

SOUTH ORANGE VILLAGE
Municipal Offices
76 South Orange Ave
Suite 302
South Orange
Essex County
New Jersey 07079

www.southorange.org
P 973.378.7715
F 973.763.0987



ORDINANCE #2021-14

Introduction: May 24, 2021

Adoption: June 28, 2021

AN ORDINANCE AMENDING AND RESTATING CHAPTER 96 – BUSINESS LICENSING AND REGULATIONS OF THE VILLAGE CODE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE

WHEREAS, the Board of Trustees wishes to amend and restate Chapter 96 – Business Licensing and Regulations;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1.

Chapter 96 - Business Licensing and Regulations is amended and restated as follows:

Ch 96 Business Licensing And Regulations

- 96-1 Purpose
- 96-2 Commercial Garages
- 96-3 Gasoline Service Stations
- 96-4 Retail Businesses
- 96-5 Violations And Penalties
- 96-6 Definitions
- 96-7 License Required; Application
- 96-8 License Fees; Term Of License
- 96-9 Vehicle Decals
- 96-10 Responsibilities Of Landscaper
- 96-11 Enforcement
- 96-12 Violations And Penalties
- 96-13 Definitions
- 96-14 License Required; Application
- 96-15 License Fees; Term Of License
- 96-16 Vehicle Decals
- 96-17 Responsibilities Of Snowplower
- 96-18 Enforcement
- 96-19 Violations And Penalties
- 96-20 Purpose
- 96-21 License Required
- 96-22 Application For License



96-23 Inspection Of Premises
96-24 Grounds For Denial Of Application
96-25 Fees
96-26 Term And Expiration Of License; Cleanup
96-27 Location Restrictions
96-28 Appeals
96-29 Violations And Penalties
96-30 Definitions
96-31 Responsibilities Of Merchant/Dealer
96-32 Violations And Penalties
96-33 Definitions
96-34 Licensure Requirement
96-35 Retail Vaping Establishment Requirements
96-36 Violations/Penalties
GENERAL REFERENCES
Fees — See Ch. 143.

96-1 Purpose

The purpose of this article is to establish rules, regulations and enforcement mechanisms regarding business licensing and hours of operation within the Village. [Amended 11-13-1989 by Ord. No. 89-28]

96-2 Commercial Garages

1. Definitions. As used in this section, the following terms shall have the meanings indicated:⁵⁴

COMMERCIAL GARAGE — See the definition of "garage, commercial," in § 185-3 of Chapter 185, Land Development, of this Code.

2. Commercial garages shall be allowed to operate within the Township of South Orange Village during the following hours: Monday through Friday, 7:00 a.m. to 9:00 p.m.; Saturdays, 8:00 a.m. to 9:00 p.m.; Sundays, 12:00 noon to 9:00 p.m.
3. This section shall be deemed to prohibit not only the transaction of business, except during the hours referred to, but shall also be deemed to prohibit, other than during the hours stated, any work within the premises by the owner, lessor or operator of the business which causes any sound to be heard outside of the walls of the building in which the commercial garage is located.

54. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



96-3 Gasoline Service Stations

1. Definitions. As used in this section, the following terms shall have the meanings indicated:⁵⁶

GASOLINE SERVICE STATION — See the definition of "gasoline service station" in § 185-3 of Chapter 185, Land Development, of this Code.

2. Gasoline service stations shall be allowed to operate within the Township of South Orange Village during the following hours: 6:00 a.m. to 11:00 p.m. on all days of the week.
3. This section shall be deemed to prohibit not only the transaction of business, except during the hours stated, but shall also be deemed to prohibit, other than during the hours stated, any work within the premises by the owner, lessor or operator of the business which generates or creates sounds which may be heard outside of the walls of any building which is on the premises where the gasoline service station is located.

[Added 4-25-1988 by Ord. No. 88-13⁵⁵]

55. Editor's Note: This ordinance also repealed original § 61-3, Violations and penalties, of the 1982 Code. See now § 96-5, Violations and penalties.

56. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

96-4 Retail Businesses

1. Definitions. As used in this section, the following terms shall have the meanings indicated:

RETAIL BUSINESS — A business which conducts, for the benefit of the public, any retail trade or service use at a store and/or shop located within the Township of South Orange Village. The types of businesses which are hereby regulated include but are not limited to department stores; general merchandise stores; furniture stores; home furnishings and equipment stores; hardware stores; household appliance stores; radio, television and music stores; apparel and accessory stores; barbershops; shoe repair shops; bakeries; laundromats; florist shops; beauty shops; tailor shops; insurance agencies; banks; financial institutions; and other similar service uses. For purposes of this section of the Code of the Township of South Orange Village, public restaurants and taverns, indoor theaters, motion-picture theaters and other places where cultural and educational assemblies are being conducted shall not be considered to be retail businesses.

2. Retail businesses shall be allowed to operate within the Township of South Orange Village during the following hours: 6:00 a.m. to 11:00 p.m. on all days of the week.



3. This section which regulates hours of operation on all days of the week of retail businesses shall be interpreted to prohibit only the transaction of business with the public during the hours stated. This section of the Code shall not be deemed to prohibit the owners and operators of retail businesses from engaging in activities such as stacking of shelves, inventory taking, etc., within the premises occupied by their businesses during those hours when the doing of business is prohibited, provided that the conducting of such activities does not create or generate noises or sounds which may be heard outside of the walls of any building which is on the premises where the retail business is located.

[Added 11-13-1989 by Ord. No. 89-28]

96-5 Violations And Penalties

Any person who violates any provision of this article shall be subject to penalties as set forth in Chapter 1, Section 17, of this Code, which provides for General Penalties.

57. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

96-6 Definitions

The following definitions shall apply in this article of the Code:

DEBRIS — Any organic or inorganic substance, including grass, grass clippings, branches, twigs, leaves, mulch, foliage, soil or other natural parts of foliage, including stumps or trees, products of the earth, including any residue of the foregoing.

LANDSCAPER or LANDSCAPE CONTRACTOR — Any person, partnership, firm, association, corporation or other legal entity which undertakes any of the following services: mowing of grass or lawns; trimming or cutting of trees, bushes or shrubbery; removal of grass, foliage, leaves or trees from residential or commercial properties for a fee and who claims exemption from the provisions of N.J.S.A. 56:8-136 et seq., the Contractors' Registration Act. [Amended 12-19-2011 by Ord. No. 2011-23; 2-10-2014 by Ord. No. 2014-01]

OFFICERS — President, vice president, secretary or treasurer of a corporate applicant.

STOCKHOLDER — Any person owning or having an interest, either legal or equitable, in 10% or more of the stock issued and outstanding of an applicant corporation.

VEHICLE — Any vehicle required to be registered with the New Jersey Division of Motor Vehicles for use on local roads and highways and used by a landscaper in the performance of his work in the Township of South Orange Village, not bearing a contractor's registration number. [Amended 2-10-2014 by Ord. No. 2014-01]



96-7 License Required; Application

All landscapers performing landscaping services within the Township of South Orange Village shall be required to obtain a license in order to offer their services in the Village. Said license shall be obtained from the Office of Code Inspection prior to April 1 of each year. The application may require, but may not be limited to, the following:

1. The applicant's name, trade or business name, business address and telephone number(s) and e-mail address.
2. Whether the applicant is an individual, partnership, firm, association, corporation or other legal entity and, if the last, a full explanation and description thereof.
3. Whether the applicant or any partners, officers or owners/stockholders thereof have ever been convicted of a crime and, if so, the name of the person so convicted, date of arrest, crime or charge involved, date of conviction and disposition thereof.
4. The number of years the applicant has been in business at the present business address or at any other location, including the addresses of such locations.
5. The make, year, registration and license plate number of each vehicle to be used.

[Amended 2-10-2014 by Ord. No. 2014-01]

96-8 License Fees; Term Of License

Upon filing the application, the applicant shall pay to the Office of Code Inspection an initial fee as set forth by the Board of Trustees in Chapter 143, Fees, of the Code of the Township of South Orange Village. Once issued, the license may be reviewed and renewed from year to year through the payment of an annual fee as set forth by the Board of Trustees in Chapter 143, Fees, of the Code of the Township of South Orange Village. All licenses shall be issued from the date of issue to the succeeding March 31. A new or reviewed and renewed license shall be required each April 1.

