License Fee: The license fee which shall be charged by the Town Clerk for the issuance of a license hereunder shall be five (\$5.00) dollars per day, fifteen (\$15.00) dollars per week, twenty-five (\$25.00) dollars per month, and one hundred ten (\$110.00) dollars per year.

(c) Any charitable or religious society that shall conduct sales of personal property when proceeds thereof shall be applied to the payment of the expenses thereof, and to the charitable or religious object for which the society exists, shall be exempt from payment of the license or registration fee.

8-30. Investigation and Issuance of License.

When the aforesaid application is properly filled out and signed by the applicant, the original and duplicate thereof are filed with the Chief of Police, who shall make or cause to be made, such investigation of the applicant's business responsibility and moral character as deemed necessary for the protection of the public good. The duplicate shall be kept on file in the Police Department upon completion of the investigation.

(a) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and the reasons therefor, and shall notify the applicant that the application is disapproved, and that no license shall be issued. Any determination by the Chief of Police that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:

- (1) Conviction of a crime involving turpitude.
- (2) Prior violation of a peddling or soliciting ordinance.
- (3) Previous fraudulent acts or conduct.
- (4) Record of breaches of soliciting contracts.
- (5) Evidence of bad character.

In the absence of any such findings, the Chief of Police shall find the applicant "satisfactory."

(b) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall issue the license to the applicant. Such license shall contain the signature of the issuing officer and shall show the name, address, and photograph of the licensee, the class of license issued, the kinds of goods or services to be sold thereunder, the date of issue, the length of time the license shall be operative, and the license number and other identifying description of any vehicle used in peddling or soliciting activity licensed.

8-31. Duties of Licensee.

Every holder of a peddler's license or solicitor's license issued under the authority of R.S. 45:24-9 shall be required to display such license with them while engaged in the business or activity licensed within the corporate limits of the Town of Hackettstown. The licensee shall produce such license at the request of any official of said Town or of any resident of said Town with whom they wish to conduct their said business or activity. Every such licensee shall restrict their selling activity within the Town of Hackettstown to the hours of between 9:00 a.m. and 5:00 p.m. prevailing time on Mondays through Fridays, shall notify the Police Officer on duty at least once in every week in which they plan to conduct said activity, and before commencing their selling or soliciting activity. Such notification shall include a statement of the general area of the Town in which the licensee intends to conduct said activity, and a schedule of dates and times when said activity shall be conducted. The licensee shall notify the Police Officers on duty of any change in area or time solicitation, should such changes be made during the week.

8-32. Prohibited Practices.

No licensee shall allow any other person to use the license issued hereunder, and the use of such license by any person other than the licensee shall constitute grounds for revocation of the license.

8-33. Enforcement.

It shall be the duty of any Police Officer of the Town to enforce the provisions of this Article and require any person seen peddling or soliciting who is not known by such officer to be duly licensed, to produce their peddler's or solicitor's license.

8-34. Records.

The Chief of Police shall maintain a record of all licenses issued under the provision of this Article and shall record therein all convictions for violations of this Article and other pertinent circumstances and incidents.

8-35. Revocation of License.

(a) Licenses issued under the provisions of this Article may be revoked by the Council of the Town after notice and hearing for any of the following causes:

1. Fraud: misrepresentation or false statement contained in the application for license.
2. Fraud: misrepresentation or false statement by the licensee in the course of conducting the business licensed.
3. Any violation of this Article.
4. Conviction of any crime involving moral turpitude.
5. Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing. Such notice shall set forth the specific grounds of complaint and the time and place of hearing, and shall be sent by registered mail to the licensee at their last known address at least five (5) days prior to the date set for hearing.

(c) In the event the Chief of Police shall determine that there has been a violation of any of items 1 through 5 of Paragraph (a) above, then and in that case the Chief shall immediately notify the Town Council of said violation and shall order the licensee to suspend further operation until a hearing in accordance with the provisions of this Article.

8-36. Appeal.

Any person aggrieved by the action of the Chief of Police or of the Town Clerk in the denial of a license as provided in Section 8-30 of this Article, shall have the right to appeal to the Town Council. Such appeal shall be taken by filing with the Council within fourteen (14) days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Council shall set a time and place for hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as

provided in Section 8-35 of this Article for notice of hearing on revocation. The decision of the Town Council on such appeal shall be final and conclusive.

8-37. Expiration and Renewal of License.

No license issued under the provision of this Article shall extend past one (1) year from the date that the license was issued. Any such license may be renewed, upon payment of a fee of \$10.00 and upon the submission of a new application in conformity with the requirements of Section 8-28 of this Article or, in lieu thereof, a sworn statement in writing setting forth all changes in the information contained in the application for the expired license which are necessary to bring said application completely up to date. Such new application or statement in lieu thereof shall be subject to the provisions and standards set forth in Section 8-28 of this Article.

8-38. Penalty for Violation.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject to a fine not to exceed Five Hundred (\$500.00) Dollars, or to imprisonment not to exceed ninety (90) days, or both. (12-13-71)

ARTICLE 4. COIN OPERATED AMUSEMENT DEVICES

8-45. Definitions.

(a) The term "coin-operated amusement device" as used herein means any amusement machine or device operated by means of the insertion of a coin, token or similar object for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features and does not include any coin-operated mechanical musical devices, such as juke boxes used solely for the purpose of listening to music.

(b) The term "proprietor" is hereby defined to be any person, firm, corporation, partnership, association or club who, as the owner, lessee, or operator, has under their or its control any establishment, place or premises in or at which a coin-operated amusement device or devices are placed or kept for use or play, or on exhibition for the purpose of use or play.

8-46. Licenses Required.

(a) No person, firm, corporation, or other entity shall engage in the business of proprietor of coin-operated amusement device or devices as the terms are herein defined in any store, shop, tavern, restaurant or other place of business within the Town of Hackettstown, without first having obtained a proprietor's license.

