

**ORDINANCE #2023-09**

**TOWNSHIP OF HARDYSTON  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY, AMENDING THE TOWNSHIP  
MUNICIPAL CODE AT CHAPTER 107, JUNK DEALERS AND AUTOMOBILE  
AUCTIONS, SECTION 107-5, RENEWAL OF LICENSE**

**WHEREAS**, the Mayor and Township Council seek to entertain renewal applications that do not become dormant or “pocket auction licenses” and in fact are active, current and compliant license renewal applications.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

**SECTION 1.** Chapter 107, Junk Dealers and Automobile Auctions, Section 107-5, Renewal of License, shall be amended to include the following provision to read as follows:

107-5. Renewal of License.

A license may be renewed for each subsequent year upon application to the Township Clerk for renewal without filing a complete application as required for the original license, provided that:

A. The application for renewal is accompanied by the annual license fee as established in Chapter 88, Fees.

B. No changes have been made in the licensed premises, in the methods of operation or in the equipment or materials used in the business, and an affidavit to that effect is filed. If there has been any change, a complete statement of the changes made shall accompany the application for renewal.

C. Notice of application is published at least once in a newspaper published and circulating in the county as least 10 days prior to the date when consideration of the renewal application is scheduled and proof of publication is submitted to the Township Clerk prior to the date when the renewal application is considered.

D. Objections.

(1) Objections may be filed with the Township Council by any resident or taxpayer of the Township to the renewal of the license, or by the Township Engineer, based upon knowledge and/or information that any law or provision of this chapter has been violated.

(2) All objections must be in writing with specific details regarding all allegations. All objections shall be reviewed by the Township Engineer and municipal personnel.

(3) Based upon this review and recommendation, the Township Council may conduct a bearing with at least 10 days' public notice.

E. A determination and findings of the Township Council with respect to the application shall be made by the Township Council within 15 days following the hearing, and notice of the determination shall be submitted in writing to the applicant together with the conclusions of the Township Council. If the time required to reach a determination with respect to a renewal application continues beyond the first of any year, the applicant may be permitted to operate his or her business until such time as the application has been acted upon, paying a charge prorated by the month or any portion thereof covering the temporary period. If the license is renewed, credit shall be given to the applicant for the temporary fee paid; if the renewal license is denied, only the remaining prorated and unused annual fee shall be returned to the applicant.

F. No renewal application shall be considered by the Township Council or any renewal license issued after the lapse of one month from the termination of any license period unless the lapse is the result of a hearing or other action of the Township Council under this section.

G. Providing that a license applicant has conducted an auction in accordance with the Township Code within thirty-six (36) months prior to the date of the renewal application, a licensee may seek a renewal of the auction license under this Section of the Township's Code.

H. The applicant shall pay the Township for review of applications, review and preparation of documents, inspections, and other costs in connection with the application. A deposit shall be placed in escrow as determined by the Township Engineer.

**SECTION 2.** This Ordinance may be renumbered for purposes of codification.

**SECTION 3.** All ordinances of the Township of Hardyston that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

#### **NOTICE**

**PLEASE TAKE NOTICE** that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on May 24, 2023. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on June 28, 2023, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, RMC/CMC

Municipal Clerk