[Amended 5-24-1993 by Ord. No. 93-13; 10-24-2011 by Ord. No. 2011-13; 2-10-2014 by Ord. No. 2014-01⁵⁸]

58. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

96-9 Vehicle Decals

Each applicant shall receive a decal for each vehicle enumerated in the application. Said decal shall be displayed upon the vehicle for which it is issued, and such display shall be deemed to demonstrate proof of license.

96-10 Responsibilities Of Landscaper



Every landscaper operating in the Village shall have the following obligations:

1. To provide to the Office of Code Inspection the address of each and every property to which service is provided and to keep such list current by reporting any addition or deletion within five days thereof.
2. To clearly indicate on both sides of all vehicles used within the Village of South Orange the name, address and telephone number of the landscaping entity. "Clearly indicate" shall mean through the use of legible characters not less than three inches in height.
3. To remove any and all debris resulting from landscaping services from premises and to legally dispose of the same. Except for leaves during the period from October 15 through November 30, no such debris shall be placed at curbside for collection, swept or deposited into any public street or left on any property so as to be caused to be blown or swept into the public street.
4. To comply with any and all laws, rules, regulations and ordinances adopted by the State of New Jersey, County of Essex or Village of South Orange with regard to the recycling of any vegetative material or other debris directly related to the landscaper's operations.
- 5.

96-11 Enforcement

This article shall be enforced by the Village's Public Safety, Housing and/or Code Enforcement officers or their designees as may be required.

96-12 Violations And Penalties

Any landscaper who shall violate any of the provisions of this article shall be subject to penalties as follows:

1. For any first offense, said landscaper shall be subject to penalties as set forth in Chapter 1, Section 17, of this Code.
2. For any subsequent offense, said landscaper shall be subject to a minimum fine of \$100 or penalties as otherwise set forth in Chapter 1, Section 17, of this Code.
3. In addition to such penalties as the Judge of the Municipal Court may impose, a landscaper convicted of violations of this article on two or more occasions shall be subject to revocation of the landscaper's license, which revocation may be appealed to the Board of Trustees.

[Amended 2-22-1999 by Ord. No. 99-2; 2-10-2014 by Ord. No. 2014-01]

96-13 Definitions

The following definitions shall apply in this article of the Code:

OFFICERS — President, vice president, secretary or treasurer of a corporate applicant.



SNOWBLOWER — Any mechanical vehicle not required to be registered with the New Jersey Division of Motor Vehicles but which can be used to remove snow and/or ice from driveways or sidewalks.

SNOWPLOWER or SNOWPLOWS CONTRACTOR — Any person, partnership, firm, association, corporation or other legal entity which undertakes to serve residential or commercial properties in any of the following services: snowplowing, snowblowing or snow shoveling.

STOCKHOLDER — Any person owning or having an interest, either legal or equitable, in 10% or more of the stock issued and outstanding of an applicant corporation.

VEHICLE — Any vehicle required to be registered with the New Jersey Division of Motor Vehicles for use on local roads and highways and used by a snowplower in the performance of his work in the Township of South Orange Village.

96-14 License Required; Application

All snowplowers performing snowplowing services within the Township of South Orange Village shall be required to obtain a license in order to offer their services in the Village. Said license shall be obtained from the Office of Code Inspection prior to October 1 of each year. The application may require, but may not be limited to, the following:

1. The applicant's name, trade or business name, business address and telephone number.
2. Whether the applicant is an individual, partnership, firm, association, corporation or other legal entity and, if the last, a full explanation and description thereof.
3. If the applicant is an individual, the applicant's residence address, telephone number, date and place of birth, social security number, federal ID number and driver's license number.
4. If the applicant is a partnership, the full names, residence addresses, telephone numbers, dates and places of birth, social security numbers, federal ID numbers and driver's license numbers.
5. If the applicant is a corporation, the full names, residence addresses, telephone numbers, dates and places of birth and social security numbers of each major officer and each stockholder holding 10% or more of the stock, the name and address of the registered agent, the address of the principal officer, social security number, federal ID number and driver's license number.
6. In the case of any other entity, the full name, residence address, telephone number, date and place of birth of each person owning or having any interest, either legal or equitable, aggregating in value 10% or more of the total capital of said entity, the name and address of the registered agent, if



any, the address of the principal office, social security number, federal ID number and driver's license number.