(b) No person, firm, corporation or other entity shall place or keep for use or play or on exhibition for the purpose of use or play in any store, shop, tavern, restaurant or other place of business a coin-operated amusement device for which a machine license shall not have been issued.

8-47. Proprietor's License.

The license fee for each proprietor shall be \$165.00 per year for each place of business at which a coin-operated amusement device or devices shall be set up for operation, leased or exhibited or otherwise provided for the purpose of operation by another unless there are less than three machines at such place of business in which case the annual fee shall be \$30.00 for each place of business. All proprietor's license fees shall be payable annually in advance, provided that where application is made after the expiration of any portion of any license year, a license may be issued for the remainder thereof upon payment of the full annual fee. In no case shall any portion of said license

fee be refunded to the licensee. Proprietor's licenses shall expire on December 31st of the year for which said licenses were issued. In no event shall a proprietor's license be transferable.

8-48. Coin-operated Amusement Device License Fee.

The license fee for each coin-operated amusement device as herein defined shall be fifty-five (\$55.00) dollars per year for each device used or played or exhibited for use or play. All coin-operated amusement device license fees shall be payable annually in advance, provided that where applications made after the expiration of any portion of any license year, a license may be issued for the remainder thereof, upon payment of the full annual fee. Coin-operated amusement device licenses shall expire on December 31st of the year for which said licenses were issued.

8-49. Applications for Licenses.

(a) Application for a proprietor's license hereunder shall be filed in writing with the Municipal Clerk on a form to be provided by the Town of Hackettstown and shall specify:

1. The name and address of the applicant; and if a firm, corporation, partnership or association, the principal officers and owners of an interest in excess of 10% and their addresses.
2. The address and area of the premises where the licensed device or devices are to be operated together with the character of the business as carried on at such place.
3. The trade name and general description of the device or devices to be used, the name and address of the supplier or suppliers thereof, and the number of devices to be used which number shall be endorsed on the proprietor's license.
4. The proper license fee shall accompany each and every such application.
5. Such other information as shall be necessary to investigate and evaluate the standards specified in Section 8-50.

(b) Application for a coin-operated amusement device license hereunder shall be filed in writing with the Municipal Clerk on a form to be provided by the Town of Hackettstown and shall specify.

1. Name and address of proprietor and address of licensed premises of proprietor and proprietor's license number.
2. The name and address of the owner, lessor, lessee, bailee, lien-holder or any other person having a pecuniary or proprietary interest in the coin-operated amusement device.

3. In no event shall a license for a coin-operated amusement device be issued to other than a proprietor licensed hereunder.

8-50. Licensing Standards.

Upon receipt of an application for a license to be a proprietor, as herein defined, of any coin-operated amusement device, the Clerk shall notify the Mayor and Council of the Town of Hackettstown which shall make, or cause to be made, an investigation within 45 days of the time of said application. Such investigation shall include, but need not be limited to the following:

(a) The Building Inspector shall make or cause to be made, an inspection with regard to such licenses, of the premises at which the coin-operated amusement device is proposed to be located. Such inspection shall consider the preventing of nuisances, the control of the spread of disease, the protection of the public health and such other considerations as are consistent with the Regulations as set forth in Section 8-52 of this Article.

(b) The Building Inspector shall also make or cause to be made, such inspection as are relative to the construction and safety of the building or other structures proposed as the premises at which any coin-operated amusement device is to be located.

(c) The Chief of Police shall make or cause to be made such additional investigations as are required to ensure that the Regulations as set forth in Section 8-52 of this Article will be complied with by the applicant at the proposed location; to further ensure that the safety and welfare of the public will be protected and provided for by the applicant at the proposed location to further ensure that the safety and welfare of the public will be protected and provided for by the applicant at the proposed location; and, to investigate such other considerations as are consistent with the said Regulations.

(d) The Mayor and Council may make such further investigations of the applicant as they may deem necessary.

8-51. Increasing Number of Devices.

(a) In the event the proprietor licensed under the provisions of this Article desires, after the expiration of any portion of any license year, to increase the number of devices to be used or played, or exhibited for use or play in their establishment the proprietor shall file an amendment to their original application, filed pursuant to section 8-49 (a) hereof. The Municipal Clerk, shall issue an amendment to the license showing the number of devices licensed thereunder, upon payment of a filing fee of

Twenty-five (\$25.00) Dollars to increase the number of devices and upon the issuance pursuant hereto of coin-operated amusement device licenses for each new coin-operated amusement device, and payment of the fee for each such new device.

8-52. Regulations.

(a) Premises used for the business of a proprietor of coin-operated amusement devices must be kept in a clean and sanitary condition and shall provide such toilet facilities as may be required by law. No refuse of any kind shall be permitted to accumulate on such premises; the said premises shall have suitable and convenient and sanitary receptacles for receiving waste and trash materials and other refuse; and, the said premises must be kept free from rats, mice and vermin. The floors or other surfaces around, beneath or adjacent to any coin-operated amusement device shall be kept in a clean and sanitary condition and in good order and repair.

(b) No coin-operated amusement devices, licensed, or not, shall be conducted, operated or installed as to amount to a nuisance in fact.

(c) No premises at which is located a coin-operated amusement device within the Town of Hackettstown shall be situated within 250 feet portal-to-portal, of a premises used as a church or school, whether such church or school shall be situated within or without the Town of Hackettstown.

(d) No coin-operated amusement device shall be placed at any location in the Town of Hackettstown where it will disturb the peace and quiet of persons outside the immediate premises within which the said device is located.

(e) No coin-operated amusement device shall be located in that part of the Town of Hackettstown within or without a building, so near a public thoroughfare or passageway as to disturb or otherwise interfere with the movement of pedestrians or motor vehicles.

(f) Premises used for the business of a proprietor of any coin-operated amusement device in the Town of Hackettstown must at all times, have safe and adequate lighting and the said operator or proprietor shall be responsible for the maintenance, repair and extension of said lighting.

(g) Nothing herein stated shall be construed to exempt any licensee hereunder from complying with the requirements of any other ordinance of the Town of Hackettstown.

