

**CHAPTER 10, ARTICLE 4
PEDDLER, HAWKER, SOLICITOR OR CANVASSER
APPLICATION**

License No. _____

Fee Paid _____

Date _____

Applicant's Full Name _____

Permanent Home Address _____

Home Phone Number _____ Social Security Number _____

Business Description _____

Goods to be Sold or Services Rendered _____

Name & Address of Employer _____

Length of Time License Desired _____

Name & Addresses of Manufacturers or Producers _____

Has Applicant ever been convicted of any crime or disorderly persons offense or violation of any Borough Ordinance? If so, the nature of the offense and the punishment or penalty assessed thereof:

Name and Address of Two Residents of Passaic County _____

PROOF OF INSURANCE AND VALID DRIVER'S LICENSE REQUIRED.

Describe Vehicles to be used _____

Make, Model and License Plate Number _____

Registration Number of Vehicle _____

Signature of Applicant _____

Sworn to before me this ____ day of _____ 20__

KELLEY HALEWICZ, RMC
MUNICIPAL CLERK

-----FOR MUNICIPAL USE ONLY-----

I hereby approve _____

I hereby disapprove _____

Of the Issuance of a Peddler's/Solicitor's License

To _____

For _____

From _____

CHIEF OF POLICE (Signature)

PROOF OF INSURANCE AND VALID DRIVER'S LICENSE REQUIRED.

Ordinance No. 2015-#13

AN ORDINANCE AMENDING CHAPTER 4 -
 GENERAL LICENSING AND BUSINESS
 REGULATIONS - OF THE REVISED ORDINANCE OF
 THE BOROUGH OF RINGWOOD, SECTION 4-1
 PEDDLERS, HAWKERS, SOLICITORS AND
 CANVASSERS

BE IT ORDAINED, by the Municipal Council of the Borough of Ringwood that Chapter 4, GENERAL LICENSING AND BUSINESS REGULATIONS, shall be amended as follows:

4-1.3 Application for License; Contents; Signature and Verification

- a. Every applicant for a license under this Section shall file with the Borough Clerk a signed and verified written application, in duplicate, on forms furnished by the Borough Clerk at least three (3) weeks prior to the date the peddling, hawking, soliciting or canvassing is to take place.

4-1.5 License; Issuance; Contents; Expiration Date

- c. The Borough Clerk shall send a copy of the license to the Police Department to be kept on file. The Borough Clerk shall keep a permanent record of all licenses issued.

4-1.7 License Fees

- a. Each application shall be accompanied by a non-refundable application fee of one hundred (\$100.00) dollars for each individual peddler, hawker, solicitor or canvasser, to compensate the Borough of Ringwood for the cost of administering this section and such fees shall not be refunded for any reason.
- b. No license issued under this Section shall be used at any time by any person other than the person to whom it was issued.
- c. Where an organization has several agents peddling, hawking, soliciting or canvassing, each agent shall pay the applicable non-refundable application fee and shall be issued a separate license.

4-1.9 Hours of Peddling, Hawking, Soliciting or Canvassing

No peddling, hawking, soliciting or canvassing shall be permitted by anyone holding a permit or license or certificate of registration except between the hours of 9:00 am and 6:00 pm Monday through Saturday. Any activity covered in this Section is prohibited on Sundays.

4-1.10 Use of Public Places

Any person who engages in the activities described in this Section, whether exempt from licensing requirements or not, shall be governed by the following:

- a. All circulars, samples, merchandise or other matters shall be handed to an occupant of the property or left in a secure place on the premises.
- b. No person shall enter or attempt to enter the house of any resident in the Borough of Ringwood without an express invitation from the occupant of said house.
- c. No person shall have exclusive rights to any location in the public streets or operate in any congested area where his/her operation might impede the public.
- d. No person shall make any solicitation within the Borough limits where solicitors are notified by sign that soliciting is prohibited.
- e. No person shall litter the streets, public places or property within the Borough with any merchandise or printed material.
- f. No person shall be permitted to peddle, hawk, solicit or canvass on any public road right-of-way within the Borough and there shall be no peddling, hawking, soliciting or canvassing from persons within a motor vehicle that is on any public roadway or right-of-way within the Borough.
- g. Make use of private property without meeting the requirements of site plan approval.