7. Whether the applicant or any partners, officers or stockholders thereof have ever been convicted of a crime and, if so, the name of the person so convicted, date of arrest, crime or charge involved, date of conviction and disposition thereof.
8. The number of years the applicant has been in business at its present business address or at any other location, including the addresses of such locations and other towns worked in.
9. The make, year, registration and license plate number of each vehicle to be licensed and names and addresses and driver's license numbers of all employees.
10. Copy of liability insurance.

96-15 License Fees; Term Of License

Upon filing the application, the applicant shall pay to the Office of Code Inspection a fee as set forth in Chapter 143, Fees, of this Code. All licenses shall be issued from the date of issuance to the succeeding September 30. A new or renewed license shall be required each October 1.

[Amended 10-24-2011 by Ord. No. 2011-13⁵⁹]

59. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

96-16 Vehicle Decals

Each applicant shall receive a decal for each vehicle enumerated in the application. Said decal shall be displayed upon the vehicle for which it is issued, and such display shall be deemed to demonstrate proof of license.

1. The decal shall be displayed on the lower side of the windshield on the driver's side.

96-17 Responsibilities Of Snowplower

Every snowplower operating in the Township of South Orange Village shall have the following obligations:

1. To provide the Office of Code Inspection the addresses of each and every property to which service is provided and to keep such list current by reporting any addition or deletion within five days thereof.
2. To clearly indicate on both sides of all vehicles used within the Township of South Orange Village the name, address and telephone number of the snowplowing entity. "Clearly indicating" shall mean the use of legible characters not less than three inches in height and reflective.
3. To ensure that all snow removed from driveways or walkways shall not be placed upon the streets of the Township of South Orange Village except to



the extent that the snow is plowed closer to the curb than the line of snow created by the Village plows.

4. To comply with any and all laws, rules, regulations and ordinances adopted by the State of New Jersey, County of Essex or the Township of South Orange Village with regard to snowplowing.

96-18 Enforcement

This article shall be enforced by the Village's Public Safety, Housing and/or Code Enforcement officers or their designee as may be required.

96-19 Violations And Penalties

Should any snowplower violate any provisions of this article, said snowplower shall be punished in accordance with Chapter 1, Section 17, of this Code.

1. In addition to such penalties as the Judge of the Municipal Court may impose, a snowplower convicted of violation of this article on two or more occasions shall be subject to a revocation of the snowplower's license by the Director of the Division of Code Enforcement, which revocation may be appealed to the Board of Trustees.

96-20 Purpose

It is the purpose of this article to provide a procedure by which persons may be allowed to sell and store Christmas trees and other cut evergreens on a temporary basis during the pre-Christmas season and to provide for adequate control over such temporary establishments in order to protect the public health, safety and welfare and to make provision for cleanup after the cessation of such temporary operation.

96-21 License Required

No individual, partnership, corporation or other legal entity shall engage in or carry on the business of sale or storage of cut evergreens on a temporary basis without first obtaining a license for that purpose from the Office of Code Enforcement. This article shall not apply to nursery and commercial greenhouse uses. It is the intention of this article that licenses shall only be required for the sale or storage of cut evergreens on a temporary basis on premises which are not normally devoted to that use or a related-type use.

96-22 Application For License

All applications for licenses under this article shall be made in writing in the form prescribed by the Office of Code Enforcement. The application form shall state the full name and address of the applicant and, if a partnership, corporation or other legal entity, the names and addresses of all partners, officers, directors and/or shareholders as may be applicable to the particular legal entity; the



address of the proposed site; a general description of the limited area on the subject property that will be used for such business; the maximum number of trees proposed to be stored at any one time and the location of such storage; a description of any and all other articles proposed to be sold at the location; the name and address of the owner of the property in question; the tax lot and block of the property; and other provisions as the Office of Code Enforcement shall deem reasonable and appropriate. Said application shall be signed by the applicant and consented to in writing by the owner of the property.