(h) It shall be unlawful for any proprietor to allow the possession and or use of any intoxicating liquor by any person in the premises wherein coin operated amusement devices are set up

for use, unless the proprietor is licensed to sell intoxicating liquor on the premises wherein the coin-operated amusement devices have been set up for operation.

(i) No place of business shall be established or operated except in accordance with a floor plan approved by the construction code official. The floor plan must show exits, layout of machines, tables, furniture, etc. and the construction official shall then determine a reasonable occupancy load in accordance with the Uniform Construction Code, and it shall be unlawful to allow occupancy in excess of the occupancy load so determined. There shall be no less than twenty (20) square feet of gross floor space per machine.

8-53. Inspection.

(a) The Chief of Police shall inspect or cause to be inspected any place or building in which any such device is located; to inspect, investigate, and test such devices, as may be required, and is hereby authorized to seize and hold for such further disposition that is authorized by law, any such coinoperated amusement device found to be in violation of this Article.

(b) It shall be the duty of the Health Officer to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this Article for the protection of the public health.

8-54. Penalties.

Any person, firm, corporation, partnership, association or other entity convicted by the Municipal Court of the Town of Hackettstown for the violation of the provisions of this Article shall be subject to a fine of not more than \$200.00, or imprisonment in the County Jail for a term not to exceed ninety days, or both of the above. Each day that a violation of the provisions of this Article continues shall be considered to be a separate offense.

ARTICLE 5. TAXICABS

8-55. Definitions.

The word "taxicab" shall mean any automobile, taxicab, or other vehicle propelled by motor power, engaged in the business of the transportation of passengers, for hire or pay within the Town.

8-56. Common Council Regulating Authority.

The licensing, regulating and inspecting of taxicabs, examining applicants for licenses who own and operate such taxicabs, the licensing of drivers as hereinafter provided, and the enforcement of the provisions of this Article shall be under the control of the Common Council. (3-12-51 s2)

8-57. License Required for Taxicabs.

No person shall hire out, keep or use for hire or pay any taxicab, without first having obtained a license for that purpose from the Common Council for each and every taxicab. Such license shall be known as "Taxicab License". It shall be identified by a suitable number and shall be issued for a particular taxicab. (3-12-51 s3)

8-58. Qualifications Necessary for Obtaining Taxicab License.

Every person obtaining a taxicab license must be at least twenty-one (21) years of age and a citizen of the United States. If a corporation, such corporation must be organized and existing under the laws of this State and shall maintain an office in the Town. (3-12-51 s4)

8-59. Inspection; License Fee.

No license shall be issued until the said taxicab has been thoroughly inspected and found to be in a safe condition for the transportation of passengers, of good appearance and well-painted; and there must be submitted with the application a certified check or cash for the annual premium for such license, a Certificate from the Chief of Police that the said taxicab is in a safe condition, clean in appearance, and in a sanitary condition. (3-12-51 s5)

8-60. Form of Application; Filing; Action by Council.

All applications for taxicab licenses shall be in writing, in duplicate, and shall contain the full name and address of the owner, the serial number, type, color, age and make of the taxicab, the number of persons it is to carry. Every change of address of the owner shall be reported to the Town Clerk within three (3) days after such change. (3-12-51 s6)

All applications shall be filed with the Town Clerk, who shall submit said applications to the Common Council at the next succeeding meeting for action, and any or all applications may be granted or refused by the vote of the members of said body present at such meeting. (3-12-51 s6)

8-61. License Required for Taxicab Drivers.

No taxicab licensed under this Article shall be maintained or operated on the streets of the Town except by a driver licensed by the Common Council and known as a licensed taxicab driver. Any and every change of address of the driver, as mentioned in this Article, shall be reported in writing to the Town Clerk within twelve (12) days after such change. (3-12-51 s7)

The driver of every such taxicab shall at all times when the same is in public carry a license bearing the inscription, "The Town of Hackettstown, License Number _____" (inserting the driver's license number), which license shall be furnished by the Common Council upon payment of the driver's license fee, and the driver shall not lend his license to another. (3-12-51 s7).

The driver of every such taxicab shall at all times when the same is in public, display a photograph of himself bearing the inscription, "The Town of Hackettstown License Number _____", which photograph shall be, at all times, within view of the passengers being transported. (12-10-62)

8-62. Qualifications Necessary for Obtaining Taxicab Driver's License.

Every applicant for a driver's license shall, in addition to the requirements herein-provided and of any law of the State, prove to the satisfaction of the Common Council that they are twenty (20) years of age; that they have not less than three (3) years' driving experience; that they are in good health with good eyesight, and not addicted to the use of intoxicating liquor; that they are able to read and write the English language; that they are of good character; that they have not been convicted of an indictable offense or of reckless driving; and that they have knowledge of the State Motor Vehicle Department's traffic regulations and ordinances, and geography of the Town. They must furnish with the application for such driver's license a recent photograph of themselves of a size not less than 1-1/4" in height and 1-3/4" in width, which shall be filed with the application. Every license so issued shall be revoked upon conviction of two (2) violations of the State Motor Vehicle statutes.

8-63. Insurance

No taxicab shall be licensed until an insurance policy, or certificate in lieu thereof, and power

of attorney executed to the fiscal officer of the Town empowering the fiscal officer to accept service of process on behalf of said taxicab owner and operator shall have been filed with the Town Clerk as provided for taxicabs and autocabs pursuant to the provisions of the Revised Statutes 48:16-1 to 20, inclusive, together with any amendments or supplements adopted or hereinafter adopted relative thereto, except that the limits of liability of said insurance policy shall be \$500,000.00 combined single limit - bodily injury and property damage and shall include thirty (30) day cancellation clause.

8-64. Taxicabs Operated Only from Tax Stands.

All taxicabs licensed under this Article shall be operated from a taxi stand located on the West side of the Central Parking Lot, and known as spaces 500, 501, 502 and 503.

