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**Starting a Small Business in Salem**

## A Guide to Getting Your Business License

Stand Up For Salem

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# Starting a Small Business in Salem

## A Guide to Getting Your Business License

Salem Main Street

In order to help new small businesses ease the process of obtaining some of the approvals that are necessary in order to operate a business or improve commercial property in Salem, we have prepared this guide for people want to start a small business in an existing commercial space. Please note that this is only a guide and while we strive for accuracy at the time of writing all new businesses should verify the information contained with the City of Salem as fees and requirements may change.

The definition of “business” is broad, and licensing must be obtained for any non-residential activity including any retail, commercial, industrial, trade, profession, occupation, vocation etc., nor is this guide all inclusive.

Home based businesses that have no employees and all activity is confined within the interior of the home, and there is no business sign outside, and no suppliers, vendors or customers are regularly invited onto the premises in connection with the business are exempt.

City officials want to assist you as much as possible through the application and approval process so that you can get your permits quickly, but they can only help you if you comply with the provisions of the various codes. Most of these codes are based on Federal or State statutes and regulations, but are enforced locally. They are essentially similar for every community in the State.

All businesses must obtain a Business License BEFORE the business uses, occupies or operates in any premises in the city. Please contact the city at 856-935-5510 for further assistance.

*Salem Main Street*

*Department of Workforce and Economic Development*

## Getting a Business License

### ***Obtaining the Required Approvals for a New Business in an Existing Commercial or Office Building.***

#### Planning/Zoning Board

All businesses must obtain a Zoning Approval before a Business License can be issued. The approval is granted by the City Planning Board. New business applicants must appear before the City Planning Board and obtain a “waiver of site plan” or other variances, permits, approvals, exceptions including site plan approval if required.

#### Planning/Zoning Board Schedule

The Planning/Zoning Board meets on the Thursday after the 3<sup>rd</sup> Wednesday of each month at 6:30 PM at the Municipal Building located at 17 New Market Street. You can contact the Board Secretary at 856-935-5510 to make an appointment to be put on their agenda. Applications must be in the office at 17 New Market St. 10 days prior to the meeting.

#### Waiver of Site Plan

If the following conditions are met, the Board can grant a “waiver of site plan” at a public meeting. This means that the Board does not have to post a written notification and allow members of the public to make their opinions known before granting zoning approval when the Board finds:

- a. That 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 minor interior renovations) will be involved.
- c. The proposed use will not affect existing circulation, drainage, building arrangement, landscaping, buffering, lighting or 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 upgrades or additional site improvements to accommodate the proposed use.
- f. The application to the Board, including all fees and other requirements thereof are complete in all respects and contain 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 it legally required.

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If you do not meet the above criteria, you will be required to get an actual site plan approval which will require public notice and additional information for the Planning/Zoning Board at their discretion; including but not limited to up-to-date property survey, building layout, parking and loading zones, drainage, landscaping, exterior lighting, signs, etc.

### Certificate of Occupancy

Before a Business License can be issued, a Certificate of Occupancy (CO) must be issued for the premises where the proposed business is to be conducted. The code enforcement officer must inspect the premises and deem it free of any obvious code violations, and is in compliance with city guidelines for commercial buildings. The guidelines include but may not be limited to:

1. One fully charged minimum 10 lb. ACB Fire Extinguisher hung on the wall
2. 4" address numbers plainly visible from the street
3. Exit Signs must be illuminated and have a battery backup. If the space is more than 75' there shall be two (2) means of egress (exits) each with electric emergency lighting. If less than 75' of space, one (1) electric emergency light and one exit is permitted. If the space has two (2) means of egress in less than 75' the back door may have a "no exit" sign.
4. Electrical
  - a. All light switches and 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 (Ground fault circuit interrupter)
  - d. Electric Panel boxes are to be labeled
5. All plumbing must be in working order
6. All utilities must be on
7. Any outstanding permits must be satisfied and signed off by the Construction Code Official
8. Restrooms must have an operable window or exhaust fan.
9. Food establishments must have approval from the Health Department
10. Must have a Carbon Monoxide Detector and a Smoke Detector or Combination Unit.

### 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 rodent infestations. All structures in which insects or rodents are found shall be promptly exterminated.

