

TOWNSHIP OF CHESTERFIELD

County of Burlington

300 Bordentown-Chesterfield Road Chesterfield, New Jersey 08515

Phone: 609-298-2311 Fax: 609-298-0469

www.chesterfieldtwp.com

INSTRUCTIONS AND REQUIREMENTS FOR APPLICATION FOR PEDDLER'S/SOLICITOR'S/VENDOR'S PERMIT

1. Fill out the attached application in its entirety.
2. Sign the application where indicated. Your signature authorizes the Chesterfield Township Police Department to perform a criminal background check and process your fingerprints, should they feel it is necessary.
3. Submit the completed application along with two recent photographs, approximately two inches (2") by two inches (2"), clearly showing the head and shoulders of the applicant to the Office of the Township Clerk, along with a fee of \$75.00 for the background check, made payable to "Chesterfield Township".
4. Upon receipt, your application will be forwarded to the Police Department who shall undertake the necessary investigation and shall indicate their approval or denial within thirty (30) days.
5. If the license is approved, the license will be issued by the Township Clerk upon receipt of the required permit fee of \$50.00.
6. If the license application is for the sale of food products, the applicant is required to present an inspection report issued by the Burlington County Health Department. A retail food handler's permit will also be required from Chesterfield Township and the fee for that permit is \$ 50.00, payable to "Chesterfield Township."
7. If the license is denied, the applicant shall be afforded a hearing before the Township Committee. This hearing must be requested in writing, to the Township Clerk, within five (5) days of the notification that the license has been denied.
8. All persons who are issued a peddler's/solicitor's/vendor's permit are required to carry the license with them while engaged in the business licensed, and produce the license on request.

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APPLICATION FOR PEDDLER'S/SOLICITOR'S/VENDOR'S PERMIT

Applicant's name: _____

Home address: _____

Mailing address (if different): _____

Telephone: _____

Date of birth: _____ Eye color: _____ Height: _____ Weight: _____

Social Security #: _____ Driver's License #: _____ State: _____

Type of business / description of goods and/or services to be sold: _____

Name and Address of Company: _____

Location of goods or products and method of delivery: _____

Description of Vehicle to be used for sales: Year: _____ Make: _____

Model: _____ Color: _____ License Plate #: _____

Length of time requested for permit: (# of days, days of week and hours) _____

Have you ever been convicted of a Crime, Misdemeanor, or Violation of any Municipal Ordinance in this or any other State? _____ If yes, explain: _____

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT AND I FUTHER AUTHORIZE THE CHESTERFIELD TOWNSHIP POLICE DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK FOR THE PURPOSE OF A SOLICITOR'S PERMIT.

Signature

date

For Township Use Only

Received by: _____ date: _____ Application fee: check: _____ cash _____

Permit issued: _____ Permit #: _____ Permit fee: check: _____ cash _____

TOWNSHIP OF CHESTERFIELD

TOWNSHIP OF CHESTERFIELD
ORDINANCE 2008-12

AN ORDINANCE REPEALING AND REPLACING CHAPTER 150 OF THE
TOWNSHIP CODE ENTITLED "PEDDLING AND SOLICITING"

WHEREAS, the Township has reviewed Chapter 150 of the Township Code entitled "Peddling and Soliciting" and has determined that said Chapter needs to be updated to better protect the public from potentially dishonest or inappropriate vendors; and

WHEREAS, the Township makes these revisions keeping in mind an individual's right to fundamental protections under the U.S. and New Jersey Constitutions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that Chapter 150 of the Township Code of the Township of Chesterfield entitled "Peddling and Soliciting" be and is hereby repealed and replaced in its entirety to read as follows:

Chapter 150, PEDDLING AND SOLICITING

§ 150-1. Purpose.

The Township Committee considers the unfair competition and dishonest business practices of certain canvassers, hawkers, peddlers, solicitors and itinerant vendors to be detrimental to the health, safety and welfare of the residents of the township; now therefore, this chapter is enacted to safeguard the health, safety and welfare of these residents and to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses issued under this chapter.

§ 150-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ITINERANT VENDOR -- A person in the business of selling personal property or services who conducts his business from a fixed location but who does not intend to continue in business within the Township permanently. A proprietor of a business which is seasonal in nature who suspends business during the off-season shall not for that reason alone be considered an "itinerant vendor."

NONPROFIT ORGANIZATION - A group of persons, corporation or association organized for philanthropic, charitable, religious, patriotic or other public-service purposes and not for private gain. Examples of "nonprofit organizations" include veterans groups and organizations which assist the poor, the aged, the sick, the physically handicapped or mentally retarded or which aid victims of fire, flood or similar catastrophes. This enumeration is intended to be typical and shall not be construed as exclusive.

PEDDLER or HAWKER -- A person who sells or delivers tangible good, services or commodities from house to house, store to store, place to place or on the streets or in any public place, whether on foot or in a vehicle, whose sales are not made from one established spot, except where they are made in a street or public place, and who makes delivery at the time of his sale. A peddler selling manufactured ready-to-eat food products must also apply for and receive a food handler's license from the Township pursuant to Chapter 204 of this Code.

