



Legislation Details (With Text)

File #: 16-0426 **Version:** 1 **Name:** Ordinance for Fee Revisions - Title 5
Type: Ordinance **Status:** Adopted
File created: 3/2/2016 **In control:** Finance
On agenda: 6/15/2016 **Final action:** 8/3/2016

Title: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE V, AMUSEMENTS AND AMUSEMENT BUSINESSES, CHAPTER 1, ARCADES, CHAPTER 2 COIN-OPERATED AMUSEMENT DEVICES, CHAPTER 3, SHOOTING GALLERIES, CHAPTER 4, MISCELLANEOUS AMUSEMENT BUSINESSES, CHAPTER 6, STREET MUSICIANS, CHAPTER 7 PUBLIC DANCE HALLS AND PUBLIC DANCES, CHAPTER 10 SPECIAL EVENTS, AND CHAPTER 12, SOCIAL CLUBS OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ADJUSTING FEES FOR CERTAIN LICENSES.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
8/3/2016	1	Municipal Council	Close on Public Hearing and Adopt	Pass
7/7/2016	1	Municipal Council	Adopt on First Reading	Pass
6/15/2016	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE V, AMUSEMENTS AND AMUSEMENT BUSINESSES, CHAPTER 1, ARCADES, CHAPTER 2 COIN-OPERATED AMUSEMENT DEVICES, CHAPTER 3, SHOOTING GALLERIES, CHAPTER 4, MISCELLANEOUS AMUSEMENT BUSINESSES, CHAPTER 6, STREET MUSICIANS, CHAPTER 7 PUBLIC DANCE HALLS AND PUBLIC DANCES, CHAPTER 10 SPECIAL EVENTS, AND CHAPTER 12, SOCIAL CLUBS OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ADJUSTING FEES FOR CERTAIN LICENSES.

WHEREAS, the City of Newark issues numerous licenseses for amusement, amusement businesses, arcades, coin-operated amusement devises, shooting galleries, miscellaneous amusement businesses, musicians, public dance halls, public dances, special events and social clubs; and

WHEREAS, the City of Newark has determined that it is necessary to adjust fees for the aforementioned licenses; and

WHEREAS, the Municipal Council finds and declares the following amendments to the Revised General Ordinances of the City of Newark, New Jersey, 2000, are deemed necessary for the preservation of the public peace, health, and/or safety within the City of Newark.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

[Deletions are indicated by ~~strikethrough~~, additions are indicated by **bold and underline**]

SECTION 1. Title V, Amusements and Amusement Businesses, Chapter 1, Arcades, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented to read as follows:

Chapter 1 Arcades

5:1-5. LICENSE FEE; TERM OF LICENSE.

The fee to be paid for the license required by this Chapter shall be one thousand five hundred (\$1,500.00) dollars per annum. The license shall be valid for the period of ~~one (1) year from the date of issuance unless sooner revoked or suspended.~~ (R.O. 1966; R.O. 1966 C.S. § 5:1-5) **expire on March 31st after its date of issuance.**

SECTION 2. Title V, Amusements and Amusement Businesses, Chapter 2, Coin-Operated Amusement Devices, Article 1 Licensing and Regulating Operation and Use of Devices of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented to read as follows:

Chapter 2 Coin-Operated Amusement Devices

Article 1 Licensing and Regulating Operation and Use of Devices

5:2-6. LICENSE FEE; TERM OF LICENSE.

a. The license fees for each coin-operated amusement device shall be seventy-five (\$75.00) dollars payable upon presentation of the application and shall be returned less the sum of fifteen (\$15.00) dollars in the event the license is not granted.

b. All licenses issued, and renewals thereof, under this Chapter shall ~~be for a period of one (1) year from the date of issuance~~ **expire on March 31st after its date of issuance.** The Division of Tax Abatements/Special Taxes shall establish administrative rules and/or regulations pertaining to scheduling for the issuance of a coin-operated amusement device license. (R.O. 1966; R.O. 1966 C.S. § 5:2-6; Ord. 6 S+FB, 7-8-87; Ord. 6 S+FT, 2-17-88 § 1)

