

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE 16-30**

ORDINANCE AMENDING LICENSING PROCESS

Section 1. Purpose & Authority. Pursuant to N.J.S.A. 40:48-1 and 40:49-2, the Borough of Paramus hereby amends its licensing provisions to allow for investigations.

Section 2. Licensing Investigations. Chapter 191-3 of the Borough Code, License Issuance, is amended as follows [changes in strikethrough; additions highlighted].

§ 191-3. License issuance.

(a) After receiving the application, the Borough Clerk shall present the same to the Mayor and Council for consideration at the next succeeding meeting. Upon approval of the application by the Mayor and Council, the license shall be issued by the Borough Clerk.

(b) Where the Borough Clerk deems it appropriate, applications shall be referred to the Chief of Police or a Police Officer designated by him, who shall immediately institute whatever investigation of the applicant's business responsibility, moral character, and ability to properly conduct the licensed activity he considers necessary for the protection of the public. He shall communicate his findings in writing to the Borough Clerk within a reasonable time after the application has been filed. If the investigator's report supports a finding that the applicant's character, ability, or business responsibility is unsatisfactory or that the products, services, or activity are not free from fraud, the Borough Clerk shall refuse to issue the license and shall so notify the applicant. Otherwise, the Borough Clerk shall issue the license immediately, provided the required license fee has been paid, except in cases where approval of the Mayor and Council is required. In the event of the refusal of the issuance of a license, the applicant may appeal to the Mayor and Council for a hearing. The appeal must be filed in writing with the Borough Clerk within fourteen (14) days after notification of the refusal. The Mayor and Council shall hold the hearing within ten (10) days thereafter. The decision of the Mayor and Council shall be final.

(c) The procedure in section (b) above is applicable to any license issued through or by the Borough Clerk, regardless of whether it appears in this chapter, to the extent not specifically superseded by another chapter that cannot be reconciled with section (b) or where section (b) is specifically superseded by state or federal law.

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Chapter 55 of the Borough Code is amended to include new section 8, titled "license investigations":

§ 55-8. License investigations.

All licenses subject to the Board of Health's jurisdiction shall be subject to the same investigatory procedure as Chapter 191-3(b) of the Borough Code, except that the Board of Health has instituting authority for such investigations to the same (or greater extent) as the Borough Clerk.

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Borough Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Borough Code.

Section 5. Codification. This ordinance shall be codified as set forth above.

Section 6. Effective Date. This ordinance shall take effect immediately upon passage.

Attest:

Approved:


ANNEMARIE KRUSZNIS, RMC
Borough Clerk


RICHARD A. LABARBIERA
Mayor

Introduced: December 6, 2016

Adopted: December 20, 2016