The taxicab licensee shall pay to the Parking Authority of the Town of Hackettstown the sum of Seventy-five (\$75.00) Dollars per year for the use of one (1) space.

No taxicab licensed under the Article shall park or stand in any metered zones on the streets of the Town, except for the purpose of discharging a passenger at their destination.

8-65. Term.

The taxicab license, as well as the driver's license, shall run from the first of May to the first day of May the following year. (3-12-51 s10)

8-66. Fees

The fees for the issuance of the licenses herein referred to shall be as follows:

(a) For each taxicab license, the sum of thirty-five (\$35.00) dollars per year or any fraction thereof.

(b) For each taxicab driver's license, the sum of twenty-five (\$25.00) dollars per year or any fraction thereof.

The fees herein fixed are imposed for police regulation.

8-67. Revocation and Suspension.

Any license may be revoked or suspended at any time for cause upon the recommendation of the Common Council. (3-12-51 s12)

8-68. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding One Hundred (\$100.00) Dollars or imprisonment in the County Jail

for a term not exceeding thirty (30) days. Each succeeding day of violation shall be construed to be a new violation. (3-12-51 s13)

ARTICLE 6. TRAILER PARKS

8-75. License Required.

No person shall conduct or carry on the business of the operation of a trailer park, or work in, occupy, or directly or indirectly in any manner whatsoever, utilize any place or premises in which is conducted or carried on a trailer park, unless and until there shall be granted by the Common Council, in accordance with the terms of this Article, and shall be in force and effect, a license to conduct said trailer park for the place and premises at which the same shall be carried on. (12-12-55 s1)

8-76. Definition.

For the purpose of this Article, a "Trailer Park" shall mean: Any place where two (2) or more trailers may be parked for longer than three (3) hours, other than in a closed building. "Trailer" shall mean: Any vehicle used or constructed to be used as a conveyance upon public streets, whether self-propelled or otherwise, and so designed as to permit the occupancy thereof as a dwelling or sleeping place, and non self-propelled vehicles of any kind or character constructed or intended to be moved under fuel power. (12-12-55 s2)

8-77. Form of Application.

Said license shall be applied for by written application filed with the Town Clerk. Said application shall set forth the full name and address of the applicant, the particular kind or character of business to be carried on or conducted, vehicles parked, the location or place of the premises in or at which the same is to be carried on, the total area of the ground space thereof and a diagram of same. Said application shall also be accompanied by a deposit to cover the license fee for the current year in the amount hereinafter provided, which said license fee, after the beginning of the year, as to any said place, shall be proportionately prorated for the remainder of the year. (2-12-55s3)

8-78. Parking Trailer on Street.

It shall be unlawful for any person to park any trailer or camp car for any period exceeding two (2) hours on any street in the Town. (2-12-55 s4)

8-79. License Fee.

The license fee for a trailer park shall be four hundred fifty (\$450.00) dollars per annum, and the sum of three (\$3.00) dollars per calendar week per trailer in a park. In the event a trailer is parked

in a park for less than one (1) calendar week, the fee shall be two (\$2.00) dollars. Said license shall expire on December 31st of each year, and said fee is hereby expressly declared to be imposed for revenue. The said sum of four hundred fifty (\$450.00) dollars shall be payable in advance for each year. Each licensee shall maintain a camp register, and each month submit two (2) copies of the same so far as it pertains to the previous month, setting forth the license number of each trailer, serial number, body type and license number of each automobile, date of arrival, whether still at camp, and if out, the date of departure, and the age, name and last permanent address of the owner of each car and trailer and of each occupant thereof. A copy shall be delivered to the Town Clerk and a copy to the Tax Collector, together with payment to the Tax Collector of any and all fees due the Town as provided herein. No license shall be transferable without the permission and approval of the Common Council.

8-80. Water Supply Required.

The licensee shall provide an adequate supply of pure drinking water. Said water supply shall be obtained from faucets only, conveniently located in said park grounds, and no dipping vessels or common cups shall be permitted. (12-22-55s6)

8-81. Sanitary Facilities Required.

The licensee shall provide adequate sanitary facilities which shall include one (1) men's toilet and one (1) women's toilet for each ten (10) dependent trailers. Adequate cesspools or septic tank systems shall be provided for use in connection with said sanitary facilities. The licensee shall comply with all regulations of the Board of Health. A dependent trailer means one without its own toilet fixtures. (12-12-55 s7)

8-82. Dumping of Waste Prohibited.

There shall be no dumping of waste material on the ground. Same must go into garbage and ash cans provided by the licensee, which shall be properly disposed of by said licensee. Such receptacles shall be maintained in a clean and sanitary condition at all times.

8-83. Deposit of Waste on Ground from Sinks, Baths, etc., Prohibited.

It shall be unlawful to permit any waste water or matter from sinks, baths, cesspools, septic tanks or other plumbing fixtures, or means of disposal in camp cars and or trailers to be deposited upon the surface of the ground, and all such fixtures and devices, when in use, must be connected to

the park disposal system or the drainage therefrom must be disposed of in a manner satisfactory to the Board of Health. (12-12-55 s9)

8-84. Lighting.

The licensee shall provide adequate illumination in the park grounds and toilets. Such lights shall be illuminated from one-half hour after sunset to one-half hour before sunrise. (12-12-55 sl0)

8-85. Area Requirements.

Every park ground hereafter established shall provide for a minimum of 2,000 square feet of space per trailer or camp car. Camp cars and or trailers shall be arranged abutting or facing on a driveway or clear unoccupied space not less than 20 feet in width, which space shall have unobstructed access to a public street or alley. (12-12-55 sl1)

8-86. Drainage; Grading.

Every park ground hereafter established shall be located on a well-drained area and the premises of every such park ground or any existing park ground shall be properly graded and surfaced. (12-12-55 sl2)

8-87. Distance from Side Lines; Living Hedge Required.

It is further provided that no license to conduct a trailer park or sleeping quarters intended to be provided as described in the application, shall be issued if any of the sleeping quarters or any of the outside sanitary conveniences to be provided are within twenty-five (25') feet of the property line of the park; and where the property line of the park shall adjoin other private property, there shall be a living hedge at least six (6') feet high.