PERSON -- An individual, firm, partnership, corporation (either profit or non profit), voluntary association, incorporated association, unincorporated association, society, club, trust or other similar entity or a trustee, principal or agent thereof.

SOLICITOR or CANVASSER -- A person who goes from house to house or from place to place selling merchandise by sample or by taking orders for future delivery, with or without accepting advance payments for the goods and regardless of whether advance solicitation is made by mail, telephone or personal contact. The provisions of this definition shall apply to the person who comes in personal contact with the buyer, whether he obtains the order, delivers the goods or accepts money in payment for them. "Solicitor" also means any person who goes from house to house or from place to place for the purpose of obtaining alms, contributions or subscriptions, or who does research analyses, makes surveys or opinion polls or obtains rating data or similar information, or who engages in any similar work which involves a door-to-door or place-to-place activity.

§ 150-3. License required.

It shall be unlawful for any person to engage in the business of canvasser, hawker, peddler, solicitor or vendor without first having secured a license therefor as herein provided.

§ 150-4. Application for license.

A. All applications for licenses shall be made to the Township Clerk, at least 30 days before said license is desired, upon the forms provided by the Clerk and shall contain the following information:

- (1) The name and physical description of the applicant.
- (2) The complete permanent home and local address of the applicant.
- (3) A description of the nature of the business and the goods, services or wares to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship and the authority to work in the Township
- (5) The length of time for which the right to do business is desired and the days of the week and the hours of the day within which said business desires to conduct soliciting activities.
- (6) The source of supply of the goods, products or services proposed to be sold, where such goods, products or services are located and the method of delivery.
- (7) Two recent photographs of the applicant, which shall be approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguished manner.
- (8) Appropriate evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor.
- (10) If a vehicle is used, its description, including, make, model, year, color and license plate number of the vehicle and the driver's license numbers of the proposed operators.
- (11) Permission by the applicant to submit to a criminal background check.

B. Upon receipt of an application, the Township Clerk shall forward the application to the Chief of Police, or his designee, to undergo a background investigation. Said background investigation shall weigh the applicant's business, moral character and ability to properly conduct the licensed activity and the ability to protect the public. If the Police Department determines that the applicant's character, , reputation, or evidence of ability to conduct the business in a responsible fashion is/are unsatisfactory, or the products, services or activities unlawful, or if false information is found to be included in the application, he shall

notify the Clerk in writing and the application shall be rejected. In such cases, the applicant or licensee may file an appeal to the Township Committee according to the provisions of Section 150-7.

C. The applicant shall be fingerprinted, if requested by the police officer designated by the governing body, who shall determine whether said fingerprints are necessary for proper identification, which fingerprints are to be recorded and processed immediately for classification and identification.

D. For persons soliciting on behalf of bona fide religious, patriotic, community service or charitable organizations, in addition to the information required under Subsection A above, the applicant, local chairman or other person in charge of solicitation shall set forth upon his or her application the names and addresses of all persons authorized to solicit on behalf of such bona fide religious, patriotic, community service or charitable organizations for the period of the license and shall attach to the application a form of identification card to be carried by each person engaged in such solicitation.

§ 150-5. Investigation and approval of license application.

After submission of the application, the Police Department shall make any investigation necessary and shall indicate its written approval or disapproval of the license application within 30 days after the application is filed and shall forward the license application to the Township Clerk. Upon written approval from the Police Department, the Township Clerk shall issue a license upon the payment of all required fees.

§ 150-6. License fees; exceptions.

A. Upon submission of the license application, the applicant shall pay to the Township a fee of \$75.00 for purposes of undertaking a background check. Upon approval of the application, the Licensee shall pay an additional \$50.00 for the license.

B. The following applicants shall be exempt from the provisions of Subsection A above:

- (1) Any person soliciting for a bona fide religious, patriotic, community service or charitable organization.
- (2) Any person soliciting a vote or support for any political candidate or program.

C. Nothing herein contained shall permit any such person as described in Subsection B above to engage in any business within these provisions without having first applied for and obtained the prescribed license.

§ 150-7. Suspension, Revocation or refusal to grant licenses; hearing.

A. A license may be refused to any person for cause after investigation or to any person with a criminal record or may be suspended or revoked after issuance for violation of law or ordinance after notice to the applicant or licensee. A hearing before the Township Committee shall be afforded to such applicant or licensee upon written request to the Township Clerk within five days of the license revocation or refusal to grant the license.

B. During the hearing, the Township Committee shall consider the reasons for rejection or revocation provided by the Police Department and testimony from the investigating officer(s) if desired. The applicant or licensee shall have the right to cross-examine the investigating officer and provide independent oral testimony during the hearing. Members of the general public shall be permitted to make relevant statements for the Committee's consideration.

