

HAWKERS, PEDDLERS, ETC.

**HAWKERS, PEDDLERS, CANVAS
AND SOLICITORS**

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[HISTORY: Adopted by the Township Committee of the Township of Union (now Barnegat) 6-17-71. Amendments noted where applicable.]

REFERENCE

Bathing Beach - See Ch. 33.
Fraudulent checks - See Ch. 47.
Junk and Junk dealers - See Ch. 54.
Peace and Good order - See Ch. 60.

Be it ordained by the Township Committee of the Township of Barnegat, in the **County of Ocean and State of New Jersey:**

A R T I C L E I
Canvassers and Solicitors

§ 52-1. License required.

It shall be unlawful for any canvasser or solicitor, as defined in § 52-2 hereof, to engage in such activity in the Township of Barnegat without first obtaining a license therefor in accordance with the provisions of this ordinance.

§ 52-2 HAWKERS, PEDDLERS, CANVASSERS, ETC. § 52-3

§ 52-2. Definitions.

When used in this ordinance, the following words or terms shall have the following meanings:

SOLICITOR or CANVASSER --- Shall mean and include any person, whether or not a resident of the Township of Union, who goes from house to house, from place to place or from street to street, whether on foot or by conveyance of any kind, nature or sort, soliciting, taking or attempting to take orders for the sale of services, goods, wares, merchandise, food or drink or any products thereof or property of any kind or nature whatsoever, for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the subject of such order, and whether or not he is collecting advance payments on such sales or orders, or who engages in any of the foregoing activities from a stationary location on the street or other public place.

PERSON — Shall include any individual, partnership, partner, corporation or corporations.

HIS — Shall also include "her" or "its."

§ 52-3. Application for license . information required.

Applicants for a license under this ordinance shall file with the Clerk an application, in duplicate, on forms to be furnished by the Township Clerk, that shall give the following information, all of which shall be sworn to:

- A. Name and physical description of the applicant.
- B. Permanent home address and local mailing address and telephone number, if any, of the applicant ; and motor

vehicle license and registration if a motor vehicle is to be used in the activity for which the applicant requests a license.

- C. A brief description of the nature of the business or activity; the goods or items as described in the definition of "solicitor or canvasser" in § 52-2 hereof intended to be sold; the name and address of the principal office of the manufacturer thereof and/or of the principal for whom or which such applicant is acting as agent, employee or representative; and the length of time for which such agency, employment or representation has existed, and credentials establishing such relationship.
- D. A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor or violations of any municipal ordinance, other than a traffic violation; the nature of the offense: the place where convicted; and the punishment or penalty, if any, assessed therefor,
- E. If the applicant is a partnership or corporation, then it shall set forth the names of its employees or representatives who are to engage in the business or activity for which the license is requested, as part of its application, and shall furnish the same information for each of such persons as above set forth.

§.52-4. Types of licenses.

The licenses issued shall be classed as "individual" for those issued to individual applicants, and "firm" for all others.

§ 52-5. Term

The licenses issued shall be valid for thirty (30) days, at the discretion of the Township Committee following the date of the issuance thereof and shall be invalid thereafter,

§ 52-6. Investigation and issuance.

- A. Upon receipt of such application, the original thereof shall be referred immediately by the Clerk to the acting Chief of Police of the township, who shall cause to be made such investigation of the applicant's business and moral character as he deems necessary for the protection of the public welfare.
- B. Such investigation shall be completed within three (3) days after the receipt of such application, and the said Chief shall endorse thereon his approval or disapproval and, if disapproved, his reasons therefor; and he shall immediately notify the applicant that his application has been disapproved, his reasons therefor; and he shall immediately notify the applicant that his application has been disapproved; the application, so endorsed, shall be forthwith returned to the Township Clerk.
- C. if the application has been disapproved by the acting Chief of Police, such applicant may file with the Township Clerk a request in writing for a hearing on the ruling of the acting Chief of Police, and the Township Committee shall then set, a time and place for a hearing on such request, which hearing shall be within ten (10) days after receipt of the written request therefor; at such hearing the applicant shall have full and ample opportunity to present facts and circumstances to support the issuance of a license in accordance with the application, and said body shall then decide whether the applicant should receive such license.

§ 52.7. Fees.

The fees for licenses shall be ten dollars (\$10.) for the first individual and fifteen dollars (\$15.) for additional applicants, which sum shall be paid to the Clerk at the time of the application. if the applicant is a partnership or corporation and has one (1) or more employees or representatives, or an

individual having employees or representatives, who are to participate in the business or activity for which a license is requested, then in addition to the said sum of ten dollars (\$10.), such applicant shall pay an additional sum of twenty-five dollars (\$25.) for additional expense of investigation of each additional person and for the issuance of the duplicate copy of such license, which is to be carried by each additional person.