4-1.15 Exemption from Military Personnel; Exempt Firemen; Registration Certificate

The following persons are expressly exempt from the payment of any application fees:

- a. Any peddler, hawker, solicitor or canvasser for a charitable organization as defined in Subsection 4-1.1 of this Section.
- b. Any person honorably discharged from the military service of the United States, in conformity with N.J.S.A. 45:24-9 and N.J.S.A. 45:24-10.
- c. Any person who is an exempt fireman, as defined by N.J.S.A. 45:24-9 and N.J.S.A. 45:24-10, possessing corresponding identification, in conformity with said statute.
- d. Any person holding a license or permit issued under any legislation of the United State government or by a State agency pursuant to statute.

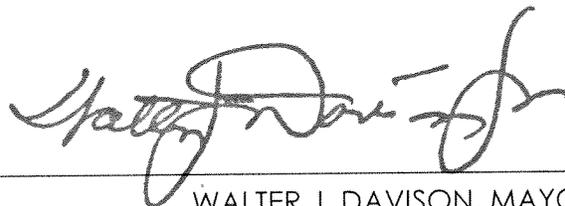
Effective Date

This ordinance shall take effect upon passage and publication as provided by law.

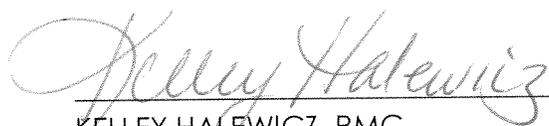
Introduced: October 13, 2015

Adopted: November 19, 2015

Effective: December 9, 2015

A handwritten signature in cursive script, appearing to read "Walter J. Davison".

WALTER J. DAVISON, MAYOR

A handwritten signature in cursive script, appearing to read "Kelley Halewicz".

KELLEY HALEWICZ, RMC
BOROUGH CLERK

CHAPTER IV GENERAL LICENSING AND BUSINESS REGULATIONS*

4-1 PEDDLERS, HAWKERS, SOLICITORS AND CANVASSERS.

4-1.1 Definitions.

As used in this section:

Charitable Organization shall mean any person determined by the Federal Internal Revenue Service to be a tax exempt organization pursuant to section 501 (c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501 (c)(3); or (2) any person who is or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other personnel, who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal which has a tendency to suggest there is a charitable purpose to any such solicitation.

Charitable Purpose shall mean (1) any purpose described in section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. Section 501(c)(3); or (2) any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary objective, or any objective that benefits law enforcement personnel, firefighters, or other persons who protect the public safety.

Charitable Solicitation Permit shall mean a permit issued by the Borough pursuant to this section.

Peddler or **Hawker** shall mean a person who, traveling on the streets or lakes or waterways, goes from place to place or from house to house or from street to street, by vehicle or on foot, carrying with him goods, wares, merchandise, books, magazines or other tangible personal property of any nature for the purpose of selling and delivering the same to purchasers. This definition shall also include anyone who shall place or set up booths, exhibits, roadside stands, or, in any other way, displays or offers for sale wares or merchandise on the roadside or on private property adjacent to or near public roadways on a temporary, intermittent or transient basis.

Roadway shall mean any right-of-way provided for the movement of vehicles, exclusive of shoulders and auxiliary lanes within the Borough other than those otherwise regulated by applicable laws.

Solicitor or **Canvasser** shall mean a person who, traveling by foot, wagon, motor vehicle or any other type of conveyance, goes from place to place, from house to house, or from street to street and takes or attempts to take orders for the sale of goods, wares, merchandise, books, magazines or other tangible personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether or not he is collecting advance payments on such sales or services.

Vehicle shall mean and include wagons, carts, motor vehicles, boats or any other type of vehicle or conveyance.

(1985 Code § 10-4.1; Ord. No. 2006-#13 §§ 1-4)

4-1.2 License Required.

No person shall engage in or solicit business in the Borough as peddler or hawker, or as solicitor or canvasser, as defined herein, or use any vehicles in connection therewith without first obtaining a license therefor and paying the prescribed license fee as provided in this section. (1985 Code § 10-4.2)

4-1.3 Application for License; Contents; Signature and Verification.

AMENDED SEE

a. Every applicant for a license under this section shall file with the Borough Clerk a signed and verified written application, in duplicate, on forms furnished by the Borough Clerk.

