

Chapter 188, PEDDLING AND SOLICITING

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 11-19-1963 by Ord. No. 200 (Ch. 59 of the 1973 Code); amended 6-25-1973. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Mercantile licensing — See Ch. 169.

Use of sound trucks — See Ch. 174.

§ 188-1. License required.

It shall be unlawful for any canvasser, solicitor, hawker or peddler, as defined in § 188-2 hereof, to engage in such activity in the Borough of Laurel Springs without first obtaining a license therefor in accordance with the provisions of this chapter.

§ 188-2. Definitions.

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

HIS -- Includes "her" and "its."

PERSON -- Any individual, partnership, partner, corporation or corporations.

SOLICITOR, CANVASSER, HAWKER or PEDDLER -- Any person, whether or not a resident of the Borough of Laurel Springs, 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 goods, wares, merchandise, food or drink or any products thereof, or property of any kind or nature whatsoever, for future performance or delivery, or the giving away of items, 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.

§ 188-3. Application for license.

Applicants for a license under this chapter shall file with the Borough Clerk an application, in duplicate, on forms to be furnished by the Borough Clerk, which 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 § 188-2 hereof, intended to be sold or given away; 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 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 violation 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.

§ 188-4. Types of licenses.

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

§ 188-5. Term of license.

The licenses issued shall be valid until the last day of February following the date of the issuance thereof and shall be invalid thereafter.

§ 188-6. Investigation; hearing on disapproved application.

A. Upon receipt of such application, the original thereof shall be referred immediately by the Borough Clerk to the Chief of Police of the Borough of Laurel Springs, 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 10 days after the receipt of such application, and said Chief shall endorse thereon his approval or, if disapproved, his reasons therefor; and he shall immediately notify the applicant that the application has been disapproved. The application, so endorsed, shall be returned forthwith to the Borough Clerk.

C. If the application has been disapproved by the Chief of Police, such applicant may file with the Borough Clerk a request in writing for a hearing on the ruling of the Chief of Police, and the Mayor and Borough Council shall then set a time and place for a hearing on such request, which hearing shall be within 30 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.

§ 188-7. Fees. [Amended 11-22-1976 by Ord. No. 271]

The fee for a license shall be as set forth in the Annual Fee Ordinance which sum shall be paid to the Clerk at the time of the application, and all licenses shall expire on March 1 of each year. If the applicant is a partnership or corporation and has one or more employees or representatives who are to participate in the business or activity for which a license is requested, then, in addition to the above-mentioned sum, such applicant shall pay an additional sum as set forth in the Annual Fee Ordinance 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.

§ 188-8. Badges.

At the same time that the license is issued by the Clerk, the licensee shall also be given a badge containing the words "Licensed Solicitor" or "Licensed Peddler." If the licensee is a partnership or corporation and has one 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 has been

issued, then a badge shall be issued for each of such persons or individuals as well as a duplicate copy of such license for each of them, which copy or copies shall be serially numbered; in order to obtain such badge, such licensee, in addition to the license fee, shall leave a deposit with the Clerk in the sum of as provided in the Annual Fee Ordinance for each badge, which sum shall be refunded to the licensee on return of each badge or badges in good condition.

§ 188-9. Hours of operation.

The hours of operation by a canvasser, solicitor, hawker or peddler under this chapter shall be between 10:00 a.m. and 5:00 p.m., local time.

§ 188-10. Exceptions.

A. This chapter is not intended to and shall not apply to the following:

(1) Any person soliciting orders or accounts for the sale at wholesale to dealers in such articles or items as those for which an order or orders are solicited; nor to persons soliciting orders and accounts for the sale and delivery of milk, eggs, bread, butter, newspapers and other articles or items of food or merchandise of a type which are generally considered as household necessities and which are commonly delivered on a house-to-house basis at intervals of a week or less.

(2) Any veteran of the armed forces or exempt fireman, as defined by N.J.S.A. 45:24-9, who holds a special license issued by the County Clerk pursuant to N.J.S.A. 45:24-10 of said statutes, shall be exempt from securing a license and paying the fee as provided herein, but shall be required to comply with all other applicable sections of this chapter, and shall be required to register with the Borough Clerk and obtain a special municipal permit which shall be issued by the Clerk without charge upon identification and exhibition of such license issued by the County Clerk.

(3) Any nonprofit religious, charitable, educational, political, civic or veterans' organization, society, association or club desiring to sell any item or merchandise of a religious, charitable, patriotic, educational, civic or philanthropic purpose shall be exempt from the provisions of §§ 188-3, 188-4, 188-5, 188-6, 188-7 and 188-8 of this chapter, provided there is filed a sworn application in writing with the Borough Clerk or Chief of Police, either by the individual so doing, if done on an individual basis, or by numerous individuals as agents or employees, who 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.

B. Upon being satisfied that such person is a bona fide representative of such an organization, or that such organization, as aforesaid, is bona fide, and that the agents or representatives who shall conduct the transactions are approved representatives, the Borough Clerk shall issue a permit without charge to such organization, association or corporation to operate in the Borough. Such organization shall supply its employees 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 or employee.

§ 188-11. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, § 1-15.