



## TOWNSHIP OF BERLIN

MUNICIPAL BUILDING  
135 Route 73 South  
West Berlin, NJ 08091  
Phone (856) 767-1854

### TEMPORARY COMMERCIAL DISPLAYS AND OUTDOOR SALES

PERMIT FEE: \$25.00

APPLICATION DATE:  
AMOUNT PAID:

**MAKE APPLICATION AT LEAST 20 DAYS PRIOR TO THE DATE OF SALE OR DISPLAY.**

THIS PERMIT IS GOOD FOR A 10 DAY PERIOD BEGINNING \_\_\_\_\_

AND ENDING \_\_\_\_\_

HOURS OF SALE: \_\_\_\_\_ TO \_\_\_\_\_

**NO MORE THAN 5 LICENSES SHALL BE ISSUED TO THE SAME BUSINESS DURING A 12 MONTH PERIOD AND NO PERMIT SHALL BE ISSUED FOR A PERIOD COMMENCING WITHIN 15 DAYS OF THE REMINATION DATE OF ANY PREVIOUSLY ISSUED PERMIT.**

LOCATION OF SALE OR DISPLAY:

\_\_\_\_\_  
NAME OF PERSON, FIRM, GROUP, CORPORATION, ASSOCIATION OR ORGANIZATION CONDUCTING SAID SALE OR DISPLAYS:

\_\_\_\_\_  
NAME OF THE OWNER OF THE PROPERTY ON WHICH SAID SALE OR DISPLAY IS TO BE CONDUCTED:

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER IF DIFFERENT

\_\_\_\_\_  
SIGNATURE OF ZONING OFFICER

FORM REVISED 2011

**ARTICLE XVIII Temporary Commercial Displays and Outdoor Sales (§ 129-96 — § 129-96.9)****§ 129-96 Effect on completion of structures and pending applications.**

Nothing herein contained shall require any change in the plans, construction or intended use of a building for which a building permit has heretofore been issued and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and the entire building completed according to such plans as filed, within 15 months from the effective date of this chapter.

**§ 129-96.1 Definitions.**

A.  
TEMPORARY COMMERCIAL DISPLAYS and/or OUTDOOR SALES hereinafter referred to as commercial sales — All sales entitled "Sidewalk Sales, Bargain Sales, Holiday Sales or other occasional sales conducted wholly or partly by any mercantile license holder from or at a place of business wherein such sale would otherwise be permitted by zoning regulations of the Township of Berlin or by the nonconforming use section of the Township Zoning Ordinance.

B.  
GOODS — Any goods, warehouse merchandise or other property capable of being the object of sale regulated hereunder.

C.  
PERSON — Individuals, partnerships, voluntary associations and corporations.

**§ 129-96.2 Permits and fees.**

It shall be unlawful for any person to conduct a commercial sale as defined hereinabove in the Township of Berlin without first filing an application with the Township Clerk for this purpose and obtaining from the Township Clerk a license to conduct such sale or sales. The fee for such a license shall be and the same is hereby fixed at \$25.

**§ 129-96.3 Licensing.**

A.  
An application for a license shall be made at least 20 days prior to a commercial sale as defined hereinabove. Upon the approval of the application a license shall be issued by the Township Clerk's office for this purpose. Said license shall be issued for not more than 10 days in duration unless an extended time period is approved by the Mayor and Township Council. No person shall be entitled to more than five licenses during a twelve-month time period. No license shall issue for a period to commence within 15 days of the termination date of any previously issued license.

B.  
Any license issued under this article must be permanently displayed on the premises upon which the commercial sale is being conducted during the entire period of the sale.

**§ 129-96.4 Information to be filed.**

The information to be filed with the Township Clerk pursuant to this article shall be as follows:

A.  
Name of person, firm, group, corporation, association or organization conducting said sale.

B.  
Name of the owner of the property on which said commercial sale is to be conducted, together with consent in writing by the owner, if the applicant is other than the owner, provided, however, that where the person requesting the license is a merchant under written lease, no further written consent shall be required and the fact that there is

a written lease shall be so stated.

C.

Attached to the application a copy of the current mercantile license issued by the Township of Berlin.

D.

The location at which the commercial sale is to be conducted.

E.

The number of days of the commercial sale.

F.

Whether or not the applicant has been issued any other vendor's license by any local, State or Federal agency.

G.

An affirmation or sworn statement by the person signing the application that the information provided is true and correct.

**§ 129-96.5      Hours of sale.**

Commercial sales as defined herein shall be conducted between the hours of 9:00 a.m. and 9:00 p.m. only, exclusive of set up and removal time. Goods from the commercial sale shall not be permitted to remain outside the premises after 9:00 p.m.

**§ 129-96.6      Signs.**

All persons are prohibited from making or displaying any sign other than price signs of not more than 24 inches by 28 inches in dimension in conjunction with the sale under this article unless otherwise authorized by the Zoning Ordinance of the Township of Berlin.

**§ 129-96.7      Persons and sale excepted.**

Provisions of this article shall not apply to or affect the following persons or sales:

A.

Persons selling goods according to an Order of Process of the Court of competent jurisdiction.

B.

Persons acting in accordance with their duties and powers as a public official.

C.

Any bona fide charitable, eleemosynary, educational, cultural or governmental institution organization, including the Boy Scouts and Girl Scouts of America.

**§ 129-96.8      Enforcement.**

A.

This Article shall be enforced by the Township Zoning Officer. It shall be the duty of the Zoning Officer to investigate violations of this article which come to his attention. It shall be the duty of the Township Police Department to bring to the attention of the Zoning Officer for investigation any violation of which the Police Department becomes aware during the course of its normal duties.

B.

The licensee, owner or tenant of the premises on which commercial sales or activities are conducted shall be jointly and severally responsible for the maintenance of the area, the continuing order and decorum of the premises, during all hours of such commercial sale or activity. No such person shall permit any loud or boisterous conduct on said premises nor permit the display or placing of goods so as to cause an impediment of the safe and

reasonable passage of pedestrians or other traffic on any public or quasi-public walkway, sidewalk, road or street where such commercial sale is being conducted. No street or vehicle passageway shall be blocked by any merchandise offered for sale. At a minimum, a two-foot passageway for pedestrians on sidewalks shall be left open and goods shall be securely placed so as not to endanger passersby. Music or sound amplification equipment is not permitted unless approved as part of the license application. All persons shall obey the reasonable orders of any member of the Police or Fire Department of the Township of Berlin in order to maintain the public safety and welfare of the community.

**§ 129-96.9      Penalty.**

Any person, association or corporation conducting any commercial sale or similar activity without being properly licensed for same or who shall violate any of the other terms and regulations of this article may have their mercantile license revoked by the Zoning Officer. Such person shall also, upon conviction for any violation thereof, be fined not more than \$250 for each violation. Each day that such sale or violation shall continue without being duly licensed shall be considered a separate violation.