

ORDINANCE NO. 3404-16

BOROUGH OF RUTHERFORD

AN ORDINANCE AMENDING ORDINANCES CHAPTER 57 OF THE CODE OF THE BOROUGH OF RUTHERFORD ENTITLED “MERCHANTS AND BUSINESS SPECIAL IMPROVEMENT DISTRICT LICENSES” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RUTHERFORD, COUNTY OF BERGEN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey that Chapter 57 of the Code of the Borough of Rutherford Entitled “Merchants and Business Special Improvement District Licenses” shall be amended and that those portions of the Ordinances set forth below are hereby amended as follows and that those portions of the Ordinances not set forth below shall remain unchanged:

SECTION 1

Chapter 57 of the Code of the Borough of Rutherford shall be renamed to “Merchants and Rutherford Business District Licenses.”

SECTION 2

§ 57-1 Certifications of registration required

- A. No person, association of persons or corporation shall hereafter conduct or operate any store or establishment in the ~~Park Avenue Business Improvement District~~ **Rutherford Business District**, as established and delineated by ~~Chapter 105A~~ **Chapter 131-7E** of the Borough Code, for the sale or exchange of merchandise, foods, goods, wares and chattels of any kind or description or for services or repairs to goods, wares and chattels of any kind or description, including the providing of professional and business services, without first having obtained a certificate of registration; provided, however, that a certificate of occupancy has first been secured from the Building Department.

- B. Owners of premises used to conduct or operate any store or establishment in the ~~Park Avenue Business Improvement~~ **Rutherford Business** District are required to notify all lessees or their successors and assigns of the requirements set forth in

Subsection A above. Failure so to do shall render every owner of premises subject to the penalties is prescribed in § 57-10 hereof.

§ 57-3 Issuance

Upon receipt of the application and payment to the Borough Clerk of the fee herein provided, the Borough Clerk shall issue a certificate of registration for the business set forth in the application, and, in addition, the Clerk shall forthwith report the issuance of the same to the governing body and the ~~Rutherford Downtown Partnership, Inc.~~ **the Zoning Officer.**

§ 57-4 Expiration Date

All certificates of registration issued pursuant to this chapter shall expire on ~~March 15~~ January 1st of each year.

§ 57 -5 Fee.

- A. The Certificate of Registration Fee shall be \$100.00 per business owner. ~~The fees for certificates of registration issued pursuant to this chapter shall be based on the gross floor area of the business location, exclusive of basement area used for storage and set as follows:~~
- ~~(1) Up to 1,500 square feet: \$150.~~
 - ~~(2) Over 1,500 square feet to 3,000 square feet: \$200.~~
 - ~~(3) Over 3,000 square feet: \$250~~
- B. No fee shall be charged to any charitable or nonprofit organization **or associations organized for religious, political or educational purposes** ~~nor shall a fee be assessed against any portion of a building within the Park Avenue Business Improvement Rutherford Business District. used solely for residential purposes.~~
- C. ~~The aforementioned Business~~ **Certificate of** Registration fee will not be billed to each Business Owner in 2017, but will be billed in following years on November 1st. The fee will be due on January 1st.

§ 57-6 Disposition of fees

Fees collected or received under the provisions of this chapter shall be forwarded to the Borough Treasurer and credited to a special account. ~~Rutherford Special Improvement District Account for the financial requirements of the Park Avenue Business Improvement District.~~

