



CITY OF SALEM, NEW JERSEY
DEPARTMENT OF INSPECTIONS & PERMITS
17 NEW MARKET STREET
SALEM, NJ 08079
856-935-5510
Fax # 856-935-6360

The Municipal Code of the City of Salem, Chapter 88 legislates that a license is required to open, operate or conduct any business in the City of Salem. The license cannot be obtained without first complying with the provisions of the chapter, a copy of which is attached hereto, and obtaining a license therefore as provided by this regulation.

The application form for a business license should be submitted to the Department of Inspections and Permits, 17 New Market Street, Salem, NJ 08079. Included with the application, is the required submission of the following fees before consideration of the application will take place:

(Please submit three separate checks payable to the "City of Salem")

- \$55.00 Certificate of Occupancy and Business License Application Fee
- \$175.00 Site Plan Waiver and Zoning Permit
- \$400.00 Escrow Fee for Engineering and Legal Fees if applicable. The balance Remaining in the escrow account upon completion of the review shall be refunded.

Additional fees may be assessed if Planning Board requirements exceed the previously stated amounts. Notification of any additional fees will be made at the time of the submission of the application.

Failure to comply with Chapter 88 may result in fines and penalties. This application must be returned at least 10 days before the Planning Board meet.



City of Salem Planning Board
1 New Market Street
Salem, NJ 08079
856-935-5510 X 209

BUSINESS LICENSE GUIDELINES

ALL APPLICATIONS MUST BE IN THE OFFICE 10 DAYS PRIOR TO THE MEETING.

Please sign at the bottom of the page to acknowledge receipt.

Below are the requirements for a Business License:

1. You must obtain a **Zoning Permit** or approval. Give a brief description and if you are going to have a sign installed include the size of sign.
2. All businesses must obtain a **Business License** BEFORE they open, operate, use or occupy any premises within the City. You must appear before the City Planning Board to obtain approval. Include ALL types of products sold, services provided or activities to be conducted presently and down the road (future).
3. Before a license can be issued and BEFORE the business opens, operate, use or occupy the Building, the Building Inspector must inspect the premises to determine whether the same meets applicable City code/regulations and issue a **Business Certificate of Occupancy**. You must make an appointment for a date and time when you can meet the inspector at the premises for the inspection. The applicant must get approval from **any and all** other regulatory agencies having proper jurisdiction. Restaurants require approval from the Health Department prior to the building inspector's approval.
4. You must obtain **Historic Preservation Commission (HPC)** approval for signage or any exterior changes to a building in a Historic District. The HPC meet Wednesday prior to the Thursday that the Planning Board meet. For questions you may contact James Smith at 856-935-4036.
5. **Signs** – See sign flow chart, a construction permit is required.

I UNDERSTAND AND ACKNOWLEDGE THAT I MAY NOT OPEN, OPERATE, USE OR OCCUPY ANY PREMISES WITHIN THE CITY OF SALEM FOR ANY BUSINESS OR OTHER REGULATED ACTIVITY UNTIL A BUSINESS LICENSE IS ISSUED; AND THAT NO LICENSE WILL BE ISSUED UNTIL AFTER; (1) **PLANNING BOARD REVIEW AND APPROVAL AND (2) ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

Property Address _____

Signature of Applicant

Print Name

Date

CITY OF SALEM
BUSINESS LICENSES APPLICATION
(REV. 6.1.02)

Instructions: Chapter 88 of the City of Salem Municipal Code, a copy of which is attached hereto, requires all businesses to obtain a business license BEFORE they open, operate, use or occupy any premises within the City.

The definition of "Business" is very broad and includes any non-residential activity, including any retail, commercial, industrial, trade, profession, occupation, vocation, etc.

To obtain a Business License, the following steps must be complied with:

1. **Application Form.** Fill out the Business Licenses Application Form and submit the original to the Department of Inspections and Permits ("the Department") at the Municipal Building Annex 17 New Market Street, Salem, New Jersey 08079 (Phone number 856.935.5510) along with your check for \$15.00 made payable to "City of Salem".