8-88. Removing Wheels or Permanently Fixing Trailer to Ground Prohibited.

It shall be unlawful for the licensee operating said trailer park to remove or cause to have removed, or permit the removal of, the wheels of any trailer, or otherwise permanently fix it to the ground in a manner that would prevent the ready removal of said camp car or trailer without first obtaining a permit to do so from the Town Clerk. Any alteration of any camp car or trailer as set forth above shall be deemed as removing it from the requirements of this ordinance and converting it into a dwelling, and it shall thereupon be subject to the requirements of the Zoning Ordinance or any building code now or hereafter in effect. (12-12-55 sl4)

8-89. Illegal Activity Prohibited.

No person shall permit any such licensed premises to be used for illegal purposes or suffer the violation thereon or therein of any penal law or of any ordinance of the Town. (12-12-55 s15)

8-90. Premises to Comply With All Local Laws and Regulations.

Such licensed place or premises shall at all times comply with all proper police, health and fire regulations imposed by the Common Council or Board of Health. Said business and the place and premises where conducted shall be subject to examination and inspection at all reasonable times by the Common Council or a Committee thereof, and by the Fire and Health Authorities of the Town. (12-12-55 s16)

8-91. Revocation of License.

In case of failure or refusal to comply with any of the terms or provisions of this Article, the Common Council may on notice and hearing refuse or revoke any license applied for or granted hereunder. (12-12-55 s17)

8-92. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. Each twenty-four (24) hour period of said violation shall be deemed to be a separate offense and punishable as aforesaid. (12-12-55 s18)

ARTICLE 7. TRANSIENT MERCHANTS

8-100. License Required.

Any person who desires to engage in the merchandise business in this Town with intent to close out or discontinue such business within a period of six (6) months from date of such actual commencement, and occupies a room, building, tent, lot or other premises for the purpose of selling goods, wares and merchandise, shall be known as what is commonly called a "Transient Merchant" or "Itinerant Vendor", and shall be required to first take out a license obtainable from the Town Clerk in the manner and upon the further conditions hereinafter set forth. (8-23-37 s1)

8-101. Deposit Required.

Every transient merchant or itinerant vendor, before receiving a license to conduct any business in this town, shall deposit two hundred twenty (\$220.00) dollars in cash with the Town Clerk, with a guarantee that such person will conduct such business in this Town for a longer period than six (6) months. In the event such merchant does stay for a long period than six (6) months, the said deposit shall be refunded to said licensee in full; otherwise, said deposit shall be considered forfeited and be retained by the Treasurer for the benefit of the Town.

8-102. Application Fee.

Application for such license shall be made to the Town Clerk, who is hereby authorized to grant such license under his hand and seal of said Town, which license shall state the name of the licensee, the place and character of business so licensed, and the date of issue. (8-23-37 s3)

8-103. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. (8-23-37 s4)

ARTICLE 8. RETAIL FOOD ESTABLISHMENTS

8-110. License Required.

It shall be unlawful for any person or any body corporate to conduct a retail food establishment as defined in and governed by the Retail Food Establishment Code of New Jersey (1965) established by ordinance of the local Board of Health adopted November 12, 1968, and to become effective January 1, 1969, without first having procured a license from the local Board of Health so to do or without complying with any and all of the provisions concerning operation and maintenance of the same as contained in the aforementioned retail Food Establishment Code of New Jersey (1965).

8-111. Fees.

The fees for licenses of retail food establishments are hereby fixed as follows:

For Retail Food Establishments as defined by Chapter 12 of the New Jersey Sanitary Code, the License fee shall be \$50.00 per year except that mobile retail food establishments as defined in said Code shall be \$35.00 per year.

For Temporary Retail Food Establishments as defined by Chapter 12 of the New Jersey Sanitary Code, the license fee shall be \$35.00.

For ice machines or food vending machines serving unpackaged food products or perishable food such as sandwiches, ice cream, coffee, hot chocolate unless operated in an establishment already licensed as a retail food establishment, the license fee shall be \$25.00 annually for each establishment at which such machines are located.

Public and private non-profit charitable organizations, service clubs, nursing homes, hospitals, charities, churches and other non-profit institutions are exempt from any fee for license but this does not exempt such institution from obtaining a license.

The original license fee shall be payable upon application therefore and the fee shall be prorated to December 31st. The yearly license fees are payable on or before January 1st of each year. A license shall expire on January 1st of each year, unless the yearly license fee has been paid prior to said date.

If the application for the renewal of the license is not made or the license fee is not paid on or before January 1st of any year, the licensee must pay in addition the annual fee, a late charge of

\$10.00 for each month or part of a month that the application is not made or the fee not paid after January 1st.

8-112. Revocation.

Any license issued under the terms and provisions of this Article may be suspended or revoked by the Board of Health of the municipality for the violation by the licensee of any provision of the Article or the Retail Food Establishment code of New Jersey (1965), or whenever it shall appear that the business, trade, calling, profession or occupation of the person, firm or corporation to whom such license was issued is conducted in a disorderly or improper manner, or violation of any law of the United States, the State of New Jersey, or any ordinance of this municipality, or that the person or persons conducting the retail food establishment is of an unfit character to conduct the same, or that the purpose for which the license has been issued is being abused to the detriment of the public, or is being used for a purpose foreign to that for which the license was issued.

A license issued under the terms and provisions of this article shall not be revoked, cancelled or suspended until a hearing thereon shall have been had by the Board of Health. Written notice of the time and place of such hearing shall be served upon the licensee at least three (3) days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, cancelling or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license. At the hearing before the Board of Health, the person aggrieved shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Board of Health, the complaint may be dismissed; or if the governing body concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee.

If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the Town unless the application for such license shall be approved by the Board of Health.

8-113. Provisions.

No provision of this Article shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the State or Federal Government.

8-114. Violations.