ORD

2015-#13

b. The application shall state:

1. Name of the applicant.
2. Permanent home address of the applicant, and the place or places of residence for the three (3) years preceding the filing of the application.
3. Brief description of the nature of the business, and the personal property to be sold or services to be rendered.
4. If the applicant is an agent or employee, or a dealer's or manufacturer's representative, the name and address of the applicant's employer, manufacturer or dealer together with a letter from same, establishing the exact relationship and authorizing the applicant to act as agent, employee or representative.
5. Length of time for which the license is desired.
6. Whether or not the applicant has been convicted of any crime or disorderly persons offense or violation of any Borough ordinance, and if so, the nature of the offense and the punishment or penalty assessed thereof.
7. If a vehicle is to be used, a description of the vehicle, together with the State registration number and other identification details.
8. Names and addresses of persons from whom the products proposed to be sold or orders taken for the sale thereof, have been or will be purchased, manufactured or produced.
9. Names of at least two (2) residents or business operators in the County of Passaic who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to evaluate properly such character and business responsibility.
10. Social Security Number; business telephone number or, if none, home telephone number and copy of photo identification issued by an agency of the State wherein the applicant resides.

c. Upon receipt of such application, the original application shall be referred to the Chief of Police.

(1985 Code § 10-4.3; Ord. No. 2002-20)

4-1.4 Investigation; Waiting Period; Approval or Disapproval by Chief of Police.

a. The Chief of Police shall then cause such investigation of the moral character and business responsibility of the applicant as the Chief shall deem necessary for the protection of the public.

b. There shall be a waiting period not exceeding two (2) weeks between the filing of the application and the issuance of the license, for the purpose of investigation by the Chief of Police.

c. If, as a result of the investigation, the moral character or business responsibility of the applicant shall be found to be unsatisfactory, the Chief of Police shall endorse on the original his disapproval of the application and his reasons for such disapproval, and shall return the original application to the Borough Clerk.

The Borough Clerk shall promptly notify the applicant of the decision.

d. If, as a result of the investigation, the moral character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the original application his approval thereof, and return the original application to the Borough Clerk.

(1985 Code § 10-4.4)

4-1.5 License; Issuance; Contents; Expiration Date. *AMENDED SEE ORDNO 2015-#13*

a. The Borough Clerk shall promptly notify the applicant of the approval of his application as set forth in subsection 4-1.4d and shall issue the license upon payment of the prescribed fee.

b. The license shall contain the following:

1. Name and address of the licensee.
2. Description of the nature of the business.
3. Description of goods to be sold or services to be rendered.
4. State registration number and other identifying description of any vehicle or vehicles to be used.
5. Number of the license and amount of fee paid.
6. Date of issuance of license and expiration date.
7. Signature of Borough Clerk and Seal of the Borough.

c. The Borough Clerk shall send a copy of the license to the Police Department to be kept on file. The Borough Clerk shall keep a permanent record of all licenses issued, and shall make a monthly report to the Borough Council of all licenses issued under this section and the amount of fees collected.

d. All licenses shall expire on December 31st of the year issued unless an earlier expiration date is indicated on the license.

(1985 Code § 10-4.5)

4-1.6 Display of License.

Every person holding a license under this section shall be required to carry the license with him while engaged in the licensed business, or while engaged in the purpose for which the license is issued, and shall produce the license at the request of any official of the Borough. Where the license is

issued for a vehicle, such license or any designation thereof furnished by the Borough shall be securely fastened in plain view upon any such vehicle, and shall not be removed therefrom while the license is in force, or attached to any similar vehicle or thing. (1985 Code § 10-4.6)

4-1.7 License Fees. *AMENDED SEE ORD NO. 2015-#13*

The license fee for each peddler, hawker, solicitor, or canvasser per year shall be as follows:

- a. For the license and use of one (1) vehicle: one hundred (\$100.00) dollars.
- b. For each additional vehicle used: fifty (\$50.00) dollars per vehicle.

(1985 Code § 10-4.7; Ord. No. 2002-20)

4-1.8 License Not Transferable.

Licenses issued under this section shall not be transferable. (1985 Code § 10-4.8)

4-1.9 Hours of Canvassing and Soliciting. *AMENDED SEE ORD. NO. 2015-#13*

No canvassing, soliciting, hawking or peddling shall be permitted by anyone holding a permit or license or certificate of registration except between the hours of 9:00 a.m. and 5:00 p.m. daily for the purpose of selling merchandise on the public streets, and except between the hours of 9:00 a.m. and 5:00 p.m. on any weekday, excluding Sunday, for any other activity, sale, solicitation, or delivery covered by this section. (1985 Code § 10-4.9; Ord. No. 2002-20)

4-1.10 Use of Public Places. *AMENDED SEE ORD. NO 2015-#13*

No peddler or hawker shall:

- a. Have any exclusive right to any location in any public place;
 - b. Be permitted to maintain a stationary location;
 - c. Be permitted to operate in any congested area where his operations might impede or inconvenience the public. The judgment of a police officer shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced; and
 - d. Make use of private property without meeting the requirements of site plan approval.
- (1985 Code §10-4.10)

4-1.11 Appeals.

a. Any person aggrieved by the action of the Chief of Police in the denial or granting of a license shall have the right to appeal to the Borough Council for review. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of was mailed to such person's last known address, a written statement fully setting forth the grounds for the appeal.

b. The Council shall set a time and place for hearing of such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in subsection 4-1.14b for notice of hearing for revocations of license.

c. The decision and order of the Council on such appeal shall be final and conclusive.
(1985 Code § 10-4.11; New)

4-1.12 Duty of Police.

