

ORDINANCE NO. 12-16
INTRODUCTION DATE: 09-19-12
ADOPTION DATE: 10-03-12

ORDINANCE AMENDING CHAPTER IV (GENERAL LICENSING), SECTION 4-5
(COMMERCIAL SOLICITATIONS) OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.

BE IT ORDAINED by the Mayor and Township Committee of the Township of Millstone, County of Monmouth and State of New Jersey as follows: (additions are underlined, and deletions are in [~~brackets~~):

I

Chapter IV, General Licensing, Section 4-5 Commercial Solicitations, is hereby amended to read as follows:

4-5 General Licensing.

4-5.1 - 4-5.3 - No change.

4-5.4 Application.

All applications for licenses shall be accompanied by the required fee, a valid certificate of authority issued pursuant to N.J.S.A. 54:32B-8.2 empowering the solicitor to collect sales tax, and shall be made to or through the Township Clerk upon forms provided by that office. Applications shall contain the information specified below:

a. – h. – No change.

i. Appropriate evidence as to the good character and business responsibility of the applicant as set forth in Section 4-5.4A below, so that an investigator may properly evaluate his character and responsibility.

j. No change.

4-5.4A Investigation of Applicant.

a. Each applicant for a license shall secure through a private agency a criminal history background check, conducted not more than fourteen (14) days prior to the filing of the application. Such criminal history background check must be submitted, as part of the application, directly from the private agency to the Township Clerk. The Township Clerk will, within five (5) business days of receipt of same, forward the criminal history background check to the New Jersey State Police. The criminal history background check shall be in sufficient detail and scope to reveal any criminal history record with the State Bureau of Investigation or with the Federal Bureau of Investigation and to allow the New Jersey State Police to reach an informed decision as required below.

b. Each application shall be referred by the Township Clerk to the New Jersey State Police, who shall immediately institute an investigation of the applicant's business responsibility, moral character and ability to properly conduct the licensed activity the investigator considers necessary for the protection of the public. The New Jersey State Police shall communicate its findings to the Township Clerk within a reasonable time after the application has been filed. If the investigator from the New Jersey State Police decides that the applicant's character, ability or business responsibility is unsatisfactory, or the products, services or activity are not free from fraud, the investigator shall disapprove the application and the Township Clerk shall refuse to issue the license and shall so notify the applicant. Otherwise, the Township Clerk shall issue the license immediately, provided the rest of the requirements in Section 4-5.4 above have been satisfied, except in cases where approval of the Township Committee is required. In the event of the refusal of the issuance of a license, the applicant may file an appeal to the Township Committee for a hearing. The appeal must be filed, in writing, with the Township Clerk within fourteen (14) days after notification of the refusal. The Township Committee shall hold its

hearing within a reasonable time but not less than forty-five (45) days thereafter, and its decision shall be final.

4-5.5 – 4-5.8 No change.

4-5.9 Expiration Date, Renewal, Proration of Fees.

~~a.~~ No change.

~~b. When an application for a license is made during the course of any calendar year, the fee shall be prorated to the nearest month. Any period of time greater than one half (1/2) a month shall be considered as a full month for this purpose.~~

4-5.10 – 4-5.16 No change.

II

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

III

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

IV

This Ordinance shall take effect upon adoption and publication according to law.

EXPLANATORY STATEMENT:

This Ordinance requires that an applicant must submit a criminal history background check with the application package for a commercial solicitor's license.