

ORDINANCE NO. 2014- 9

AN ORDINANCE AMENDING ORDINANCE 90-39, AS AMENDED, CHAPTER 574 OF THE CODE OF THE CITY OF VINELAND ENTITLED SECOND HAND GOODS.

WHEREAS, City Council has adopted Ordinance 90-39, as amended, Chapter 574, entitled Second Hand Goods to establish the necessary rules to regulate said commercial activity; and

WHEREAS, it is necessary to amend said Ordinance and Chapter to allow for the proper operation of the enacted legislation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Vineland that Chapter 574 entitled Second Hand Goods be amended as follows:

§574-2 License Required shall be amended as follows:

§574-2 License Required.

It shall be unlawful for any person, firm or corporation to engage in the business of being a secondhand dealer as defined in this chapter without first obtaining a license therefor from the Director of Public Safety or his/her designee with the approval of the Chief of Police as hereinafter provided. A separate license shall be required for each location, place of premises used for the conduct of the business of being a secondhand dealer. Each location, place or premises shall be limited to a single secondhand license. There shall be a limit of 12 Class A licenses.

§574-3A License Fee; expiration shall be amended as follows:

§574-3. License fee; expiration.

[Amended 5-14-2002 by Ord. No. 2002-26; 5-22-2012 by Ord. No. 2012-25]

A. The Director of Public Safety or his/her designee with the approval of the Chief of Police shall, on application, issue an appropriate license to any secondhand dealer who complies with the application and licensing requirements set forth in this chapter or subsequent to any investigation deemed necessary by said Director his/her designee. All applicants shall pay to the City of Vineland a nonrefundable application fee as follows:

- (1) Class A: \$750.00
- (2) Class B: \$100.00
- (3) Class C: \$59.00

§574-5 Fingerprints required shall be amended as follows:

§574-5 Fingerprints required.

Each applicant for a secondhand dealer's license and his/her employees shall have three sets of fingerprints taken by the Vineland Police Department or such agency or firm authorized by the City of Vineland or Chief of Police. Fingerprints so furnished shall become a part of the application. In the event of a partnership or association, all partners or members and, in the event of a corporation, all officers shall be required to have three sets of their fingerprints taken by the Vineland Police Department or such agency or firm authorized by the City of Vineland or Chief of Police. Fingerprints so taken shall be submitted to the Federal Bureau of Investigation and to such further authorities as the Chief of Police may deem advisable for comparison and record.

§574-10A Denial, suspension and revocation of license shall be amended as follows:

§574-10A Denial, suspension and revocation of license.

The Director of Public Safety or his/her designee may deny, suspend or revoke any secondhand dealers' licensee pursuant to NJSA 40:52-2 for sufficient cause, after notice and hearing by the Director of Public Safety, his/or her designee, or any Director appointed by the Mayor with the advice and consent of City Council. Sufficient cause shall include but not be limited to:

(1) Violation of any provisions of the within chapter or other ordinances of the City of Vineland by the dealer or an employee.

[amended 5-22-2012 by Ord. No. 2012-25]

(2) Advertising of any kind by a dealer to purchase secondhand goods without being licensed pursuant to the within chapter.

(3) Failure of any person to state fully on his or her application for a license an official place of business within the City of Vineland or any material false representation.

(4) Dealer and/or employee who has been convicted of an offense or crime in connection with Chapter 15, Robbery; Chapter 17, Arson, Criminal Mischief and other Property Destruction; Chapter 18, Burglary and Other Criminal intrusion; Chapter 20, Theft and Related offenses; and Chapter 21, Forgery and Fraudulent practices, of Title 2C, the New Jersey Code of Criminal Justice.

[Amended 5-22-2012 by ord. No. 2012-25]

(5) Utilization of the business for the disposal of stolen goods.

(6) Conduction of the business in such way as to make it a menace to the health and welfare of the residents of the City of Vineland.

BE IT FURTHER ORDAINED that any and all portions of Ordinance 90-39, Chapter 574, not so amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that in the event any section, subsection, sentence, clause, phrase or portion of this Ordinance 90-39, Chapter 574, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Passed First Reading:

Passed Second Reading:

Approved by the Mayor:

President of Council

Mayor Ruben Bermudez

ATTEST:

City Clerk