Any person, firm or corporation who shall violate any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or both, and each violation of any of the provisions of this Article and each day the same is violated shall be deemed and taken to be a separate distinct offense. (12-9-68)

ARTICLE 9. GOING OUT OF BUSINESS SALES

8-120. License, Inventory and Fees.

It shall be unlawful for any person to advertise or conduct any sale of goods, wares or merchandise at retail that is represented as a bankrupt, insolvent, assignees', adjusters', trustees', executors', administrators', receivers', wholesalers', jobbers', manufacturers', closing-out, liquidation, closing-stock, fire-or-water damage sale, or any other sale which is representation or advertisement, intended to lead the public to believe that the person conducting such sale is selling out or closing out the goods, wares or merchandise of any business for less than the current or going retail price thereof in the Town of Hackettstown, without first obtaining from the Town Clerk a license to so do, to be known as a "Closing-Out Sale License." The fee for such license shall be One Hundred (\$100.00) Dollars, provided that only one (1) such license shall be issued to any one (1) person within a twenty-four (24) month period, and no such license shall be issued for more than ninety (90) consecutive days.

8-121. Filing of Application.

Any person desiring to conduct a sale regulated by this Article shall make a written application to the Town Clerk setting forth and containing the following information:

- (a) The true names and addresses of the owners of the goods to be the object of the sale.
- (b) A description of the place where such sale is to be held.
- (c) The dates of the period of time in which the sale is to be conducted.
- (d) The means to be employed in advertising said sale, together with the proposed content

of any advertisement.

8-122. Violations.

Any person, firm or corporation who shall violate any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation of any of the provisions of this Article and each day the same is violated shall be deemed and taken to be a separate distinct offense.

ARTICLE 10. ADULT ESTABLISHMENTS

8-123. Definitions.

(a) "Adult bookstore" means a bookstore having a preponderance of its publications, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.

(b) "Adult Establishment" means an adult bookstore, adult motion picture theater, adult mini motion picture theater, or a massage business as defined in this section.

(c) "Adult motion picture theater" means an enclosed building with a capacity of 50 or more persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.

(d) "Adult mini motion picture theater" means an enclosed building with a capacity for less than 50 persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.

(e) "Massage" means in the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

(f) "Massage business" means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios or massage parlors.

(g) "Sexually oriented devices" means without limitation any artificial or simulated specific anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.

(h) "Specified anatomical areas" means:

1. Less than completely and opaquely covered: (1) human genitals, pubic region, (2) buttock, or (3) female breast below a point immediately above the top of the areola, or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(i) "Specified sexual activities" means:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touchings of human genitals, pubic regions, buttocks,

or female breasts.

8-124. Restrictions as to Adult Establishments.

No building, premises, structure, or other facility that contains any adult establishment shall contain any other kind of adult establishment. No building, premises, structure, or other facility in which sexually oriented devices are sold, distributed, or exhibited, or contained shall contain any adult establishment.

8-125. Violations.

Any person, firm or corporation who shall violate any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation of any of the provisions of this Article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

ARTICLE 11. BINGO AND RAFFLES PERMITTED ON SUNDAY

8-126A. Bingo & Raffles Permitted on Sunday.

Bingo and raffle games may be conducted on the first day of the week, commonly known as Sunday, under any license issued pursuant to R.S.5:8-58 or R.S.5:8-31 in the Town of Hackettstown.

8-126B. Municipal Fee.

The fee charged by the Town for processing applications for conducting a raffle or bingo within the Town of Hackettstown shall be \$10.00 per application but in no case shall the fee be greater than the fee charged by the State of New Jersey on said application.

ARTICLE 12. PAWNBROKERS, JEWELERS AND DEALERS

8-127. Record and Reports of Purchase.

All pawnbrokers, jewelers or dealers buying secondhand jewelry, secondhand goods or coins shall keep a current, legible and accurate record of all articles taken in pawn or purchased on the form as required by the Chief of Police and on the last working day of each month, he shall deliver or mail to the Chief of Police of the Town of Hackettstown at Police Headquarters in the Town, a complete record of all such purchases made in the preceding month. In addition, the said pawnbroker, jeweler or dealer shall make available to the Chief of Police or his representative, a copy of the current record of such purchases upon request. The record shall contain an accurate description, as the form prescribes, of all articles taken in pawn or purchased, of the amount loaned on or paid for such articles and of the person pawning or selling the same. The Buyer shall require proof of identity and current address of anyone selling said items.

8-128. Penalty.

Any person violating the provisions of this Article shall be fined not more than Three Hundred (\$300.00) Dollars or imprisoned not more than sixty (60) days or both.

ARTICLE 13 - NEWSRACKS

8-140. Policy Statement.

The unregulated placement of newsracks in public rights-of-way presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way, including pedestrians, persons entering and leaving vehicles, whether automobiles, taxi cabs, private livery or omnibuses, and buildings, and persons performing essential utility, traffic control and emergency services. These unregulated newsracks are so located as to cause an inconvenience or danger to persons using public rights-of-way, are unsightly, and constitute a public nuisance. The provisions contained in this Article are in pursuance of, and for the purpose of securing and promoting the public health, morals and general welfare of persons in the Town of Hackettstown in their use of public rights-of-way.

8-141. Definitions.

(a) "Distributor" means the person responsible for placing and maintaining a newsrack in a public right-of-way.

(b) "Newsrack" means any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale of newspapers or other news periodicals and commonly known as "honor boxes". The use of the singular herein shall include the plural.

(c) "Roadway" means that area between the sidewalks and the curb of any street, and where there is no sidewalk that area between the property lines adjacent thereto, whether open to vehicular travel or not, but improved, designed or ordinarily used for traffic.

(d) "Sidewalk" means any surface provided and intended for the exclusive use of pedestrians.

(e) "Street" means all that area dedicated to public use for street purposes and shall include, but not limited to, roadways, parkways, alleys, stairs and sidewalks.

8-142. Permit Required.