§ 52-8. Hours of Operation.

The hours of operation by a canvasser or solicitor under this ordinance shall be between 10:00 a.m. and 4:30 p.m., local time.

§ 52-9. Violations and penalties.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.) or imprisonment for not more than ninety (90) days, or both.

ARTICLE II

Hawkers, Peddlers and Vendors

[Amended 7-1-91 by Ord. No. 1991-30]

§ 52-10. Definitions.

When used in this ordinance, the following terms shall have the following meanings:

HAWKER, PEDDLER AND VENDOR — Shall mean and include any person, whether or not a resident of the Township of Barnegat, traveling about the Township of Barnegat either on foot, by vehicle or by any other manner, means or method, who shall go from house to house, place to place or street to street, conveying or transporting goods, products, wares, merchandise, food or drink or any product

thereof, offering or exposing the same for sale, or making sales and delivering articles to purchasers, or who engages in any of the foregoing activities from a stationary location on the street or other public place.

ITINERANT AND TRANSIENT MERCHANTS AND PEDDLERS — Shall be included in the definition of hawker, peddler or vendor as above set forth.

PERSON — Shall include any individual, partnership, partner, corporation or corporations.

HIS — Shall also include "her" or "its."

§ 52-11. License required.

It shall be unlawful for any hawker, peddler or vendor, as herein defined, to engage in such activity within the Township of Barnegat without first obtaining a license therefor in accordance with the provisions of this ordinance.

§ 52-12. Application.

Applicants for a license under this ordinance shall file with the Township Clerk an application, in duplicate, on forms to be furnished by the Township Clerk, that shall give the following information, all of which shall be sworn to:

- A . Name and physical description of the applicant.
- B. Permanent home address and local mailing address and telephone number of the applicant; and motor vehicle license, registration and insurance information if a motor vehicle is to be used in the activity for which the applicant requests a license.
- C. A description of the business or activity; the goods or items as described in the definition of "hawker, peddler and vendor"; the name and address of the principal office of the manufacturer thereof and/or of the principal for whom or which such application is acting as agent, employee or representative, and the

length of time for which such agency, employment or representation has existed, and credentials establishing such relationship.

- D. Two (2) letters of recommendation addressed to the Chief of Police concerning applicant's moral character.
- E. Two (2) photographs of the applicant taken within sixty (60) days immediately prior to the date of the application, which photographs shall clearly show the head and the shoulders of the applicant and shall measure two by two (2 x 2) inches.
- F. A full set of the applicant's fingerprints to be processed by the Township Police Department to be sent to State Police to be checked for criminal background check. [Amended 5-3-93 by Ord. No. 1993-201]
- G. A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor or violations of any municipal ordinance, other than a traffic violation; the nature of the offense; the place where convicted; and the punishment or penalty, if any, assessed therefor.
- H. If the applicant is a partnership or corporation, then it shall set forth the names of its employees or representatives who are to engage in the business or activity for which the license is requested, as part of its application, and shall furnish the same information for each of such persons as above set forth.

A money order or certified check made payable to: Division of State Police - in the amount of thirty dollars (\$30.) must be submitted at the time of application. [Amended 3-15-94 by Ord. No. 1994-21 1-06 by Ord. No. 2006-12]

§ 52-13. Terms of licenses - permit fees.

For each permit issued to sell any goods, wares or merchandise, the applicant shall pay to the Township of Barnegat

the sum of one hundred fifty dollars (\$150.), and said permit shall expire December 31st next ensuing the date of issuance.

(Cont'd on page 5209)

§ 52-14. Investigation and issuance.

- A. Upon receipt of such application, the original thereof shall be referred immediately by the Clerk to the acting Chief of Police of the township, who shall cause to be made such investigation of the applicant's business and moral character as he deems necessary for the protection of the public welfare.
- B. Such investigation shall be completed within twenty-one (21) days after the receipt of such application, and said Chief shall endorse thereon his approval or disapproval and, if disapproved, his reasons therefor; and he shall immediately notify the applicant that his application has been disapproved; the application, so endorsed, shall be forthwith returned to the Township Clerk.
- C. If the application has been disapproved by the Police Chief, such applicant may file with the Township Clerk a request in writing for a hearing on the ruling of the acting Chief of Police, and the Township Committee shall then hear such case at their next regularly scheduled meeting, in no case to be more than thirty (30) days after the filing of such a request. At such hearing the applicant shall have full and ample opportunity to present facts and circumstances to support the issuance of a license in accordance with the application, and said body shall then decide whether the applicant should receive such license.
- D. If the application has been approved by the acting Chief of Police, he shall endorse his approval thereon and shall promptly return it to the Township Clerk, who, upon payment of the prescribed license fee, as stated in Section 52-13, shall execute the license and advise the applicant. The Township Clerk shall keep a record of all licenses issued, the fees received and of all complaints made, if any, concerning each licensee.