§ 57-8 Rutherford Business Initiative Advisory Committee

- A. There is hereby established within the Borough of Rutherford the Mayor and Council's "Rutherford Business Initiative Advisory Committee." The Rutherford Business Initiative is a committee within the Borough of Rutherford dedicated to marketing and promoting the retail, professional and service businesses of Rutherford. The objective is to create an environment where people will shop and live, for retailers and professionals to grow and thrive; by helping create a vital community experience for all, residents and visitors alike. The Rutherford Business Initiative Advisory Committee shall serve in an advisory capacity to the Mayor and Council and will work closely with the Building Department, the Zoning Department, the Economic Development Committee, and the Streetscape Committee established in Section 131-7E of the Borough Code.
- B. The Marketing and Promotions of the Rutherford Business Initiative Advisory Committee will include branding, social media applications and special events; grants, business recruiting and retention; safety, beautification, streetscape and storefront improvements within the Rutherford Business District as set forth within Schedule A attached to Section 131-7E.
- C. Composition: The Rutherford Business Initiative Advisory Committee will consist of nine (9) members and two (2) alternates appointed by the Mayor with the advice and consent of the Council. The Rutherford Business Initiative Advisory Committee will assist or collaborate with the governing Body in developing necessary projects for the Rutherford Business District, but such persons shall have no power to take other action required of the governing body. The members of the Committee will include:
1. Four (4) Business Owners from the Park Avenue Business District
 2. One (1) Business Owner from the Union/Jackson Avenue Business District
 3. One (1) Business Owner from the Meadows Avenue Business District
 4. Two (2) residents of Rutherford
 5. One (1) At-Large Business Owner
 6. One (1) Alternate - Business Owner (At-Large)
 7. One (1) Alternate - Resident
 8. One (1) Council Liaison (Non-Voting)
- D. Term: The Members of the Rutherford Business Initiative Advisory Committee will serve for periods of 1, 2 or 3 years. Members shall be appointed by the Mayor and shall serve for three-year terms, except that of the first members appointed three members shall serve for one year, three members shall serve for two years, and three other members shall serve for three years. The alternate members shall serve

for two-year terms. All members may, at the expiration of their terms, be eligible for appointment to three-year terms, except for alternate members who are eligible for two-year terms. Vacancies shall be filled in the same manner in which the previous incumbent was appointed and such vacancy appointment shall be only for the balance of the unexpired term.

- E. Funding: Funding for the recommendations from the Rutherford Business Initiative Advisory Committee will be two-fold: 1) Business Registration fee from all Rutherford business owners with a storefront or office in a commercial building and 2) a Borough of Rutherford budget appropriation. This funding will be administered by the Borough and expended based upon recommendations from the Rutherford Business Initiative Advisory Committee to the Mayor and Council for projects within the Rutherford Business District and to ensure that all businesses within the District comply with the Borough's Zoning Code, Health Code, Building Code and Fire Prevention Codes.
- F. Budget: A budget will be established by the Rutherford Business Initiative Advisory Committee members and presented to the Mayor and Council for review and approval in October of each year.
- G. Evaluation of progress of the Rutherford Business Initiative Advisory Committee will take place in October 2017 at which time a fair assessment of the Committee will be reviewed by the Mayor and Council.

§ 57-8 ~~9~~ Appeal

Any person, association of persons or corporation within the ~~Park Avenue Business Improvement District~~ **Rutherford Business District** and subject to this chapter shall have the right of appeal to the Mayor and Council of any administrative determination, ~~including the assessment of the registration fee~~ made pursuant to this chapter. Such appeal shall be taken by filing with the Mayor and Council, on or before ~~March 15~~ **January 1st** of the licensing year, a written statement setting forth fully all the facts why the administrative determination was improper or incorrect. The Mayor and Council shall set a time and place for hearing on such appeal, and notice of such hearing shall be given to the appellant by certified mail at his **or her** last known address at least seven days prior to the date set for the hearing. The decision and order of the Mayor and Council on such appeal shall be final and conclusive.

§ 57-9 ~~10~~ Violations, and penalties, and enforcement

Any person, association of persons or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of ~~not less than \$300 nor more than \$500 or by imprisonment for a term not exceeding 90 days, or both~~, at the discretion of the Municipal Court Judge, and each day that said violation shall continue shall be

deemed a separate offense. This section shall be enforced by the Rutherford Building Department and the Zoning Department.

ATTEST:

BOROUGH OF RUTHERFORD

Margaret M. Scanlon

Margaret Scanlon, Borough Clerk

Joseph DeSalvo Jr.

Joseph DeSalvo Jr., Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on September 12, 2016.

Margaret M. Scanlon

Margaret Scanlon, Borough Clerk