

ORDINANCE NO. 05-2018

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE  
BOROUGH OF SEA BRIGHT, CHAPTER 140, "MERCANTILE LICENSES," SECTION  
140-3, "APPLICABILITY," PERTAINING TO HOME BASED BUSINESSES**

BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE: The Code of the Borough of Sea Bright, Chapter 140, "Mercantile Licenses," Section 140-3, "Applicability," be and the same is hereby amended and revised to read, in full, as follows:

"§ 140-3. Applicability.

- A. It shall be unlawful for any person to commence or carry on any profession, vocation, trade, business, calling or occupation as defined in this chapter without first having obtained a license from the Borough Clerk to do so or without complying with any and all provisions concerning the same contained in this chapter or in any other ordinance adopted by the Borough.
- B. For the purpose of this section, a person shall be deemed to be engaging in business when he does one act of:
  - 1. Selling or hiring out any goods or services for sale or hire.
  - 2. Acquiring or using any vehicle, machine or device or any premises in the Borough for business purposes.
  - 3. Soliciting business or funds canvassing, peddling or hawking.
- C. The agents, servants, employees or other representatives of corporations, partnerships, individual natural persons, joint ventures, societies, associations, clubs, trustees, trusts or unincorporated groups shall be personally responsible for compliance with this chapter by their principals and by the businesses they represent.
- D. No license shall be required of any person for the mere delivery in the Borough of any property purchased or acquired in good faith from such person at his regular place of business outside of the Borough where no intent by the person is shown to exist to evade the provisions of this chapter.
- E. No provision of this chapter shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal government.

**F. No license shall be required of any person who conducts a business or profession from the person's residence provided, however, that customers or clients do not visit the residence and there is no delivery of materials to or shipments of goods from the residence."**

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 All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

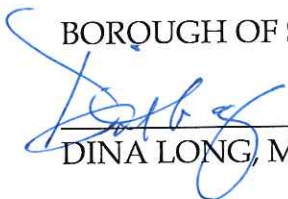
SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on May 1, 2018 and will be further considered after a Public Hearing held on May 15, 2018 at the Municipal Building at 7:00 pm.

INTRODUCED: May 1, 2018  
PUBLIC HEARING: May 15, 2018  
ADOPTED: May 15, 2018

Witness

  
CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT,  
  
DINA LONG, Mayor