



Legislation Text

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AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE 8, BUSINESS AND OCCUPATIONS; CHAPTER 14, SHOE SHINE PARLORS AND CIGARS STORES, TO INCLUDE HOURS OF OPERATION AND EXPRESSLY PROHIBITING 24 HOUR OPERATION, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED.

Sponsor: Councilmember Ramos/ James

WHEREAS, there has been recent evidence that certain businesses which are licensed as Cigar Stores by the City of Newark seek to operate on a 24-hour basis, which has created difficulties in City of Newark neighborhoods; and

WHEREAS, in order to eliminate any confusion on the part of business owners, licensed by the City of Newark to operate a Cigar Store, that they are not allowed to operate on a 24-hour basis, the Municipal Council seeks to amend the associated licensing ordinance, Title VIII, Chapter 14, Shoe Shine Parlors And Cigar Stores, to include specific hours of operation and expressly prohibiting 24-hour operation.

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

Note: Strikethroughs are deletions and bold underlined are additions.

Section 1. Title VIII, Chapter 14, of the Revised General Ordinances of the City of Newark, 2000, as amended and supplemented, are hereby amended as follows:

CHAPTER 14, SHOE SHINE PARLORS AND CIGAR STORES

8:14-1. DEFINITIONS.

Cigar store shall mean a store or shop, or part thereof, place, building, structure or vehicle, where cigars or tobacco or all or any of them, are exposed for sale, or sold, and inclusive of sale of any cigars or tobacco or all or any of them, from vending machines, or other apparatus or mechanical device.

Director shall mean the Director of the Department of Finance and/or his designee.

Person shall mean any individual, firm, member of a firm, partnership or member

thereof, corporation or any officer, director or stockholder of such corporation, unless otherwise specified.

Shoe shine parlor shall mean a place or establishment where three (3) or more chairs are placed in use, or to be used for the purpose of shining or polishing shoes or boots with polish or other material, composition or mixture of any color whatever.

(R.O. 1966 § 8:14-1; R.O. 1966 C.S. § 8:14-1)

8:14-2. LICENSE REQUIRED.

No person shall keep, operate or conduct a shoe shine parlor or cigar store without first obtaining a license for each such business from the Director. (R.O. 1966 § 8:14-2)

8:14-3. APPLICATION FOR LICENSE.

Applications for licenses under this chapter shall be filed with the Division of Tax Abatements/Special Taxes on forms to be furnished by the Director which forms shall show the following:

- a. Name of the applicant.
 - b. Post office address of applicant.
 - c. Whether or not the person making the application has ever been convicted of a crime or violation of a State statute or violation of a City ordinance or disorderly persons offense involving gambling.
 - d. In the case of a corporation it shall state the names and addresses of the officers and all stockholders, presently holding stock, and all who for more than six (6) months prior to making application, have held stock or who have been officers.
- (R.O. 1966 § 8:14-3)

8:14-4. GROUNDS FOR DENIAL OF LICENSE.

The Director may deny a license to any person who has been convicted of a crime or a violation of a State statute, or violation of a City ordinance or disorderly persons offense involving gambling. The Director may also deny the license where the premises to be licensed does not comply with the applicable codes and ordinances of the City. (R.O. 1966 § 8:14-4)

8:14-5. EXPIRATION DATE.

Unless sooner revoked or suspended, all licenses issued, and renewals thereof, under this chapter shall be for a period of one (1) year from the 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 shoe shine parlor license. (R.O. 1966 § 8:14-5)

8:14-6. LICENSE FEES; EXEMPTIONS.

a. The fees of a cigar store or shoe shine parlor license issued under this chapter shall be as follows:

..... Shoe shine parlor \$ 50.00
..... Cigar store 15.00

..... The fee shall be payable upon the presentation of the application and shall be returned to the applicant, less the sum of five (\$5.00) dollars in the event the license is not granted.

..... b. The following institutions who conduct cigar stands on the premises of such institution, and the following persons who conduct such cigar stores are exempt from the payment of the foregoing license fees:

1. Hospitals, charitable, religious and educational institutions;

2. Blind persons declared to be legally blind under the rules and regulations of the New Jersey State Commission for the Blind.

(R.O. 1966 § 8:14-6; R.O. 1966 C.S. § 8:14-6; Ord. 6 S+FH; 6-3-87 § 2; Ord. 6 S+FL, 2-17-88 § 1)

8:14-7. CONTENTS OF LICENSE; DISPLAY; TRANSFERS.

a. Each license shall bear the date of issue; the name of the person to whom issued; the purpose for which issued, and the location of the room or building wherein the licensee is authorized to carry on and conduct any such licensed business.

b. Each license shall be posted and conspicuously displayed on the premises where the licensee is authorized to carry on the licensed business.

c. Subject to consent of the Director a license may be transferred by the holder to another address, provided that the licensee makes application in writing for such transfer, to the Director, and further provided that the new premises comply with the applicable codes and ordinances of the City.

(R.O. 1966 § 8:14-7)

8:14-8. SUSPENSION AND REVOCATION OF LICENSE.

In addition to the penalty provided in Section 8:14-9, the Director shall have the power to suspend or revoke for cause any such license, and in case the Director shall determine that there is reasonable cause to suspend or revoke any such license, he shall cause a notice to be served in writing upon the licensee or other person in charge of the licensed place, citing him to appear before such Director at such time and place as he may designate, to show cause why such license should not be suspended or revoked, and such licensee shall be afforded a hearing before the Director, prior to the final revocation of his license.

The Director, after notice and hearing, may suspend or revoke any license granted under this chapter to any person who shall have been convicted of a crime or of violating any State statute or violating any City ordinance or disorderly persons offense

involving gambling.
(R.O. 1966 § 8:14-8)

8:14-9. HOURS OF OPERATION - CIGAR STORES (New Section).

Any Cigar Store is required to be closed for business between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday and 11:00 p.m. and 6:00 a.m. on Friday and Saturday. The exemptions contained in City of Newark Revised General Ordinances, Title VIII, Chapter 12, more specifically 8:12-6A, shall not be applicable to a Cigar Store.

8:14-10 PENALTY.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred (\$500.00) dollars or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (R.O. 1966 § 8:14-9)

Section 2. Any prior ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 3. If this particular amendment to the ordinance is declared unconstitutional or illegal, the remaining provisions shall continue in full force and effect.

Section 4. The adoption of this ordinance amendment shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

Ordinance Amending Title VIII, Chapter 14, Shoe Shine Parlors and Cigar Stores, to include Hours of Operation and expressly prohibiting 24-hour operation.