If possible, PLEASE DROP OFF YOUR APPLICATION IN PERSON, so you can meet and discuss your Application with a representative of the Department.

Please note that each question on the Application must be answered and the Application must be fully complete or the Application will be rejected and no refund of fees will follow. If you do not have the information requested, please discuss this with the Department when you drop the Application off so they can attempt to assist you.

2. **Safety Inspection.** Before a license can be issued, the Department must inspect the premises where the proposed business is to be conducted to determine whether the same meets applicable City codes/regulations relating to minimum life safety standards. You must make an appointment for a date and time when you can meet the inspector at the premises for the inspection. There is a \$40.00 fee, payable in advance for the inspection. If the proposed premises passes the inspection a certificate of occupancy ("CO") will be issued. If it does not pass, no CO will be issued and no Business License will be issued unless all requirements are fulfilled and a re-inspection occurs.

Please note that neither the inspection nor the issuance of a CO is any guaranty that the premises is safe, free of defects, in good condition, not in need of repairs or upgrades, or structurally sound. The CO issuance merely means that the limited inspection revealed no obvious code violations which render the premises below the bare minimum requirements for human safety. The City will not be responsible based upon the issuance of a CO and accordingly the City strongly recommends that each applicant hire an architect, engineer or other qualified safety inspector or professional to conduct an inspection of the premises.

3. **Planning Board Review.** Before a License can be issued by the Department, you must appear before the City Planning Board and obtain a "waiver of site plan" AND/OR any

other variances, waivers, exceptions, permits or approvals, including actual site plan approval if the same is required, which are necessary to conduct the proposed business activity at the proposed location.

The Planning Board meets on the Thursday after the third Wednesday of each month at 6:30 p.m. at the Municipal Building located at 1 New Market Street, Salem, New Jersey 08079. The Planning Board's Secretary, who can be reached through the Department, in conjunction with the Board Chairperson, determines whether your application can be on the agenda for a particular meeting date. Whether or not you can be on the agenda for a particular meeting date depends on several variables, including whether all that is required for your proposal is a "waiver of site plan" or whether other relief is required. If other relief, including actual site plan approval, is required you will have to first comply with the notification and other requirements before the Planning Board can act on your application. Waiver of site plan may be granted by the Board at a public meeting, without specific notification by the applicant, without specific notification by the applicant, when the Board finds:

- a. The proposed use is clearly and specifically permitted in the zone, and therefore no use variance, dual use variance or ordinance interpretation is necessary.
- b. The proposed use shall be solely within an appropriate existing structure and no (new construction except interior renovations) will be involved, or the same will be de minimus;
- c. The proposed use will not affect existing circulation, drainage, building arrangement, landscaping, buffering, lighting and other considerations of site plan review;
- d. The proposed use will not have an adverse effect in relation to parking, noise, odor, trash or similar considerations;
- e. The existing facilities do not require upgraded or additional site improvements to accommodate the proposed use; AND
- f. The application to the Board, including all fees and other requirements thereof is complete in all respects and contains all of the information the Board needs to reach an informed decision; and there appears to be no cause to require specific public notice of the application for the waiver, nor is such notice legally required.

A waiver of site plan application to the Planning Board that is based on the foregoing criteria requires a non-refundable application fee of \$150.00. For such applications the Planning Board accepts a copy of the Business Licenses Application Form, however additional information or materials may be required by the Board. If the Planning Board grants the site plan waiver it must adopt a written memorializing resolution thereof; generally this will occur at the same meeting where the Board grants the waiver.