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All establishments shall be kept free of any accumulation of rubbish or garbage.

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

### Recycling

All commercial, business or industrial facilities and multi-family properties are required to recycle. Whatever contractor you use to pick up your garbage should also provide you with a recycling container or separate recyclables at their facility as they are required to submit documentation of the tonnage of recycled materials to the city recycling coordinator. The city will contact you with a form at the end of the year to pass along to your waste management contractor to be filled out and submitted.

### Signs

A construction permit is required for the placement of signage on the building's exterior. Signage in the Historic District also requires the approval of the Historic Preservation Commission.

### Historic Preservation Commission (HPC)

Many of Salem's commercial buildings are located in the designated Historic District which encompasses parts of Broadway and all of Market Street.

Any changes to the exterior of the building including the placement of business signage must be approved by the Commission. The commission meets the 3<sup>rd</sup> Wednesday of the month. Contact Jim Smith at 856- 878-8725.

### Food Business

Food businesses have licensing regulations in addition to standard business licenses being regulated by the Salem County Department of Health and in some cases by the State of New Jersey.

Health licensing includes separate applications for Mobile Vendors who have food trucks, stands at special events or are temporary food establishments and must do the majority of their cooking from a Commercial Kitchen, which also requires a License.

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Additionally, almost all food related business must have their personnel certified in ServSafe Training as either a food handler or manager.

Anyone wishing to start a food related business should contact the Salem County Department of Health and Human Services at 856-935-8483 and speak with the Health Inspector for assistance. Applications for various licenses are available at their offices located at 110 Fifth Street, Suite 400, Salem, NJ 08079.

### **Peddlers and Solicitors**

If you travel from place to place be it a house, business or street either selling wares, services or merchandise or taking orders for merchandise to be delivered at a later date you are considered a Peddler or Solicitor. This includes “home party” type sales e.g. Avon, Mary Kay, Tupperware; or just door to door sales on books, magazines, or any other item, INCLUDING CHARITABLE FUNDRAISING ITEMS you MUST OBTAIN A LICENSE pursuant to city codes.

Farmers selling fruits or vegetables that are grown and sold on their own premises within the city; people delivering merchandise purchased at a store; blind residents of the city; and people canvassing for public offer or voter registration; or those selling at special events are exempt from licensing.

Because Peddlers and Solicitors go door to door, you may be required to be fingerprinted and/or show evidence of good character.

### **Licensing Fees**

Licensing fees are set by the appropriate city, county or state agency and are subject to change without notice. The most current licensing fees are as follows:

- Combined Business License and Certificate of Occupancy Application \$55
- Site Plan Waiver/Zoning Fee \$175
- Escrow Fee (for Engineering and Legal Fees if applicable) \$400
  - Any unused portion of the escrow will be returned

County Fees for Mobile Food Vendors have been temporarily waived, however other fees may apply. Please contact the County Health Department for up to date information.

Peddler/Solicitor License fees are set by the length of time and location the peddler intends to operate.

- Full year-\$500
- 1-11 months - \$100 per month
- 1 day to 1 month - \$25 + \$5 per day

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Sales from a fixed location (e.g. a “pop up store”) approved by council:

- Not to exceed two weeks-\$150
- Sales exceeding two weeks - \$350

### **State Licensing**

City, State of New Jersey and the Federal Government are three separate entities. Each entity has their own set of requirements for new businesses. DO NOT ASSUME THAT A LICENSE WITH ONE ENTITY EXEMPTS YOU FROM OBTAINING A LICENSE FROM ANOTHER ENTITY.

Incorporating your business as an LLC, Corporation or Partnership does not exempt you from a City Business License or vice versa.

While Sole Proprietorships and General Partnerships are not required to file for business registration with the State, all other forms of business are. Instructions can be obtained at:

<http://www.nj.gov/treasury/revenue/>

### **County Licensing**

Sole Proprietors and General Partnerships must register with the County Clerk of Salem. There is a \$50 fee payable by cash or money order. Further information can be found at:

<http://salemcountyclerk.org/fee-schedule/> or by calling (856) 935-7510. The Clerk’s Office is located at: 110 Fifth St., Suite 200 Salem, NJ 08079

# Welcome to Salem!