

ORDINANCE NO. 5700

AN ORDINANCE TO AMEND THE CODE OF THE
CITY OF ELIZABETH CHAPTER 5 ENTITLED
"BUSINESS LICENSES AND REGULATIONS"
SPECIFICALLY TO INCREASE FEES FOR
VARIOUS LICENSES

WHEREAS, in order to effectuate the City's responsibility to provide for the health, safety and welfare of the City's population, the Municipal government, through its various executive departments, issues licenses to allow a various range of businesses to operate; and;

WHEREAS, the respective executive departments charge fees for the issuance of these licenses and for inspections and enforcement pursuant to these licenses; and

WHEREAS, the City has established a fee schedule which sets the cost of these fees at a rate commensurate with the cost of administering these licenses and ensuring that business using them are acting in compliance with all local laws; and

WHEREAS, Section 5.40.040 establishes the fees for Florists; Section 5.52.110 establishes the fees for Junk Yards; Section 5.54.070 establishes the fees for Tire Repair Shops; Section 5.56.040 establishes the fees for Massage Parlors; Section 5.60.040 establishes the fees for Open-Air Parking Stations; Section 5.64.030 establishes the fees for Public Dance Halls; Section 5.80.040 establishes the fees for Sale of Spray Paint and Ink Markers; Section 5.108.070 establishes the fees for Theaters; Section 5.114.070 establishes the fees for Used Motor Vehicle Dealerships; and;

WHEREAS, these fees were last amended over 20 years ago and the cost of administering these licenses and ensuring that business using them are compliant with all local laws has increased significantly over the last 20 years; and

WHEREAS, it is in the City's best interest that these aforementioned licensing fees be increased so that the cost of these fees can be commensurate with the cost of administration;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH THAT THE FOLLOWING SECTIONS OF CHAPTER 5 BE AMENDED TO READ AS FOLLOWS (STRIKE THROUGHS ARE DELETED AND BOLDED TERMS ARE ADDED)

SECTION 1. Section 5.40.040 of the Code of the City of Elizabeth entitled "**Florists – License**" is hereby amended to read as follows:

The license fee shall be ~~two hundred dollars~~ **four hundred dollars (\$400.00)** annually from January 1st through December 31st of any given year.

SECTION 2. Section 5.52.110 of the Code of the City of Elizabeth entitled "**Junk Yard – Schedule of fees – Tags for vehicles required**" is hereby amended:

A. The license fee for junkyards and junk shops in the city is fixed at ~~five hundred dollars~~ **one thousand five hundred dollars (\$1,500.00)** per year, payable yearly in advance.

SECTION 3. Section 5.54.070 of the Code of the City of Elizabeth entitled "**Tire Repair Shops – License fee, term of license, renewal of license**" is hereby amended:

B. The annual fee for the license issued under this chapter shall be ~~three hundred fifty dollars~~ **seven hundred dollars (\$700.00)** payable when the application is filed. In the event the license is not granted the application fee, less the sum of fifty dollars (\$50.00) shall be returned to the applicant

PRESENTED TO THE MAYOR FOR
APPROVAL OR DISAPPROVAL ON
SEP 28 2022
CITY CLERK

SECTION 4. Section 5.56.040 of the Code of the City of Elizabeth entitled “**Massage Parlors – License Fees**” is hereby amended:

A. The applicant for a license for an establishment or premises shall pay an annual license fee of ~~five hundred dollars (\$500.00)~~ **one thousand dollars (\$1,000.00)** which license fee shall become due on the first day of February in each year.

SECTION 5. Section 5.60.040 of the Code of the City of Elizabeth entitled “**Open-Air Parking Stations – License Fee**” is hereby amended:

A. A license fee of ~~five hundred dollars (\$500.00)~~ shall be paid for each license issued for ~~open air parking stations under the terms of this chapter.~~ A license fee of **one thousand dollars (\$1,000.00)** shall be paid for an open air parking license for 1 to 30 parking spaces, a license fee of two thousand dollars (\$2,000.00) shall be paid for an open air parking license for 31 to 60 parking spaces, and a license fee of three thousand five hundred dollars (\$3,500.00) shall be paid for an open air parking license for over 61 parking spaces. Such fees shall be turned over to the city treasurer for general revenue purposes.