It shall be the duty of all Borough Police Officers to enforce the provisions of this section and to require any person peddling, hawking, soliciting or canvassing in the Borough, who is not known by such officer to be licensed or registered, to produce his license or registration certificate. (1985 Code § 10-4.12)

4-1.13 Report and Record of Violations.

The Chief of Police shall report to the Borough Clerk all convictions for violation of this section, and the Borough Clerk shall, in addition to the record of licenses issued as provided by subsection 4-1.5c, record the reports of all violations. (1985 Code § 10-4.13)

4-1.14 Revocation of Licenses; Notice of Hearing.

a. *Grounds for Revocation.* Licenses issued under the provisions of this section may be revoked by the Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for the license or for the certificate of registration.
2. Fraud, misrepresentation or false statement made by the licensee in the course of carrying on his business as solicitor, canvasser, peddler or hawker.
3. Any violation of this section.
4. Conviction of any crime or disorderly persons offense involving moral turpitude.
5. Conducting the business of soliciting, canvassing, peddling or hawking in an unlawful manner or in such a manner as to constitute a breach of the peace or as to constitute a menace to the health, safety or general welfare of the public.

b. *Notice of Hearing.* Notice of the hearing for revocation of a license shall be given to the licensee in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed by registered or certified mail, return receipt requested, addressed to the licensee at his last known address, at least five (5) days prior to the date set for hearing.

(1985 Code § 10-4.14)

4-1.15 Exemption for Military Personnel; Exempt Firemen; Registration Certificate.

AMENDED SEE ORD NO. 2015-#13

a. Any person holding a valid and subsisting special license to hawk, peddle or vend issued by the appropriate County Clerk pursuant and subject to the provisions of N.J.S.A. 45:24-9 et seq., shall be exempted from applying for or obtaining a license or payment of a license fee; provided, however, that such person, before engaging in the Borough in the activity authorized by such special license, shall submit his special license to, and register with, the Chief of Police. A certificate of registration signed by the Chief of Police shall be issued to him. The certificate of registration shall state:

1. Name and address of registrant.
2. Name and address of his employer, if any.
3. Kind of goods to be sold or services to be performed or furnished by him.

4. Date of issuance and length of time the registration shall be effective.
 5. License number or other identifying description of any vehicle to be used.
- b. The Chief shall keep a permanent record of all registrations.
- c. Notwithstanding the exemptions as to license and fee under this section, the registrant shall comply with all other applicable regulations under this section.
(1985 Code § 10-4.15)

4-1.16 Charitable Solicitation on Roadways.

a. General Provisions and Restrictions.

1. Charitable organizations shall be permitted to solicit contributions on the various Borough roadways. Charitable organizations shall not be allowed to solicit on any County highway or intersection of a County highway without the approval of the Board of Chosen Freeholders pursuant to N.J.S.A. 39:4-60.

2. No person shall solicit charitable contributions on Borough roadways, without the approval of the Borough's Chief of Police, via the issuance of a Charitable Solicitation Permit. Such a permit shall be in the possession of the solicitor during all times of solicitation and be available for inspection by any law enforcement personnel.

3. Each person soliciting charitable contributions on behalf of the charitable organization shall be at least eighteen (18) years old.

4. Solicitation shall be subject to the specific terms and conditions of each permit granted.

5. Solicitation shall not stop traffic or impede the flow of traffic. Traffic shall already be stopped before solicitation may occur and shall cease while traffic is moving. Use of flagpersons shall be prohibited.

6. The charitable organizations shall be responsible for cleaning up any debris from solicitation activities on Borough roadways.

7. State, County, and local police of the Borough, may suspend solicitation operations at any time if any condition of the permit is violated or, if in the Police Officer or Borough's sole discretion, traffic is being impeded or delayed or public safety is at risk.

8. Solicitors shall not drink alcoholic beverages, use drugs, or be under the influence of drugs or alcohol when soliciting. Solicitors shall not harass the public.