Article 2, Licensing and Regulating Distributors of Devices

5:2-18. PREREQUISITES TO LICENSING, TERM OF LICENSE.

a. No license shall be issued until all the information required on the application has been submitted by the applicant.

b. All applications shall be referred to the Chief of Police for investigation. The Chief of Police shall determine if the applicant is in compliance with the distance restrictions described in Section 5:2-11. The Chief of Police shall make a recommendation as to whether or not a license shall be issued based upon his investigation of the applicant's conduct as a law abiding person and convictions of disorderly persons offenses or violations of City ordinances. He shall also consider any convictions pursuant to N.J.S. 2C:33-12, maintaining a nuisance, which involve the subject premises. If the Director shall disapprove a license based upon the recommendation of the Chief of Police, he shall furnish the applicant with written notice of the reasons for disapproval.

c. No license shall be issued to any person until all Federal and State law and City ordinances relating to the premises have been complied with.

d. No license shall be issued unless the prescribed license fee has been paid.

e. No license shall be issued to any applicant where information furnished on the application is false.

f. The license shall be valid for a term of one (1) year from the date of its issuance. **expire on March 31st after its date of issuance.** (R.O. 1966; R.O. 1966 C.S. § 5:2-18; Ord. 6 S+FA, 4-7-93)

SECTION 3. Title V, Amusements and Amusement Businesses, Chapter 3 Shooting Galleries of the Revised General Ordinances of the City of Newark, New Jersey is amended and supplemented to read as follows:

Chapter 3, Shooting Galleries.

5:3-2. LICENSE FEE; TERM.

The annual fee for a shooting gallery license shall be fifty (\$50.00) dollars. All licenses issued, and renewals thereof, under this Chapter shall be for a period of one (1) year from the date of issuance. **expire on March 31st after its date of issuance.** The Division of Tax Abatements/ Special Taxes shall establish administrative rules and/or regulations pertaining to scheduling for the issuance of a shooting gallery license. (R.O. 1966 § 5:3-2)

SECTION 4. Title V, Amusements and Amusement Businesses, Chapter 4, Miscellaneous Amusement Businesses, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented to read as follows:

Chapter 4, Miscellaneous Amusement Businesses.

5:4-5. ISSUANCE OF LICENSE; EXPIRATION DATE

a. All licenses under this Chapter shall be issued by the Director of Finance.

b. All licenses issued, and renewals thereof, under this chapter shall be for a period of one (1) year from the date of issuance **expire on March 31st after its date of issuance.** The Division of Tax Abatements/Special Taxes shall establish administrative rules and/or regulations pertaining to scheduling for the issuance of a Miscellaneous Amusement Business license. (R.O. 1966 § 5:4-5)

SECTION 5. Title V, Amusements and Amusement Businesses, Chapter 5 Mobile Merry-Go-Rounds, Whips and Similar Devices, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented to read as follows:

5:5-2. APPLICATION; LICENSE FEE; TERM OF LICENSE.

a. Application for a license shall be filed in the Office of the Division of Tax Abatements/Special Taxes on forms to be provided.

b. The fee to be paid for the license required by this chapter shall be one hundred (\$100.00) dollars per annum.

c. The fee shall be payable upon the presentation of the application and shall be returned, less the sum of ten (\$10.00) dollars in the event such license is not granted.

d. The license shall **expire on March 31 after its date of issuance** ~~be valid for a period of one (1) year from the date of issuance~~ unless sooner revoked or suspended.

(R.O. 1966; R.O. 1966 C.S. § 5:5-2)

SECTION 6. Title V, Amusements and Amusement Businesses, Chapter 6 Street Musicians, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented to read as follows:

Chapter 6, Street Musicians.