~~B. A license fee of three hundred dollars (\$300.00) shall be paid for a temporary open air parking license for 1 to 30 parking spaces and a license fee of five hundred dollars (\$500.00) shall be paid for a temporary open air parking license for more than 30 parking spaces. Such fees shall be turned over to the city treasurer for general revenue purposes.~~

SECTION 6. Section 5.64.030 of the Code of the City of Elizabeth entitled “**Public Dance Halls – Application procedure – Fee, approval and enforcement**” is hereby amended:

The application for such license shall be made in writing to the bureau of central licensing, designating the location of such dance hall and the person or persons intending to conduct the same, accompanied with a fee of ~~one thousand dollars (\$1,000.00)~~ **two thousand dollars (\$2,000.00)** annually, whereupon a license shall be prepared and presented to the mayor, who, at his or her discretion, may grant or refuse the same. No license shall be issued until a certificate of occupancy has been obtained from the bureau of construction of the department of planning and community development, and no license shall become effective until it has received the approval of the mayor, and in case he or she shall refuse to approve such license, the money so paid to the chief license inspector shall be returned to the applicant or his or her attorney properly authorized to receive the same. It shall be the duty of the chief license inspector to enforce the provisions of this chapter. All moneys paid for licenses under this chapter shall be turned over to the city treasurer for general revenue purposes.

SECTION 7. Section 5.80.040 of the Code of the City of Elizabeth entitled “**Sale of Spray Paint and Ink Markers – License Required for Sale of Spray Paint**” is hereby amended:

A. No person, except a wholesale dealer, may sell, offer to sell or possess with intent to sell any spray paint or hobby kit or any similar kind of kit containing spray paint without first obtaining a license from the superintendent of licenses. “Wholesale dealer” means any manufacturer and any person who sells spray paint to persons who are reasonably understood not to be the ultimate consumers. Applications for licenses to sell spray paint shall be made in the form prescribed by the superintendent of licenses and accompanied by a fee of ~~one hundred fifty dollars (\$150.00)~~ **five hundred dollars (\$500.00)** payable to the City.

SECTION 8. Section 5.108.070 of the Code of the City of Elizabeth entitled “**Theaters – License fees – Renewal - Transferability**” is hereby amended:

A. The annual license fee for each such license for an indoor theater shall be ~~four hundred dollars (\$400.00)~~ **one thousand dollars (\$1,000.00)**. The annual license fee for an open-air automobile drive-in theater shall be two thousand dollars (\$2,000.00). Each such fee shall be payable on or before January 1st in each year. No license shall be issued until the fee has been paid. In the event that the license shall be revoked, no part of the license fee shall be returned to the licensee.

SECTION 9. Section 5.114.070 of the Code of the City of Elizabeth entitled "Used Motor Vehicle Dealerships - License Fee" is hereby amended:

The annual license fee for the license aforesaid is:

- A. For each used car lot having twenty (20) spaces, or less, ~~five hundred dollars (\$500.00)~~ **one thousand dollars (\$1,000.00)** shall be paid for the annual license for the premise where the regulated activity is to be conducted.
- B. For each used car lot having twenty-one (21) spaces and more, ~~seven hundred fifty dollars (\$750.00)~~ **one thousand five hundred dollars (\$1,500.00)** shall be paid for the annual license for the premise where the regulated activity is to be conducted.
- C. **For each used auto dealer having 0 spaces, two hundred fifty (\$250.00) shall be paid for the annual license for the premise where the regulated activity is to be conducted**

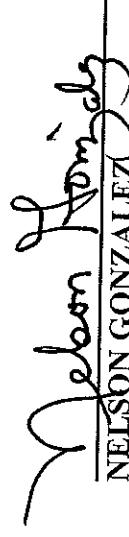
The license year shall be from May 1 to April 30 of the following year.

SECTION 10. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.


SECTION 11. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.


SECTION 12. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: 9/27/22


NELSON GONZALEZ
President of City Council

APPROVED: 9/28/22


J. CHRISTIAN BOLLWAGE
Mayor

ATTEST:

YOLANDA M. ROBERTS, R.M.C.
Municipal Clerk