§ 52-15. Exhibition of license.

All persons holding a license shall exhibit it upon the request of any citizen, and, while engaged in the activity for which the license

was issued, each person shall wear and display such badge conspicuously on the front of his clothing.

§ 52-16. Notification to police to engage in license e activity.

On each day that such licensee or its agents or employees shall travel about the Township of Barnegat to engage in the activity for which the license was issued, the acting Chief of Police or his representative shall be notified of the intention so to do in order that the acting Police Chief shall know who is traveling about the township and for what purpose and whether such person is licensed so to do.

§ 52-17. Revocation.

A. Licenses issued under this ordinance may be revoked by the Township Committee of the Township of Barnegat after reasonable notice and hearing for any of the following causes:

- (1) Misrepresentation, fraud or false statement, contained in the application for the license.
- (2) Misrepresentation, fraud or false statement made in the course of carrying on the activity fox which the license was issued.
- (3) Conviction of any crime or misdemeanor involving moral turpitude.

[4]Any violation of this ordinance.

- [5] Conducting the business of a peddler, as herein defined, in an unlawful manner or in such a manner as constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of a hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, with postage prepaid thereon, or may be delivered at the last known address of the licensee or may be given to the licensee personally at least five (5) days prior to the date of hearing.

§ 52-18. Inspection.

The equipment used or employed by hawkers, peddlers and vendors of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and shall be subject to inspection by the Board of Health and shall comply with the laws of the State of New Jersey and the rules and regulation of the local Board of Health.

§ 52-19. Use of streets. [Amended 7-7-30 by Ord. No, 1980-241]

- A. No licensee shall have any exclusive right to any one (1) place upon any sidewalk, street or other place or area within the township nor be permitted to operate in any congested area where such operations might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- B. No licensee shall remain in any location within the Township except for the time necessary to complete sales transactions. In the event said licensee shall remain in any location for ten (10) minutes or longer subsequent to his or her last sale, said licensee shall be in violation of this chapter and subject to the fines and penalties set forth herein.

§ 52-20. Hours of operation.

The hours of operation by a hawker, peddler or vendor under this ordinance shall be between 10:00 a.m. and one (1) hour before sunset, local time.

§ 52-21. Exceptions.

- A. This ordinance shall not be construed as to apply to the selling of any item or article at wholesale to dealers in such articles or items or to the delivery of milk, eggs, bread, butter, newspapers, or to other articles or items of food or merchandise of a type which are generally considered as household necessities and that are commonly delivered on a house-to-house basis at intervals of a week or less.

- B. Any person honorably discharged from the United States military or naval service, as now defined in N.J.R.S. 45:24-9a or as may hereafter be defined, shall be exempt from securing a license or paying the fee as provided herein but shall be required to comply with all other applicable sections of this ordinance and shall be required to register with the Township Clerk and - obtain a special veteran's permit which will be issued by the Clerk without charge upon identification and exhibition of such state license.

- C. Nonprofit organizations. [Amended 6-1-92 by Ord No. 1992-7]
 - (1) Any non-profit, religious, charitable, educational, political, civic or veterans' organization, society, association or club desiring to sell any item or merchandise for a religious, charitable, patriotic, educational, civic or philanthropic purpose be exempt from the provisions of § 53-13 as it references the required fee, provided that there is filed a sworn application, in writing, with the e Township Clerk by individual so doing, if done on an individual basis. If being done on a group basis by numerous individuals as agents, employees or for the purpose of conducting an open air or "flea market", those individuals operating under the sponsorship of the nonprofit organization, the one in charge shall give the following information:

- (a) Name of the individual or organization and purpose of the cause for which the permit is sought.
 - (b) Names and addresses of the individual officers and directors or trustees of the organization and the address of such organization.
2. Upon being satisfied that such person is a bona fide representative of such organization or that such organization as aforesaid is bona fide and that the agents or representatives or those sponsored by the organization, who shall conduct the transactions are approved representatives, the Township Clerk shall issue a permit without charge to such organization, association, association or corporation to operate in the Township. Such organization shall supply its agents, representatives, employees or those sponsored with a badge or ribbon containing the name of such organization, which shall be worn and conspicuously displayed on the front of the clothing of such agent, representative, employee or one sponsored.

D. Arty person who conducts a judicial sale under the state or national laws.

E. Residents of *New Jersey* who hold an exemption certificate as an exempt member of a volunteer fire department or volunteer fire-engine, hook and ladder, hose, supply company or salvage corps, from any municipality or fire district of New Jersey.

§ 52-22. Penalties

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.) or by imprisonment for not more than ninety (90) days, or both.

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§ 52-23. Severability [Added 7-7-80 by Ord. No. 1980-24]

In the event that any provision of this ordinance shall be found to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.