9. The Borough shall not be liable for any civil action for damages for property damage or personal injury resulting from a motor vehicle accident arising out of or in the course of solicitation for the purpose of soliciting contributions conducted by charitable organizations as defined herein.

b. Safety Criteria.

1. All solicitors shall wear safety vests that are in accordance with NJDOT standards.
2. Parking of vehicles shall comply with applicable traffic regulations.

3. The Borough recommends coin tosses using blankets located off the traveled way as the safest method of solicitation.

4. The solicitor shall not install any traffic control devices.

c. *Signage.*

1. Signs advertising the roadway solicitation are permitted, but they must be of a temporary construction and breakaway to the extent possible.

2. At least two (2) warning signs shall be placed as follows:

(a) "Charitable Solicitation 300 Feet Ahead" and

(b) A second sign following identifying the name of the organization soliciting.

3. Signs shall not be permitted in the traveled way or in medians less than eight (8) feet in width.

4. All signs warning, noticing, or advertising a solicitation shall be removed immediately following the solicitation event.

5. Signs shall be diamond shaped and comply with applicable NJDOT standards. Plastic mesh signs may be allowed if they meet the same visibility requirement as the Type IV-B.

6. The signs may be mounted on posts or a portable tripod.

d. *Indemnification/Proof of Insurance.*

1. All charitable solicitation organizations that receive permits must agree to indemnify and hold the Borough harmless for any injuries or damages of any type which might be incurred as a result of the approved charitable solicitation operation.

2. Adequate proof of insurance must be submitted to Borough with application.
(1985 Code § 10-4.16; Ord. No. 2006-#13 § 5)

4-1.17 Charitable Solicitation Permit.

1. Request for permits shall be made to the Chief of Police, Police Department, 60 Margaret King Avenue, Ringwood, N.J. 07456. (973)962-7017.

2. The application shall not be deemed complete until the applicant has fully completed the application form and submitted it to the Borough Police Department.

3. The Borough may impose special conditions on any Charitable Solicitation Permit to preserve and protect the public safety and the free flow of traffic on its roadways.

4. The Borough may deny a permit based on the following reasons:

(a) To ensure that traffic flow is not unreasonably impeded, interrupted or delayed;

(b) The design of the particular roadway does not permit the safe interaction between solicitor and vehicular traffic;

(c) The solicitation would interfere with construction activity; or

(d) To protect public safety.

5. If the Borough denies a permit, the denial letter shall set forth the reasons for the denial. The Borough's denial shall not be unreasonably withheld.

The Borough may impose special conditions on any Charitable Solicitation Permit to preserve and protect the public safety and the free flow of traffic on its roadway.
(Ord. No. 2006-#13 § 5)

4-1.18 Violations.

Any person who violates any provisions of this section shall, upon conviction thereof, be subject to one (1) or more of the following: Imprisonment for a term not to exceed ninety (90) days; or by a fine not to exceed two thousand (\$2,000.00) dollars or by a period of community service not to exceed ninety (90) days. (1985 Code § 10-4.20; New; Ord. No. 2006-#13 § 5)

4-2 DEALERS IN SECONDHAND GOLD, SILVER AND JEWELRY.

4-2.1 Definitions.

For the purpose of this section:

Dealer shall mean any person, partnership or corporation who, through any means, buys or sells secondhand gold, silver, precious metals or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

Minor shall mean any person under the age of eighteen (18) years.
(1985 Code § 10-8.1)

4-2.2 License Fee.

Each dealer conducting business within the jurisdiction of the Borough shall first register with the Chief of Police who shall investigate the applicant. Each dealer shall obtain a license from the Borough Clerk by paying a fee of seventy-five (\$75.00) dollars. (1985 Code § 10-8.2; Ord. No. 1998-02)

4-2.3 Maintenance and Inspection of Records.

a. Each dealer shall maintain a complete record of each purchase and sale, including the amount paid and the name, residence, occupation, age and description of the person from whom the items were purchased, received or sold. These records shall be subject to inspection by any authorized Police Officer of the Borough of Ringwood.

b. Each dealer doing business in the Borough shall deliver to the Chief of Police the description of all items purchased, received or sold within seventy-two (72) hours of the completion of the transaction on forms prescribed by the Chief of Police.
(1985 Code §§ 10-8.3, 10-8.4)

4-2.4 Prohibition.

No dealer shall sell, melt, change the form of, or dispose of any articles purchased or received within five (5) days from the date the notification is made to the Chief of Police and all such items