96-23 Inspection Of Premises

The Fire Inspector or his designee shall inspect the premises to determine whether the premises and the proposed arrangement of the evergreens on said premises pose any danger to the health, safety and welfare of nearby residents and nearby properties. The Construction Code Official or their designee shall inspect the premises to determine whether the use of the premises complies with Village ordinances. Additionally, the Construction Code Official or their designee shall request other inspections as is deemed necessary. Upon completion of the inspections, reports should be sent to the Director of Code Enforcement with any comments and/or recommendations.

60. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

96-24 Grounds For Denial Of Application

The Director of Code Enforcement may deny the application for any of the following reasons:

1. The location and use of the property covered by the application do not conform to all applicable ordinances of the Village, including this article.
2. The applicant or property owner has failed to comply with the provisions of this article in prior years.
3. The operation of the business is likely to adversely affect the public health, safety or welfare.
4. The proposed use on the property in question is likely to create a nuisance to nearby property owners and/or tenants.

96-25 Fees

The applicant shall, at the time of the filing of the application, pay a permit fee as set forth in Chapter 143, Fees, of this Code.

[Amended 10-24-2011 by Ord. No. 2011-13⁶¹]

61. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



96-26 Term And Expiration Of License; Cleanup

No license shall be issued for a period longer than 61 days from the date of issuance, and all licenses shall expire on January 15 of the year immediately following or in which they were issued. For purposes of clarity, all licenses shall expire on January 15 of the respective holiday season. Cleanup of the property by the applicant or the owner of the property must be completed within one week of the close of sales or expiration of the subject license. If the property is not cleaned by the deadline, the applicant, as well as the property owner, shall be subject to the penalty provisions of this article.

96-27 Location Restrictions

The temporary sale and storage of evergreens shall be restricted as follows:

1. No trees or cut evergreens shall be stored within 50 feet of any frame structure located on adjoining property not owned by the licensee or property owner on which the sale or storage of evergreens is being conducted.
2. No cut evergreens more than two feet high shall be placed upon that portion of a corner lot which is closer to the intersection of the bounding street lines than a straight line drawn between two points measured 15 feet along each street line from the intersection of those two street lines.
3. No trees or cut evergreens shall be stored or sold on lots on which there is a residential use as a principal, mixed or accessory use.
4. The sale and storage of poinsettias as well as plants, trees or shrubs other than evergreens and cut evergreens are not permitted by this section.
5. Off-street parking for at least five vehicles shall be maintained for business customers.
6. Only one ground sign shall be permitted on the site, and the uppermost edge of such sign shall not exceed a height of seven feet. The maximum area for such sign shall be 20 square feet for one face and a total of 40 square feet for two or more faces of a multifaced sign. This section shall not be deemed to allow a ground sign on a corner lot if the location of the same would violate the provisions of § 185-119, Traffic visibility across corner lots. No sign shall be of a type that flashes, rotates or moves or one which incorporates moving components. Such signs and all their supports shall be at least 10 feet from any building or structure and 10 feet from any side or rear lot line and shall be located back from the street line a distance equal to not less than the height of the top of the sign above the ground.

96-28 Appeals

Any person aggrieved by a decision of the Director of Code Enforcement with reference to the issuance or non-issuance of a license may appeal such decision to the Board of Trustees by notifying the Village Clerk of the intent to appeal within



10 days of the applicant's receipt of the decision of the Director of Code Enforcement. The Board of Trustees shall schedule a hearing on the appeal within 30 days of receipt of the notice of appeal, at which time the applicant may present evidence to establish the grounds for the appeal. The appeal shall be decided by a majority vote of the Board of Trustees, and the decision shall be final.

96-29 Violations And Penalties

Any applicant or property owner who violates any provision of this article shall, upon conviction thereof, be subject to the penalties established in Chapter 1, Section 17, General Penalty, of the Village Code.