Chapter 88
Business Licenses

§88-1. DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

BUSINESS – Conducting, engaging in or carrying on any retail, commercial, industrial, mercantile, activity, trade, profession, occupation, vocation, service or other non-residential activity; including but not limited to store, shop, salon, office, warehouse, manufacturing, restaurant, meeting hall, lodge, conference, school or daycare facility; from premises located with the City of Salem; however the term “business” shall not include:

- (i) Home based businesses where there are no employees other than the resident homeowner regularly working from or visiting the home, all activity is confined within the interior of the home, there is no signage relating to the business, and neither suppliers, vendors nor members of the general public are regularly invited onto the premises in connection with the business.
- (ii) Rental Unit leased or to be leased for residential purposes which is subject to the licensing requirements of Chapter 172 of this Code;
- (iii) Any establishment involved in the sale or distribution of alcoholic beverages which is subject to Chapter 69 of this Code;
- (iv) A Pool or Billiard Facility or Amusement Arcade which is subject to the licensing requirements of Chapter 71 of this Code;
- (v) Shows, exhibitions, dances and other temporary entertainment activities subject to the licensing requirements of Chapter 109 of this Code;
- (vi) Junkyards subject to the licensing requirements of Chapter 127 of this Code;
- (vii) Peddlers and Solicitors, not operating from a fixed location, subject to the licensing requirements of Chapter 160 of this Code;
- (viii) Yard, garage and lawn sales subject to the licensing requirements of Chapter 174 of this Code;
- (ix) Vehicle Repair Garages subject to the licensing requirements of Chapter 217 of this Code, and

- (x) Exceptions made for special events or otherwise for good cause as determined by the City Council.

PERSON – Includes plural as well as singular and includes individuals, clubs, societies, assembles, churches, corporations, including non-profits, associations, partnerships, limited liability companies, joint ventures and other entities.

§88-2 LICENSE REQUIRED.

No person shall open, operate or conduct any business in the City of Salem, without first complying with the provisions of this chapter and obtaining a license therefore as provided herein.

§88-3 APPLICATION FOR LICENSE.

- A. Applications for a business license required by this chapter shall be made in writing to the Department of Permits and Inspections (“the Department”). Each application shall contain the following information:
 - (1) The name, address and telephone number of the applicant, and the social security number or taxpayer identification number of the applicant.
 - (2) The address, including tax lot and block number, at which the business is to be conducted.
 - (3) The name, address and telephone number of the owner of property at which the business is to be conducted if the owner is different than the applicant.
 - (4) A specific description of the business to be conducted, including the types of products to be sold or services provided, approximate hours of operation and approximate number of employees.
 - (5) The name under which the business is to be conducted.
 - (6) The home address and telephone number of the applicant, or in the case of a corporation or other entity applicant, the home address and telephone number of a responsible contact person who serves as the designee/agent of the applicant with respect to the business.
 - (7) In the case of an applicant corporation or other entity required by law to have a registered agent, the name and address of such registered agent.
 - (8) Whether or not the applicant has ever had a license to conduct the business herein described denied or revoked. If such license has been denied, the applicant shall set forth in detail the facts leading to such denial. With

respect to a corporation or other entity applicant, this disclosure shall also apply to the principal officer or officers, and any person holding 10% or more of the stock or other ownership, of the entity applicant.

- B. Each application shall also include a certification by the applicant to the following:
 - (1) That to the best knowledge and information of the applicant the premises where the business is to be conducted is in compliance with all applicable zoning, building, housing, health and safety codes and regulations.
 - (2) That to the best knowledge and information of the applicant the municipal real estate taxes and water and sewer charges for the premises where the business is to be conducted are paid current.
- C. The application form shall require the disclosure of such other information as the Department may from time to time prescribe.
- D. Each application shall also require proof that:
 - (1) The premises where the business is to be conducted has been inspected by the Department, found to be in compliance with applicable City codes/regulations relating to minimum life safety standards, and that a Certificate of Occupancy has been issued to the applicant by the Department confirming the foregoing; and
 - (2) Site Plan approval, or waiver thereof, has been granted by the City Planning Board, for the proposed business at the proposed business premises, and a Resolution has been issued to the applicant by the Planning Board confirming the foregoing.

§88-4 LICENSE FEE

- A. All applications for business licenses shall be made by the applicant prior to the establishment, opening or conduct of the business. The applicant shall be required to pay a non-refundable fee of \$15.00 for the processing of the application, which fee must be submitted with the application.
- B. In the case of any business already established, opened and operating at the time of the adoption of this chapter, the person responsible for said business shall be required to complete and file the application form within 120 days after the adoption of this chapter, however such applicants shall not have to pay any fee therewith and shall be exempt from the requirements of: § 88-4 relating to Departmental code inspection and Planning Board review; and requirements that

taxes, water and sewer be paid current, as a condition of the issuance of the license.

