

ORDINANCE NO. 3-2011

**AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AMENDING CHAPTER 171 OF THE BOROUGH OF
HOPATCONG MUNICIPAL CODE REGARDING
PEDDLER'S LICENSES**

NOW THEREFORE, be it resolved by the Mayor and Council of the Borough of Hopatcong as follows:

SECTION I

Section 171-4 of the Code of the Borough of Hopatcong is replaced as follows:

§ 171-4. Approval or rejection of application.

A. Following the filing of the application with the Borough Clerk, the Clerk shall forward a copy of the application to the Chief of Police, who shall within 15 days verify the information included on the application and respecting the moral character and business background of the applicant.

B. If the fingerprints on the application are not of acceptable quality, the Chief of Police may cause all applicants to be fingerprinted at his discretion.

C. Upon verification of the application by the Chief of Police and such other investigation as he deems necessary for the protection of the public good, the license shall be issued; provided, however, that no license shall be issued to any person who has been convicted of a crime, misdemeanor or other offense involving moral turpitude, who has made a misrepresentation or false statement in his application, or who has otherwise been found to be of unsatisfactory character or business responsibility by the Chief of Police.

D. The Chief of Police may waive a background check if an applicant is employed by a Business or Company with more than 100 employees where an Officer of the company executes an affidavit stating: 1) the company has more than 100 full time employees, 2) that the employee has been the subject of a background check within the last 12 months, 3) that the employee has never been convicted of any crimes, offenses, or disorderly person offenses in this or any other State, and 4) that the company conducts follow up background checks no less than bi-annually and that the Company agrees to notify the Borough if there is any change in the employees background check. This waiver would also waive the need for fingerprinting set forth in 171-3.

E. In the event of the refusal of the issuance of such license, the Mayor and Council, on written request of the applicant, shall conduct a hearing to determine whether the license should be granted under this chapter. Such request must be filed with the Borough Clerk no later than 14 days after the rejection of the application.

SECTION II

Section 171-13 of the Code of the Borough of Hopatcong is replaced as follows:

§ 171-13. Violations and penalties.

Any person who provides false information relating to any of the provisions of this chapter or violates any provision of this chapter shall, upon conviction, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 90 days, or both, in the discretion of the court.

SECTION III

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION IV

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION V

This Ordinance shall take effect immediately upon final publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Hopatcong held on February 2, 2011, at 7:30 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on February 16, 2011, at 7:30 PM, or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Lorraine E. Stark
Borough Clerk