96-30 Definitions for Jewelry Sales and Purchase Article as provided below

As used in this article, the following terms shall have the meanings indicated:

JEWELRY — Any ornament or decorative piece made from gold, silver, precious stones, semiprecious stones or gems, including, but not limited to, necklaces, watches, rings, bracelets, earrings and cuff links.

MERCHANT/DEALER — Any person(s), partnership, corporation or other business entity which advertises, sells, offers to sell or attempts to sell or buy used jewelry to or from any other person, partnership or corporation.

MINOR — Any person under the age of 18.

REGULATED ACTIVITY — The sale or purchase of any used jewelry.

USED JEWELRY — Any jewelry acquired by a merchant/dealer from sources other than manufacturers and recognized distributors of newly manufactured jewelry.

96-31 Responsibilities Of Merchant/Dealer

- A. No merchant/dealer shall purchase or otherwise acquire used jewelry from a minor.
- B. On each occasion that a merchant/dealer acquires used jewelry, it shall observe the following:
 1. Request two forms of identification from the party offering the used jewelry, one of which shall be photo identification. The merchant/dealer shall make and retain copies of both forms of identification, on which will be endorsed the name of the individual receiving the used jewelry on behalf of the merchant/dealer.
 2. In addition to the forms of identification described in Subsection B(1) above, the merchant/dealer shall also take and retain photographs of the used jewelry purchased, noting on the reverse side of the photographs the name of the party offering the used jewelry, the date and time of purchase, and a detailed description of the items purchased. If necessary, the description should continue on separate sheets of paper. Alternatively, photographs of the used jewelry may



be retained electronically, provided that the required descriptions are also maintained, together with sufficient notation to connect the photographic and verbal descriptions to the forms of identification required in Subsection B(1) above.

3. The materials described in Subsection B(1) and B(2) above shall be retained by the merchant/dealer for a period of two years from the date of purchase and shall be shown and surrendered to any law enforcement officer upon lawful request.
4. No merchant/dealer shall sell, disassemble, melt or otherwise dispose of or alter any used jewelry within 72 hours of the time of purchase of such used jewelry.

96-32 Violations And Penalties

Any violation of this article shall be punishable in accordance with Chapter 1, Section 17, General Penalty, of the Village Code.

96-33 Definitions for Sales and Purchase of Vaping Products as provided below

ADMINISTRATOR - The Township of South Orange Village Administrator or his/her designee.

AUTHORIZED SALES PERSON - An employee of a Retail Vaping Establishment who is at least 21 years of age and designated by the Business Principal as a person who may Sell Vaping Products.

BUSINESS PRINCIPAL - A person who possesses an equity interest in a Business Entity.

BUSINESS ENTITY - Any sole proprietorship, joint venture, partnership, limited partnership, limited liability company, corporation or any other legally formed entity.

CCTV CAMERA - A closed circuit surveillance camera, with a video recorder.

HEALTH OFFICER - The Township of South Orange Village Health Officer or his/her designee.

MINORS - Persons under the age of 21.

PHOTOGRAPHIC IDENTIFICATION - either a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state, or a Photographic Identification card issued by a county clerk.

RETAIL VAPING ESTABLISHMENT - A location at which a Business Entity has been licensed to Sell Vaping Products.

SELL - Offer for sale, give, furnish, or distribute for commercial purpose at any or minimal cost or with coupons or rebate offers.

STATE LAW - N.J.S.A. 2A:170-51.4, N.J.S.A. 2A:170-51.9 and N.J.S.A. 2C:33-13.1

VAPING PRODUCTS - Any "liquid nicotine", "liquid nicotine container" and "vapor products", all as defined in N.J.S.A. 2A:170-51.9a; and any electronic or other device designed to permit individuals to inhale liquid nicotine or vapor products.