- C. Any business license issued under this chapter shall be non-transferable to any other person, location, or other business operation. In the event of: any change of ownership of the licensed business; change in location; or material expansion or change in the business operation; a new license shall be required and an application therefore shall be filed.
- D. Prior to the issuance of any license under this chapter, the Department shall have the authority to investigate the applicant and/or the information supplied by the applicant to verify the validity thereof.
- E. Upon compliance with all of the foregoing requirements for a business license, the Department shall issue the license.
- F. Each person to whom a business license shall be issued shall display the current license at the business premises in a conspicuous place.
- G. Any person to whom a business license shall be issued shall notify the Department within ten (10) days of any significant change of the information submitted in the application form.

§88-6 REJECTION AND REVOCATION.

- A. The Department shall reject, revoke, suspend or impose reasonable conditions upon, a license applied for or issued under this chapter for any of the following reasons:
 - (1) A finding that there was any misstatement of material fact in the application upon which the license was issued.
 - (2) The occurrence of any fact which, had it occurred and been known before issuance of the license, would have resulted in the denial of the application.
 - (3) Repeated violations or prolonged failure to correct any violation of any applicable building, housing, health, fire or safety code or regulations.
 - (4) Refusal to allow access to any portion of the licensed premises at reasonable times with, or without advance notice in appropriate circumstances, in order that officers or agents of the City or any official charged with enforcement within the municipality of any zoning, building, housing, health, fire or safety code or regulations applicable to the premises may determine compliance with such codes or regulations.

- (5) Failure or refusal to comply with any lawful regulation or order of the City.
 - (6) A determination that the issuance, or continuation of the license would be contrary to the best interests of the City.
 - (7) The failure of all real property taxes and/or municipal water and sewer charges and/or other municipal assessments or charges due to the City to be paid current at the time of the issuance of the license as required by Chapter 135 of this Code.
- B. A license shall not be revoked until five (5) days prior notice of the grounds therefore has been served upon the licensee, either personally or by certified mail addressed to the licensee at the licensed premises, and a hearing or opportunity to be heard given to the licensee before a representative of the Department.
- C. Upon determination by the Department to refuse the granting or renewal of a license, or to suspend, revoke or impose conditions upon a license, the licensee affected shall be entitled to appeal to the City Council for a review of that determination; and the City Council may reverse the Department's determination if it concludes that the application was improperly denied or that revocation, suspension or conditions were improperly imposed. Any such appeal must be filed in the Offices of the City Clerk and the Department within fifteen (15) days of the date of the notice issued by the Department refusing, revoking or suspending the license. An appeal to the City Council of any action by the Department to revoke, suspend, refuse to renew or to impose new conditions upon a previously validly issued license, shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the Department issues a written certification to the City Council, after notice of the appeal has been filed with the Department, that by reason of the facts stated in the certification a stay would, in the opinion of the Department, cause imminent peril to life or property and/or result in other circumstances which are materially adverse to the public good; and in such case the action of the Department shall not be stayed other than by order of a judge of the Municipal or Superior Court upon notice to the Department and on due cause shown. Notwithstanding the foregoing, the City Council may, in its discretion, assign the matter to be heard by a Hearing Officer or Officers who shall be appointed by the Council. If the matter is assigned to a Hearing Officer such Officer shall transmit his findings of fact and conclusions of law to the City Council with 30 days of the conclusion of the hearing. The Council shall then review the matter and may accept, reject, or modify the recommendations of the Hearing Officer based on the record before such Hearing Officer. In the event that the matter is not referred to a Hearing Officer and is heard by the Council, then the Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered, granting the appeal and issuing the license, either conditionally or unconditionally, or revoking or suspending the license, determining that the

license shall not be renewed or reissued for a defined period of time, or suspending or revoking the license unless the licensee pays a specified fine, posts financial security to reasonably ensure future compliance or abatement of the problem, or fulfills other requirements imposed as are appropriate under the circumstances. At the hearing witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

§88-7. VIOLATIONS; PENALTIES.