C. In addition to the reasons for rejection or revocation provided by the Police Department, the Township Committee may institute an action for revocation, after notice and hearing, for any of the following causes:

- (1) Fraud or misrepresentation in any application for a permit or license.
- (2) Fraud, misrepresentation or other dishonesty in the conduct of the licensed activity.
- (3) A violation of any provision of this chapter.
- (4) Conviction of the licensee for any felony or high misdemeanor or a misdemeanor or disorderly person's offense involving moral turpitude.
- (5) Conduct of the licensed activity, whether by the licensee himself or his agents or employees, in an unlawful manner or such a manner as to constitute a breach of the peace or a menace to the public health, safety or general welfare.

D. The Township Committee shall weigh the evidence presented during the hearing and shall determine to reject, revoke or suspend the license if it is satisfied by a fair preponderance of the evidence that the licensee has failed to establish the ability to conduct the requested action without jeopardizing the public safety .

E. Reinstatement of revoked licenses.

The Township Committee may instruct the Township Clerk to issue another license to a person whose license has been suspended or revoked if, after a hearing, it is satisfied by clear and convincing evidence that the acts which led to the revocation will not occur again; otherwise, no person whose license has been suspended or revoked, nor any person acting for him, directly or indirectly, shall be issued another license to carry on the same activity.

§ 150-8. License exclusive and nontransferable.

The granting of said license shall not authorize any person except the person named in said license to engage in business thereunder, and said license shall not be transferable from the person to whom issued to any other person. A separate license must be obtained by a licensee hereunder for every agent or employee working for him or it.

§ 150-9. Possession and display of license.

Every person holding a license under this chapter shall be required to carry the license with him while engaged in the business licensed. That person must produce the license at the request of any person solicited, a police officer or any official of the Township of Chesterfield. All automobiles, wagons, carts or other vehicles used for canvassing, hawking, peddling, soliciting or vending shall have affixed thereon a license.

§ 150-10. Content and duration of license.

A. To every person granted a license, the Township Clerk shall issue a license certificate bearing the words "Chesterfield Township Peddler's, Solicitor's and Vendor's Permit," together with the name of the licensee, the number of the license and the year for which it is issued.

B. The license shall be for a term of one calendar year expiring at 12:00 midnight of December 31 of the year issued, except where the license application states that the time desired is to terminate prior to December 31, and, in that event, the license shall expire at 12:00 midnight on the date requested in the application.

§ 150-11. Regulations.

Every person to whom a license is issued under the terms of this chapter shall be governed by the following rules and regulations:

A. No person or vehicle shall stand or be parked for the purpose of display or selling goods, products or services on any public or private property within a distance of 200 feet from the nearest public, private or parochial school in Chesterfield Township during school hours. "School hours" shall mean any time during which school may be in session.

B. No licensee shall sell or attempt to sell in accordance with the terms of this chapter, except as set forth in the preceding subsection, before 9:00 a.m. or after 8:00 p.m. prevailing time. The aforesaid time limitation shall not apply to persons who are expressly invited into homes by the occupants thereof.

C. No licensee shall park his vehicle or dispensing container for a period of time longer than it takes to make a sale to a customer.

D. No person or vehicle shall stand or be parked in a fixed location for the purpose of displaying or selling goods, products or services on any public or private property where to do so is likely to cause a crowd, impede vehicular or pedestrian traffic or produce annoying sounds, voices or disturbances which interfere with the comfort of residents.

E. No person shall strew or litter or cause to be strewn or littered the public streets and highways with refuse or waste matter of any kind or to in anywise interfere with the comfort or convenience of the residents or business of the occupants or owners of adjacent property.

F. All circulars, samples or other matter shall be handed to an occupant of the property and not left on or about the same.

G. No person shall enter or attempt to enter the house of any resident in the township without an express invitation from the occupant of the house.

H. No person shall conduct themselves in such manner as to become objectionable to or annoy an occupant of any house.

§ 150-12. Exemption for wholesale dealers.

The terms of this chapter shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles.

§ 150-13. No exclusive rights to street locations; no access to public property.

No licensee shall have any exclusive right to any location in the public streets. No licensee shall enter upon any public property, including Township parks for the purpose of peddling or soliciting with express written consent of the Township.

§ 150-14. Record of violations to be kept.

The Township Clerk shall maintain a record for each license issued and record the reports of violations therein.

§ 150-15. Exemption for delivery of goods.

This chapter shall not affect any person engaged in delivering goods, products or wares or other articles or things in the regular course of business to the premises of the person ordering or entitled to receive the same.

§ 150-16. Fraud, cheating or misrepresentation.

Any licensee who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee or agent, while acting as a canvasser, hawker, peddler, solicitor or itinerant vendor in the Township of

Chesterfield or who shall barter, sell or peddle any goods or products or services, other than those specified in his application, shall be deemed guilty of a violation of this chapter.

§ 150-17. Violations and penalties.

Any person violating the terms of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$2000.00 or to imprisonment not exceeding 90 days, or both, in the discretion of the court.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon adoption in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: June 11, 2008

Adopted: June 26, 2008