HISTORY

Amended by Ord. 2020-10 on 5/11/2020

96-34 Licensure Requirement

Any Business Entity wishing to Sell Vaping Products shall only do so after securing a license for a Retail Vaping Establishment from the Health Officer. Vaping Products shall only be sold within Retail Vaping Establishments. Should a Business Entity wish to Sell Vaping Products from multiple locations, each location shall require a separate license. Licenses shall be issued and renewed annually on December 31, for a fee of \$500. Business Entities and Business Principals previously convicted of Selling Vaping Products to Minors shall be denied a license.

HISTORY

Amended by Ord. 2020-10 on 5/11/2020

96-35 Retail Vaping Establishment Requirements

Every Retail Vaping Establishment shall comply with the following requirements:

1. It shall be located on a ground floor, and shall be at least 200 feet from any school measured entrance to entrance.
2. Prior to the effective date hereof, all existing Retail Vaping Establishments shall install one or more CCTV Cameras. Such CCTV Camera(s) shall be installed at a location so that (1) the production of Photographic Identification by customers and review thereof by the employee, and (2) the release of the Vaping Product to the customer, are all recordable by the CCTV Camera(s).
3. Before Selling a Vaping Product, the Retail Vaping Establishment shall obtain-Photographic Identification from every purchaser regardless of perceived age.
4. Before a Business Principal authorizes an employee to become an Authorized Sales Person, the Business Principal shall 1) obtain Photographic Identification indicating that the employee is at least twenty one (21) years old, and 2) submit certification on a form provided by the Health Officer that the employee was instructed with respect to requirements of this Article VI, and all New Jersey statutes and regulations concerning Vaping Products.
5. Only Authorized Sales Persons shall Sell Vaping Products in a Retail Vaping Establishment.
6. Vaping Products shall not be displayed in storefront windows, and shall be displayed and stored within Retail Vaping Establishments so that they are not accessible to customers. Vaping Products shall not be dispensed from vending machines.

HISTORY

Amended by Ord. 2020-10 on 5/11/2020



96-36 Violations/Penalties

1. Any person who violates any provision of this article shall be subject to penalties as set forth in Chapter 1, Article 17, General Penalty, of this Code.
2. Any violation of this Article VI and/or State Law shall subject the licensed Business Entity, Business Principal and employee to a summons before the South Orange Municipal Court. Licensed Business Entities shall also be held responsible for violations by Business Principals and employees. Such summons shall be issued by the Health Officer or any South Orange police officer.
3. Conviction for failure to request Photographic Identification when required shall subject licensed Business Entities, Business Principals and employees to a fine of \$1,000 or such greater fine as permitted by law. All other violations of this Article VI shall subject a licensed Business Entity to a fine of \$500 for the first offense and \$1,000 for each additional offense or such greater fine as permitted by law. Conviction for Selling Vaping Products to Minors shall subject licensed Business Entities, Business Principals and employees to both civil and criminal penalties pursuant to State Law.
4. Upon a second conviction of a violation of this Article VI and/or State Law, the Health Officer shall revoke the license to Sell Vaping Products. The licensed Business Entity may appeal the revocation to the Administrator. The Administrator shall conduct an audio recorded hearing within 30 days of the revocation, unless the licensed Business Entity requests a later date, but in no event later than 90 days. The licensed Business Entity may be represented by legal counsel and may, at its expense, choose to have a written record of the hearing by a licensed court reporter. The decision of the Administrator shall be final.

HISTORY

Adopted by Ord. 2020-10 on 5/11/2020

Section 2.

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3.

This ordinance shall take effect after final passage and publication as required by law.

Section 4.



On passage this ordinance shall be codified.

Introduction – First Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown		X	X			
Coallier	X		X			
Haskins			X			
Hartshorn Hilton			X			
Jones			X			
Zuckerman			X			

CERTIFICATION

I, Ojetti E. Davis, Acting Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their meeting held on May 24, 2021.

Ojetti E. Davis
Acting Village Clerk

Adoption – Second Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown						
Coallier	X		X			
Haskins			X			
Hartshorn Hilton			X			
Jones		X	X			
Zuckerman			X			



CERTIFICATION

I, Ojetti E. Davis, Acting Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on June 28, 2021.

Ojetti E. Davis
Acting Village Clerk

Adopted:

Sheena C. Collum

Attest:

Ojetti E. Davis