Any person who violates any provision of this chapter shall, upon conviction in the Municipal Court of the City of Salem or such other court having jurisdiction, be liable to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand (\$1,000.00), or imprisonment or community service for a term not exceeding ninety (90) days, or both. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this chapter.

CITY OF SALEM
ZONING PERMIT APPLICATION
17 NEW MARKET ST.
SALEM, NJ 08079
CAROL WRIGHT – ZONING OFFICER
856-935-5510 X 209(WORK) - 609-221-5312(CELL)

Block _____ Lot _____
Property Address _____

Property Owner _____
Address _____
Telephone _____

Brief description of project _____

Provide a plot plan containing the following information

1. Size of property
2. Location on property
3. Location of existing structures on property
4. Distances from existing structures
5. Distances from lot lines (front, back, left side, right side)
6. Layout of proposed project

The plot plan with the above information can be drawn on the back of this application.

Signature of Owner _____ Date _____

Signature of Lessee _____ Date _____

FOR OFFICE USE ONLY

Zone District: R-1 R-2 R-3 RLC C-1 C-2 M-1 M-2 (Circle one)

Flood Zone A-4 B C (Circle one)

Historic Preservation District Yes No (Circle one)

APPROVED _____ DATE _____
Signature of zoning officer

CONDITIONS: _____

DENIED _____ DATE _____
Signature of zoning officer

REASON FOR DENIAL _____

FFEE \$25.00 Owe Paid Check #/Receipt#

CITY OF SALEM

BUSINESS LICENSE APPLICATION FORM

A. Applicant Name: _____
Home Address: _____
Home Phone/FAX #'s: _____
Social Security or Federal Tax ID#: _____

B. Location of Proposed Business
Street Address: _____
Tax Block _____ Lot _____ ; Zone District: _____
Is this in the Historic Preservation District? Circle one: Yes No
Phone/FAX #'s at that location: _____

C. Owner of Location (if different than Applicant)
Owner Name: _____
Address: _____
Phone/FAX #'s: _____

D. Name of Business: _____

E. Description of Business, include: types of products to be sold, services provided or activities to be conducted; approximate hours of operation; approximate number of employees and other relevant information:

F. Attach a survey and floor plan, or sketch thereof, showing: (i) the property lines and the relationship of the building thereto; (ii) a floor plan of the interior of the building premises where the proposed business is to be conducted.

G. If the Applicant, or Owner if different, is a corporation or other entity, specify: (i) the type of entity (i.e. corporation, partnership, limited liability company, etc.); (ii) the State where the entity was formed (i.e. New Jersey, Delaware, etc.); and (iii) the registered agent for service of process in New Jersey:

Applicant	Owner
(i) _____	(i) _____
(ii) _____	(ii) _____
(iii) _____	(iii) _____

H. Have you (this includes any owners and principal officers of entity applicants) ever had a Salem City Business License denied or revoked for any reason? If yes, set forth in detail the

N:\new\Salem\Licenses\Business Licenses Application

facts leading thereto and circumstances thereof: _____

I. To the best of your knowledge and information is the premises where the business is proposed to be conducted in compliance with all applicable zoning, building, housing, health and safety codes and regulations? Circle one: Yes No If no, please explain in detail: _____

J. To the best of your knowledge and information are the taxes, water and sewer charges for the premises where the proposed business is to be conducted paid current? (Note, that no Business License may be granted if the same are not presently paid current.) Circle one: Yes No

I UNDERSTAND AND ACKNOWLEDGE THAT I MAY NOT OPEN, OPERATE, USE OR OCCUPY ANY PREMISES WITHIN THE CITY OF SALEM FOR ANY BUSINESS OR OTHER REGULATED ACTIVITY UNTIL A BUSINESS LICENSES IS ISSUED; AND THAT NO LICENSES WILL BE ISSUED UNTIL AFTER (1) SAFETY INSPECTION; AND (2) PLANNING BOARD REVIEW.