It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate on any public street or sidewalk or in any other public way or place in the Town of Hackettstown any newsrack without first having obtained a permit from the Town Clerk specifying the exact location of

such newsrack or newsracks. One (1) permit may be issued to include any number of newsracks and shall be signed by the applicant.

8-143. Application for Permit.

Application for such permit shall be made, in writing, to the Town Clerk and approved by the Department of Public Works, and shall contain the name and address of the applicant and the proposed specific location of said newsrack and shall be signed by the applicant.

8-144. Conditions for Permit.

(a) Permits may be issued for the installation of a newsrack or newsracks without prior inspection of the location, but the location permit for such newsrack or newsracks and the installation, use or maintenance thereof shall be conditioned upon observance of the provisions of this Article. A permit fee of ten dollars (\$10.00) for the first newsrack applied for and five dollars (\$5.00) for every additional newsrack permit contained in the same application.

8-145. Maintenance and Installation Standards.

Any newsrack which, in whole or in part, rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:

(a) No newsrack shall exceed sixty inches (60") in height, twenty-four inches (24") in width or twenty inches (20") in thickness.

(b) No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper sold therein.

(c) Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event that he is unable to receive the publication paid for. The coin-return mechanisms shall be maintained in good working order.

(d) Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction or to secure a refund in the event a malfunction of the coin-return mechanism or to give the notices provided for in this Ordinance.

(e) Each newsrack shall be maintained in a neat and clean condition and

in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

(1) It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof.

(2) It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon.

(3) The clear plastic or glass parts thereof, if any, through which the publications therein are viewed, are unbroken and reasonably free of cracks, dents, blemishes and discolorations.

(4) The paper and cardboard parts or inserts thereof, if any, are reasonable free of tears, peelings, or facing.

(5) The structural parts thereof are not broken or unduly misshapen.

(f) Each newsrack shall be used for its purpose of distributing newspapers and if for a period of fourteen (14) consecutive days current newspapers are not placed in the rack, then the newsrack shall be removed from the public sidewalk or roadway.

8-146. Regulations As to Location and Placement.

Each and every newsrack which in whole or in part rests upon, in, or over any public sidewalk or roadway shall be further regulated as follows:

(a) No newsrack shall be placed or maintained projecting onto, into, over, or resting wholly or partly upon, any portion of the roadway of a public street used for vehicular traffic.

(b) No newsrack shall be affixed or attached to any fixture or other property owned or maintained by the Town of Hackettstown, which property is not suitable for attachment. No newsrack shall be affixed or attached to any fixture upon, in, or over any public sidewalk or roadway unless:

(1) The attachment is rigid and secure and prevents the newsrack from swiveling, turning, or otherwise moving, while so attached.

(2) Such newsrack, as so attached, does not violate any other provision of this Article.

(c) No newsrack shall be placed, installed, used, or maintained:

(1) Within three feet (3') of any marked crosswalk;

(2) Within twelve feet (12') of the curb return of any unmarked crosswalk;

- (3) Within fifteen feet (15') of any fire hydrant;
- (4) Within five feet (5') of any fire or police call box, fire alarm, or other emergency communication device, including, but not limited to, public telephones;
- (5) Within five feet (5') of any driveway, public or private;
- (6) Within fifty feet (50') of any fire or police station;
- (7) At any location whereby the sidewalk clearance space for the passage of pedestrians is reduced to five feet or less;
- (8) Within one hundred feet (100') of any other newsrack on the same block which contains the same newspaper or new periodical;
- (9) Within six feet (6') of any tree or public area improved by lawn, flowers, shrubs, or landscaping.

8-147. Violations and Penalties.

(a) Distributors

(1) If any distributor violates any provision of this Article, it shall be the duty of the Superintendent of the Department of Public Works to determine that such violation has occurred and, thereafter, notify the distributor to correct the violation within three (3) days. Such notification shall be in writing and served upon the distributor by certified mail, return receipt requested, and by regular mail. The notice shall also state that the distributor is entitled to a due process hearing, if requested, by the distributor within said three (3) days period,

(2) If a due process hearing is requested, in writing, by the distributor, a hearing will be held before the Department of Public Works Committee of the Council, which will determine whether such violation has occurred. At such hearing, the distributor shall have the right to examine the evidence upon which the Superintendent of the Department of Public Works acted, to cross examine any witnesses who may have appeared before it, and to offer any evidence which may tend to show that the subject newsrack does not violate any provision of this Article. The Department of Public Works Committee shall review the evidence, notify the distributor with respect thereto, and afford the distributor a reasonable opportunity to comply with such determination, but not in excess of fourteen (14) days. In addition, after the hearing of the Department of Public Works determines that

any particular situation creates an unconstitutional restriction on freedom of the press, it may permit a newsrack in an area not specifically permitted by this Article.

(3) If said violation is not corrected within said time period, the Department of Public Works shall remove such newsrack and place it in storage in a secure place. The cost of the removal and storage shall be billed to the distributor and in the event of non-payment, a civil suit for money damages may be brought by the Town.

(4) If any distributor refuses to remove any newsrack, after notice, in writing, pursuant to this Article, he shall be deemed guilty of a violation and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for term not to exceed ninety (90) days, or both.

Section 8-148. Final Policy Statement.

This Article, while regulating newsracks in public rights-of-way, is not to be construed as a sanction of them. The First Amendment to the Constitution of the United States and the Constitution of the State of New Jersey have been interpreted by the Courts as prohibiting the banning of newsracks. Therefore, nothing contained in this Article shall be construed as the Town's acquiescence in, the liability for, or assuming the risks of the placement of newsracks in the Town, whether they are in conformity with the provisions of this Article or not.

ARTICLE 14-1. TOWING AND STORAGE SERVICES (5/12/97)

8-150. Rotating List of Towing Contractors Established.