5:6-1. HAND ORGAN PLAYER LICENSE; FEE; TERM OF LICENSE.

a. No person shall play upon or use for the purpose of making music any instrument called or commonly known as a "hand organ" on the streets in this City without having first procured a license from the Director of the Department of Finance and/or his designee. All such licensees shall be called "organ grinders" and licensed as such.

b. The annual fee for such license shall be ten dollars and fifty (\$10.50) cents. The fee shall be payable upon the presentation of the application and shall be returned, less the sum of two (\$2.00) dollars in the event such license is not granted. All licenses issued, and renewals thereof, under this Chapter shall be for a period of one (1) year from the date of issuance. **expire on March 31st after its date of issuance.** The Division of Tax Abatements/Special Taxes shall establish administrative rules and/or regulations pertaining to scheduling for the issuance of an organ grinder's license. (R.O. 1966; R.O. 1966 C.S. § 5:6-1)

SECTION 7. Title V, Amusements and Amusement Businesses, Chapter 7 Public Dance Halls and Public Dances of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented to read as follows:

Chapter 7, Public Dance Halls and Public Dances.

DANCE HALLS

5:7-4. ISSUANCE OF LICENSE; TERM OF LICENSE.

a. The Director of Finance is hereby authorized to grant the licenses herein provided for to such persons of good moral character and otherwise qualified according to the provisions of this Chapter, and to such rules and regulations as he may promulgate as he shall deem fit and proper for the health, safety and welfare of the public.

b. The license fee as provided by Section 5:7-5 shall be payable upon presentation of the application therefor and shall be returned less the sum of ten (\$10.00) dollars in the event such license is not granted.

c. All licenses issued, and renewals thereof, under this Chapter shall be for a period of one (1) year from the date of issuance. **expire on March 31st after its date of issuance.** The Division of

Tax Abatements/Special Taxes shall establish administrative rules and/or regulations pertaining to scheduling for the issuance of a public dance hall license. (R.O. 1966; R.O. 1966 C.S. § 5:7-4; Ord. 6 PSF-e, 3-18-09 § 1)

5:7-5. LICENSE FEES.

There shall be charged the following fees for licenses herein provided for:

a. Any room or place in any building actually and exclusively used in the work of associations and corporations organized exclusively for the moral and mental improvement of men, women and children or for religious or charitable purposes, where dancing is permitted \$ 1.00

b. Any room or place which is conducted as a dancing school \$50.00

c. Any room or place in which or that is connected with any other room or place in which alcoholic beverages are sold and dispensed; any room or place in which or that is connected with any other room and place in which dancing or exhibitions commonly called "cabaret" is conducted; and any room or place in which or that is connected with any other room or place which is conducted as a restaurant, hotel or motel, shall pay a license fee according to the actual space used for the purpose of dancing, as follows:

Space less than 150 square feet.....\$ 50.00 **\$100.00**

Space 151 square feet to 250 square feet inclusive.....75.00 **\$150.00**

Space over 250 square feet.....500.00 **\$600.00**

d. Any other room or place conducted as a public dance hall and not herein otherwise provided for..... **\$200.00**

(R.O.1966; R.O.1966 C.S. § 5:7-5; Ord. 6 S+FJ, 3-16-88 §1; Ord. 6 PSF-E, 3-18-09 § 1)

SECTION 8. Title V, Amusements and Amusement Businesses, Chapter 10 Special Events, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented to read as follows:

Chapter 10, Special Events.

CARNIVAL, FAIR, FESTIVAL, PARADE

5:10-3. PERMIT REQUIRED; FEE.

c. *Permit Fee.* The nonrefundable permit fees shall be waived for First Amendment activities, as defined herein, which are not associated with other activities defined as special events.

The nonrefundable permit fees for such permits are as follows:

Park Permit (for use of City- \$250.00 owned Park)

Block Party (including Street \$ 50.00

Closing Permit)

Carnival, Fair, Festival	\$250.00 for one day up to \$150.00 per day
Parade	\$250.00
Procession	\$ 50.00
Race, Run, Walk	\$150.00

A permit shall be issued for a maximum of four (4) specified, or four (4) consecutive calendar days within a given month. An additional fee of **one hundred fifty (\$150.00)** ~~fifty (\$50.00)~~ dollars per day shall be assessed for events transpiring five (5) or more specified, consecutive days or five (5) or more specified, calendar days within a given month. These fees, which may be collected by the Manager of Finance, are in addition to any other fees provided for elsewhere in City ordinances.