I CERTIFY THAT THE FOREGOING ANSWERS AND STATEMENTS ARE MADE BY ME AND ARE TRUE, AND THAT I AM AWARE THAT IF ANY OF THE FOREGOING ARE INCORRECT, INCOMPLETE, MISLEADING OR WILFULLY FALSE ANY LICENSES MAY BE DENIED OR REVOKED AND I MAY BE SUBJECT TO PUNISHMENT UNDER THE LAW.

Witnessed or attested by: _____ Dated: _____ Signature of Applicant(s): _____

Print Name: _____

Signature of Owner(s)
(if not the Applicant): _____

Print Name: _____

CITY OF SALEM
DEPARTMENT OF INSPECTIONS AND PERMITS
17 NEW MARKET STREET
SALEM, NJ 08079
856-935-5510

BUSINESS LICENSE
CERTIFICATE OF OCCUPANCY APPLICATION

DATE _____

BLOCK _____ LOT _____

INSPECTION ADDRESS _____

NAME OF BUSINESS _____

OWNER _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

OWNERS AGENT (IF APPLICABLE) _____

ADDRESS _____ PHONE _____

(OFFICE USE ONLY)

INSPECTION DATE _____ TIME _____ PASS _____ FAIL _____

REINSPECTION DATE _____ TIME _____ PASS _____ FAIL _____

FEE: PAID _____ OWES _____ CHECK _____

Construction Code Official _____

CITY OF SALEM

Department of Inspections

This is to certify that the taxes and
Water & Sewer have been paid
Current, for the property mentioned
Below.

