

**Chapter 8. LICENSES OR PERMITS.  
ANALYSIS**

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**Article 1. APPLICATIONS, ISSUANCE, DISPLAY.**

**8-1. Terms.**

It is intended that the terms “license” or “permit” wherever used herein, be synonymous if, in the interpretation of any part hereof, such synonym is required to carry out the manifest intent and purpose of this Code.

**8-2. Applications.**

All applications for licenses or permits shall be made at the office of the Board during regular office

hours and the fees for every license or permit shall be paid in advance at the time of making the application therefor.

**8-3. Prior inspections.**

The granting of any license or permit may be withheld, at the direction of the Board, pending examination, investigation or inspection of the person who, or the premises which, may be the subject matter of the license or permit under consideration.

**8-4. Validity.**

All licenses or permits issued under any of the several Chapters of this Code, shall be valid only for the balance of the licensing year in which they are issued, unless otherwise herein provided, except a new license or permit issued in March shall be issued for that month and the following year. The licensing year shall run from April 1 until the following March 31. No license or permit shall be transferrable or assignable.

**8-5. Evidence.**

The Board shall evidence the granting of any license or permit issued by furnishing to the licensee or permittee a suitable card, sign, placard, disc, plate or other writing which shall convey information concerning the nature of such license or permit, the serial number of the same, name of the person to whom the same has been issued, the year in which the same is so issued, the premises or vehicle so licensed, if that be material or required, and such other information as the Board may deem pertinent.

**8-6. Display required.**

Every license or permit issued by the Board shall be displayed in a conspicuous place in the establishment, premises or other place for which the same is issued, and shall likewise be so displayed on every vehicle or conveyance so licensed, for the period that the said license or permit shall be in force, unless the Board shall otherwise prescribe.

**Article 2. SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.**

**Subarticle A. SUSPENSION OF LICENSE.**

**8-7. Notice to show cause.**

Every license or permit issued hereunder may, at any time during the term for which the same is so issued, be suspended by the Board or, in an emergency, by its Health Officer pending a hearing, to be granted the holder thereof, pursuant to a notice to show cause why the said license or permit should not be suspended further or revoked by the Board.

**8-8. Complaint necessary.**

No such license or permit shall be suspended unless the Health Officer shall file, with the Board, a complaint or charges evidencing one or more violations of the Section hereof under which said license or permit was originally issued of one or more violations of the New Jersey State Sanitary Code, or other applicable statutes or regulations.

**8-9. Termination of suspension.**

Every suspension ordered under this Article shall automatically terminate two (2) weeks from the date thereof unless the continuance of such suspension shall be ordered by the Board for good cause, and

then such suspension shall continue only during the period of any such continuance so ordered by the Board.

**8-10. License ineffective during suspension.**

During the period of any such suspension, or ordered continuance thereof, every license or permit so suspended shall be ineffective and the holder thereof shall, during the entire period of such suspension, cease the operation of any business or discontinue every activity or use permitted under the license or permit suspended.

**8-11. Reinstatement of suspended licenses.**

Any person whose license has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing suspension of the license have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this Code and of the New Jersey State Sanitary Code, or other applicable statutes or regulations, and has paid the requisite reinstatement fee, the license shall be reinstated.

**Subarticle B. REVOCATION OF LICENSE.**

**8-12. Revocation, cause.**

Any license or permit issued under the provisions of this code, may be revoked at any time by the Board, for just cause, or if the licensee or permittee, or any of the employees, agents or servants of said license or permittee shall violate:

- (a) any of the provisions of this Code or any amendments hereof or supplements hereto; or
- (b) the Sanitary Code of the Department of Health of the State of New Jersey specifically applicable to the subject matter for or upon which said license or permit was issued; or
- (c) applicable state statutes, rules or regulation.

**8-13. Revocation hearing.**

Before any license or permit may be revoked, the Health Officer shall notify the license holder in writing, stating the reasons for which the license is subject to revocation and advising that the license shall be permanently revoked at the end of five (5) days following service of such notice, unless a written request for a hearing is filed with the Health Officer, by the license holder, within such five (5) day period. A license may be suspended for cause pending its revocation or a hearing relative thereto.

**8-14. Scheduling of revocation hearing.**

The time and place for such hearing shall be fixed at the discretion of the Board; provided, however, that an unreasonable time shall not be permitted to elapse between the date of any suspension of license and the date fixed for the revocation hearing.

**8-15. Notice of revocation hearing.**

Notice of the time and place of any hearing held under this Article shall be given by the Board to the holder of the license or permit so involved, in writing, and served either personally or sent to the applicant by registered mail, addressed to him at the address stated in the license or permit or by posting securely on the premises either on or near the main entrance door. If there is more than one entrance

door, the notice shall be posted on the one which, in the discretion of the Health Officer, is most used by the general public.

**8-16. Failure to appear.**

A licensee or permittee who fails to appear at the time and place fixed for such hearing shall not be entitled to any further hearing and in that event the license or permit may, as a matter of course, be forthwith revoked.

**8-17. Permissible action.**

The Board of Health, after a formal hearing, may order the license restored, issue a conditional license or revoke the license pending full compliance with all applicable codes and statutes.

**8-18. Subarticle C. INFORMAL HEARINGS.**

The Health officer, as a result of any conditional or unsatisfactory inspection report or other field inspection documenting serious code violations may ask the holder of a license or permit to attend an informal hearing with the Health Officer and one or more Registered Environmental Health Specialists. At the informal hearing, the parties shall discuss the health-related problems in the establishment, actions necessary to correct said problems and a reasonable time schedule for completion. The Health Officer shall make a narrative record of the hearing which shall be the basis for a proposed consent agreement listing the deficiencies, corrections needed and time schedule for completion. Refusal to attend an information hearing or sign a consent agreement may result in a notice to show cause pursuant to Section 8-7 of this Code.

**8-19. Subarticle D. FORMAL HEARING.**

Upon notice of suspension or revocation and a request by the license or permit holder, the Board shall schedule a formal hearing. The Board as a whole shall function as hearing officer. Testimony shall be offered by the Health Officer and Registered Environmental Health Specialist and by the license or permit holder and any employee. An attorney may be present to represent the license or permit holder. A verbal record shall be taken on tape.

**8-20. Subarticle E. CONDITIONAL LICENSES.**

The Board may issue a conditional license after a formal hearing or at the time a new license or renewal is sought. The conditional license shall be for a specified time period during which the license or permit holder shall meet the conditions set forth by the Board in a manner satisfactory to the Health Officer. Upon expiration of the conditional license, the license holder shall cease operations unless the Board has extended the conditional license, or granted a regular license or permit.