There shall be established on January 1st of each year a rotating list of towing and storage contractors authorized to provide vehicle towing and storage services as required by the Town of Hackettstown. The Chief of Police shall be responsible for the administration of the rotating list. Nothing in these rules and regulations shall be construed so as to prevent any owner or operator from selecting his own towing service. The Police Department shall call the towing operators in a sequential rotation of between seven (7) days and twenty-eight (28) days on so that every towing operator is given an equal opportunity to provide towing service. The number of days on will be established by the Chief of Police in the schedule established January 1st of each year. The Department shall give each tower seven (7) days notice of their turn in the sequential rotation of between seven (7) days and twenty-eight (28) days on.

8-151. Services Required.

A. Towing. Towing services shall be available and provided on a 365 days per year, seven-day-per-week, twenty-four-hour-per-day basis for the entire geographic area of the Town of Hackettstown. The contractors on the rotating list must be able to respond to any tow scene within twenty (20) minutes of the Town's request.

B. The contractor shall be responsible for the cleanup of debris in accordance with N.J.S.A. 39:4-56.8, with the exception of fuel oil, chemicals or hazardous waste materials.

C. Storage. Storage shall be provided for all vehicles towed until claimed by the vehicle owner or disposed of in accordance with applicable law. The contractor shall provide adequate land area sufficient to store vehicles. Each contractor is responsible for supplying a secure storage area. The location of the storage area must be within twenty (20) minutes of the place of the tow. The contractor is responsible for the storage and security of all vehicles towed.

D. The Town of Hackettstown is not financially responsible for the paying of any towing or storage services, except towing of vehicles to Hackettstown police impound areas as requested by the Hackettstown Police Department.

8-152. Police Impounds.

Motor vehicles which are stolen, abandoned, involved in a crime, involved in fatal accidents or

accidents which in the judgment of the police may become fatal shall be considered police impounds. Police impounds shall be towed to the designated police impound property.

8-153. Equipment Required.

A. All contractors on the rotating list shall provide and maintain the following minimum equipment:

- (1) One (1) flatbed tow/wrecker.
- (2) One (1) towing vehicle sufficient to tow vehicles over two (2) tons.
- (3) Communication equipment between vehicles and their dispatchers via two-way

radio.

(4) Tow vehicles shall have the name, address and telephone number of the contractor painted or permanently attached to both sides of the vehicle in compliance with state law.

B. All equipment must meet applicable state standards and shall be subject to periodic inspection by the Police Department.

8-154. Eligibility for Rotating List.

A. In addition to meeting all other criteria of this ordinance and in order to be eligible for placement upon the rotating list of authorized towers, the contractor shall supply a certificate of liability insurance by a company licensed to do business in the State of New Jersey, certifying that the contractor maintains workers compensation and garage liability insurance of not less than one million dollars (\$1,000,000) combined single limit, garage keepers' liability of not less than one hundred thousand dollars (\$100,000) per vehicle, said garage keepers' legal liability insurance policy to further provide for fire, theft and explosion. All public liability insurance, including garage liability and garage keepers' legal liability coverage, shall name the Town of Hackettstown, its officers, agents and employees as additional insureds on the policy, shall hold them harmless, indemnify them from any and all claims filed against the Town arising out of any act or failure to act on behalf of the contractor and shall contain an endorsement providing thirty (30) days' notice to the Town in the event of any material changes of the policy or cancellation thereof. Those contractors meeting the eligibility requirements shall be approved, added or deleted to the rotating list by the Chief of Police.

B. The Mayor and Common Council of the Town of Hackettstown may grant a waiver to any of the eligibility or equipment prerequisites which a provider of towing services is required to have,

provided the tower makes an application to the Mayor and the Common Council and the Mayor and Common Council determines that the tower will provide an acceptable alternative to the requirement for which the waiver is sought.

C. The deletion of a tower from the approved list for failure to perform properly or to meet the basic requirements shall not occur without ten (10) days written notice to the operator and the opportunity for a hearing before the Chief of Police. The decision of the Chief of Police may be appealed to the Mayor and Common Council.

8-155. Maximum Rates and Charges for Towing and Storage.

All towers placed on the approved list shall submit their standard charges for towing services and storage fees. Said charges and fees shall be consistent with those established by the New Jersey Commissioner of Insurance in N.J.A.C. 11:3-38 et seq.

8-156. Towing Information to be Supplied to Town.

A. The contractor shall provide to the Town in an application the following information concerning vehicles and employees prior to November 1st of each year:

(1) The year, make, model, vehicle identification number, type of vehicle, registration number and proof of insurance.

(2) The full name and address of all employees and license numbers.

(3) The addresses where the contractor shall be regularly based, telephone numbers available on a twenty-four-hour-per-day basis, and the names of all operators, their addresses and the serial numbers of their New Jersey motor vehicle licenses.

(4) Certification of approved emergency warning lights.

B. The contractor shall submit to the Hackettstown Police Department the following information on vehicles unclaimed over fifteen (15) days:

(1) The year, make, model, color and vehicle identification number.

(2) The owner's name and addresses.

(3) A copy of a certified letter advising the owner of the vehicle's location and circumstances surrounding the same.

(4) A photograph of the vehicle.

(5) The mileage of the vehicle.

C. The contractor shall provide the Town with records of all towed vehicles, storage and towing charges upon request.

8-157. Miscellaneous Rates and Charges.

A. The hours of 8:00 a.m. until 4:30 p.m. shall apply to the day rate on Monday through Friday, except New Jersey State holidays. The night, weekend and holiday rates shall other-wise apply.

B. The Town of Hackettstown shall assess an administrative fee of twenty dollars (\$20.00) per vehicle to recover costs of administering the towing and storage services for all vehicles coming under the purview of police impound. Such assessment shall be placed on each vehicle processed, plus an additional fee to include storage rates consistent with N.J.A.C. 11:3-38, et seq.

C. The contractor shall charge the motor vehicle owner/operator or insurance company directly for all services provided.

D. The contractor may charge an hourly rate for standby time incurred for winching, uprighting, excessive cleanup and other circumstances which fall outside the scope of basic towing service as defined in N.J.A.C. 11:3-38.