SECTION 9. Title V, Amusements and Amusement Businesses, Chapter 11 Discotheques, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented to read as follows:

Chapter 11 Discotheques

5:11-4. ISSUANCE OF LICENSE AND TERM OF LICENSE.

a. The Director of Finance is hereby authorized to grant the license herein provided for to such persons of good moral character and otherwise qualified according to the provisions of this chapter and to such rules and regulations as he may promulgate as he shall deem fit and proper for the health, safety and welfare of the public.

b. The license fee as provided by Section 5:11-5 shall be payable upon presentation of the application therefor and shall be returned less the sum of ten (\$10.00) dollars in the event the license is not granted.

c. All licenses issued, and renewals thereof, under this chapter shall ~~be for a period of one (1) year from the date of issuance.~~ **expire on March 31st after its date of issuance.** The Division of Tax Abatements/Special Taxes shall establish administrative rules and/or regulations pertaining to scheduling for the issuance of a discotheque license. (R.O. 1966 C.S. § 5:11-4)

SECTION 10. Title V, Amusements and Amusement Businesses, Chapter 12 Social Clubs of the Revised General Ordinances of the City of Newark, New Jersey is amended and supplemented to read as follows:

Chapter 12, Social Clubs.

SOCIAL CLUB

5:12-7. LICENSE FEE.

a. The application for a license required by this chapter shall be accompanied by a license fee based on the following:

Space less than 150 square feet ~~\$50.00~~ **\$100.00**

Space 151 square feet to 250 square feet	\$75.00 <u>\$150.00</u>
Space over 250 square feet	\$200.00 <u>\$300.00</u>

b. The above licensing fees are non-refundable regardless of whether or not the proprietor is issued a license.

(Ord. 6 S+FE, 9-3-08 § 1)

5:12-8. ISSUANCE OF LICENSE; TERMS OF LICENSE.

a. The Director of Finance is hereby authorized to grant the licenses herein provided to such persons of good moral character and otherwise qualified according to the provisions of this Chapter, and to promulgate such rules and regulations as he/she shall deem fit and proper for the health, safety and welfare of the public and promulgate other rules and regulations within his/her discretion.

b. The license fee as provided by Section 5:12-7 shall be payable upon presentation of the application thereof.

c. All licenses issued, and renewals thereof, under this chapter shall be for a period of one (1) year from the date of issuance. **expire on October 31st after its date of issuance.** The Division of Tax Abatements and Special Taxes shall establish administrative rules and/or regulations pertaining to the issuance of a social club license.

d. No social club license, including renewals, shall be granted unless and until the number of such licenses issued and outstanding shall be less than seventy-five (75). When the number of social club licenses issued and outstanding shall be less than seventy-five (75), only additional licenses of this type may be issued as will not bring the total number of licenses to more than seventy-five (75).

1. When the maximum number of licenses has been issued, the applicant may make application to the Division of Tax Abatements and Special Taxes for a waiver of the maximum requirement so that a license may be issued.

2. The Division of Tax Abatements and Special Taxes in determining whether a waiver should be granted will consider whether the applicant is a nonprofit organization that has been in possession and operation of the social club and the location for three (3) continuous years prior to the submission of its application for a license.

e. *Closing and Opening Hours of Operation.* No social club shall remain open during the following hours:

Sunday through Thursday, except New Year's Day, between the hours of 12:00 a.m. and 12:00 p.m.

Friday and Saturday, except New Year's Day, between the hours of 1:00 a.m. and 12:00 p.m., except New Year's Day, between 4:00 a.m. and 12:00 p.m.

On New Year's Day when such day falls on a weekday, between the hours of 2:00 a.m. and 12:00 p.m.

No social club shall be allowed to operate or open during the hours when the social club according to this Chapter is to be closed.

(Ord. 6 S+FE, 9-3-08 § 1)

Section 11. If any Section, paragraph, subdivision, clause or provision of these ordinances shall be judged invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these ordinances shall be deemed valid and effective.

Section 12. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency.

This ordinance shall take effect upon passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance amends and supplements Title V, Amusements and Amusement Business to adjust the fees

associated with obtaining certain permits and licenses.