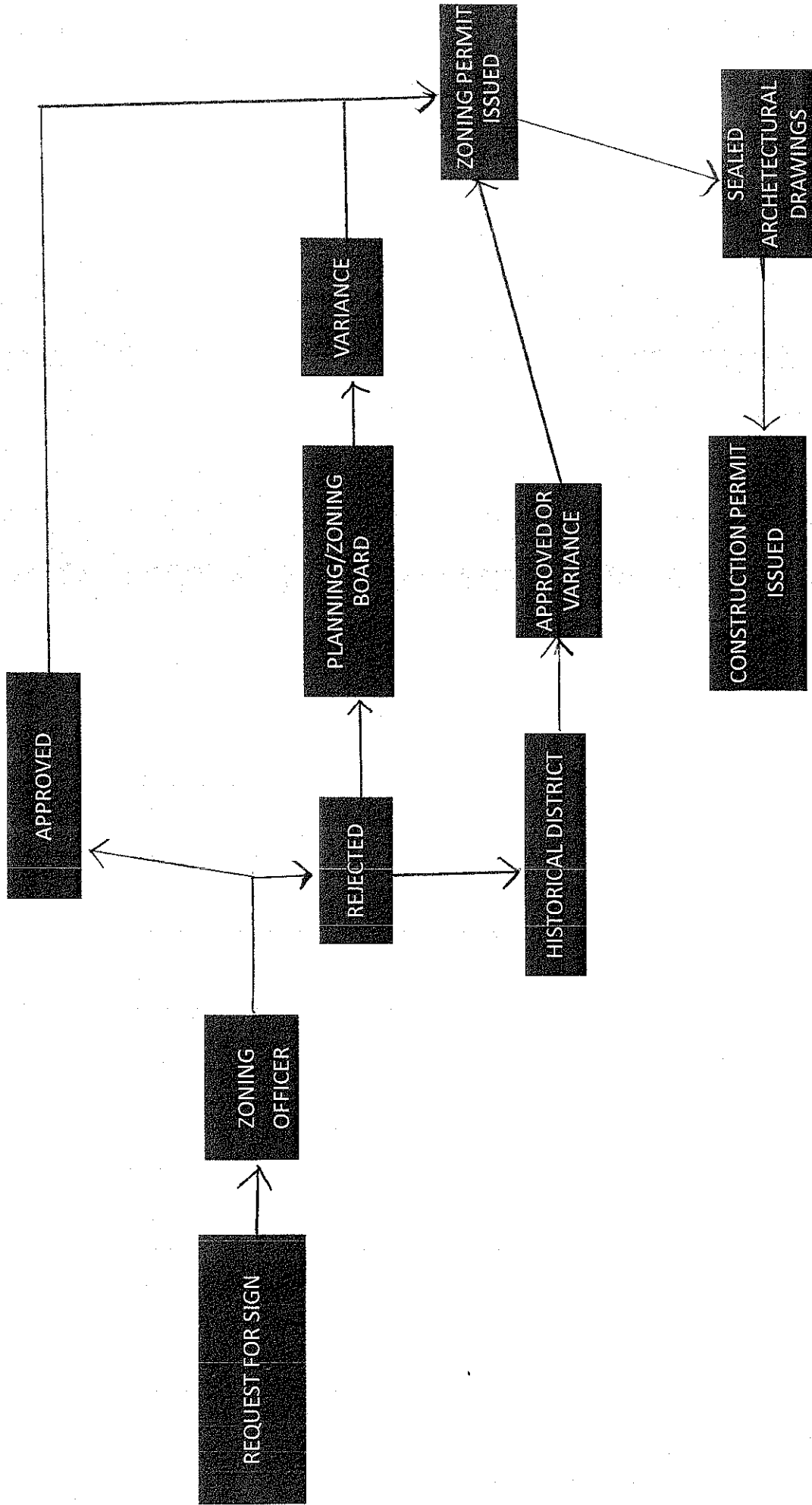
Block _____ Lot _____

Address: _____

Owner: _____

City Treasurer

SIGN FLOW CHART



CITY OF SALEM

INSTRUCTIONS/GUIDELINES

FOR

OBTAINING A BUSINESS LICENSE CERTIFICATE OF APPROVAL

All Businesses must obtain a Business License before they open, operate, use or occupy any premises within the City. The Business License inspection is done after approval from the Planning Board. YOU MUST CALL **856-935-5510** TO MAKE AN APPOINTMENT FOR A DATE AND TIME WHEN YOU CAN MEET AT THE PREMISES FOR THE BUSINESS LICENSE APPROVAL.

The following list of items is provided in an effort to help new business owners to obtain their Business License Certificate of Approval.

1. Must have on hand at least one fully charged minimum 10 lb. ABC fire extinguisher hung on the wall.
2. 4" address numbers, plainly visible from the street.
3. Exit Signage – electric emergency lighting, illuminated with battery backup. If the building is more than 75' there shall be two means of egress and two electric emergency lighting. If less than 75' one Electric emergency light and one means of egress, if you have two means of egress the back door may have a no exit sign.
4. Electrical
 - A. All light switches, electrical outlets are to have cover plates.
 - B. All light switches and electrical outlets are to be in working order.
 - C. All outlets within 6' of water must be a GFCI outlet.
 - D. Panel boxes are to be labeled.
5. Plumbing – All plumbing to be in working order.
6. All utilities must be on.
7. Any outstanding permits must be satisfied, signed off by the Construction Code Official.
8. Restrooms must have operable window or exhaust fan.
9. Food establishments must have approval from the **HEALTH DEPARTMENT** before the CO inspection.
10. Must have a Carbon Monoxide Detector and a Smoke Detector, or combination.

INTERIOR STRUCTURE

All Interior surfaces, including windows and doors shall be maintained in good clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface condition shall be corrected.

All establishments shall be kept free from insects and rat infestation. All structures in which insects or rats are found shall be promptly exterminated.

EXTERIOR STRUCTURE

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

The owner or occupant of every structure shall be responsible to ensure that all exterior property and premises and the interior of the structure shall be free from any accumulation of rubbish and garbage. There shall be no overflow of trash around the dumpsters.

All commercial, business or industrial facilities and multi-family properties, it is your responsibility to recycle. If you use an outside contractor to pick up your recyclables it's your duty to give a document of the tonnage to the recycling coordinator. Please provide required documents by calling Tom Gant or Fred Mucci at 856-935-0469 or fax information to 856-935-8395.

Trash, bulk and recyclable items are not to be placed on the curb more than 24 hours in advance of the scheduled pick-up.