

Permit # _____

TOWNSHIP OF SOUTH ORANGE VILLAGE

Application for Canvasser/Solicitor or Hawker/Peddler License

Application must be submitted to Village Clerk's Office at least 10 days prior to activity for processing
Village Code of South Orange (See Article I §80-1 through 10 and Article II §80-11 through 18)

Application Date: _____

Fee: \$75 per day

Period for which Permit is sought: Start ____ / ____ / ____ End: ____ / ____ / ____
[Cannot exceed 60 days]

Applicant Name: _____

Applicant Address: _____

Telephone Number: _____ Email Address: _____

Physical Description of Applicant: Age ____ Sex: ____ Eye Color: ____ Height: ____ Weight: ____

EMPLOYER INFORMATION:

Employer's Name: _____

Employer's Address: _____

Telephone Number: _____ Email Address: _____

NOTE: You must attach credentials establishing employer/employee relationship to application.

Brief description of the nature of the business and merchandise to be sold or services to be performed: _____

Names and address of person[s] who will be canvassing, soliciting, and/or selling any merchandise, goods, or services referenced in this application.

(Attach additional sheet with names and addresses if necessary.)

1. Name: _____ 2. Name: _____

Address: _____ Address: _____

3. Name: _____ 4. Name: _____

Address: _____ Address: _____

5. Name: _____ 6. Name: _____

Address: _____ Address: _____

Will a vehicle be used in the canvassing, soliciting or selling of merchandise, goods, or services?

Yes No

If "Yes," please provide:

Vehicle Registration [State/License Plate ID]: _____

Vehicle Year: _____

Vehicle Make: _____ **Vehicle Model:** _____

Vehicle Color: _____ **2-door/4-door:** _____

Except for sales approved at fixed locations (See §80-1, Subsection B), all sales must be made from vehicles confined to the streets of the Township of South Orange Village.

Check one:

- Fixed Location [Attach Village Map with "X" marking Fixed Location. See §80-1B.3.]
 Unfixed Location from Vehicle

If you checked "Unfixed Location from Vehicle", where will you be canvassing or soliciting for business? (Please be specific): _____

Have you ever been convicted of any crime or disorderly person offense or violation, or violation of any local ordinance of the Township of South Orange Village? Yes No

If "Yes," please state nature of the crime, offense or violation: _____

Date and place of conviction: _____

Address of Applicant to which all notices and communications are to be addressed:

Email: _____

[Certification Page Follows]

CERTIFICATION:

By signing below, I do hereby certify and affirm that all statements contained in this application are true and, if a Permit is granted it will not be used or represented in any way as an endorsement by the Township of South Orange Village; or any department or officer thereof for the cause or purpose of the canvassing or solicitation. The application also acknowledges that he/she has read Article I §80-1 through 10 and Article II §80-11 through 18 of the Code of the Township of South Orange Village attached to this application.

Signature of Applicant

By signing below, I do hereby agree to make available any appropriate books, records and papers the Chief of Police or his duly designated representative shall deem necessary in order to investigate the application or to enable the Police Department to make its findings.

Signature of Applicant

APPLICANT: Attach credentials establishing employer/employee relationship to application

Office Use Only

- Application Complete
- \$50.00 per day Fee Received
- Applicant's Fingerprinting & Photograph Completed
- Approved by Chief of Police
- Approved by Village Clerk

Village Clerk

LICENSE & BADGE ISSUED on ____ / ____ / ____ _____
Authorized Signature

Conditions of Approval, if any:

ARTICLE I - CODE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE

Hawkers and Peddlers (§ 80-1 — § 80-10)

§ 80-1 License required. [Amended 10-15-2008 by Ord. No. 2008-17]

No person shall sell, offer for sale, hawk or peddle in the village any goods, wares or merchandise from any wagon, automobile, cart or other vehicle or while traveling on foot, with or without a basket, pack or bundle, without first obtaining a license therefor as hereinafter provided in this Article.

- A. Persons and business entities under contract with the Township are exempt from the requirements of this Article I in the performance of the terms of such contract. Persons holding valid licenses pursuant to N.J.S.A. 45:29-9 et seq. (qualified veterans and firemen) are exempt from licensure for activities permitted by subsection B of this section, but are subject to all other provisions of Chapter 80 of the code of the Township of South Orange Village.
- B. Activities subject to licensure pursuant to this Article I may be engaged in within a fixed location on Sloan Street adjacent to the railroad station subject to the following:
 1. All merchandise and equipment shall occupy no more than 25 square feet and shall not be put in use before 7:00 a.m. and shall be completely removed by 9:00 p.m. Sales of food and beverages are prohibited.
 2. Persons operating from such fixed location may not move about for the purpose of soliciting sales.
 3. Applicants seeking a fixed location shall be provided with a map of the subject area by the Village Clerk, whereon the Clerk shall indicate the specific location selected by the applicant. The Village Clerk shall cause the requested location to be reviewed by the Village Administrator and Chief of Police, who shall approve or direct such other location as the safety and convenience of the public may require. Copies of the map showing the approved location shall be given to the applicant and maintained on file with the application, permit and related materials by the Village Clerk. A licensee shall keep on his/her person a copy of the map and license during all times of operation for inspection by the Village personnel and verification of compliance.
- C. Except for sales approved at fixed locations pursuant to Subsection B, all other sales shall be made from vehicles confined to the streets of the Township, subject to the following conditions:
 1. Vehicles shall park legally in the street at the curb while engaging in sales.
 2. Vehicles shall remain parked only for the purpose of conducting sales and shall not remain so parked after sales are completed.
 3. Vehicles shall not use sound, whether bells, amplified music, voice amplification or otherwise to solicit sales.
 4. All vehicles from which food sales are made are subject to all regulations governing the preparation, storage and sale of food and beverages, and shall be subject to such periodic and/or random inspection as the Village Health Officer may direct.

§ 80-2 Applications for licenses; fees.

- A. Every employer, whether self-employed or employing others, shall make an application for a license by filing same, in duplicate, with the Village Clerk. Applications made on behalf of a corporation shall be signed by the duly authorized officers, and the seal of the corporation shall be attested by its secretary.
- B. In addition to licenses issued to employers pursuant to Subsection A of this section, each person who acts as an agent, servant, employee or representative of, for or on behalf of an

individual, corporation, partnership, joint-stock company or unincorporated or other association shall also make an application to the Village Clerk. Said application for a license shall be made by the applicant in person.

- C. The application shall contain the following information:
- (1) Full name.
 - (2) Address.
 - (3) Height and weight, where applicable.
 - (4) Telephone number and e-mail address.
 - (5) The name of the employer, where applicable.
 - (6) Whether or not previously arrested or convicted of any crime, any violation of the Disorderly Persons Law of New Jersey (N.J.S.A. 2A:169-1 et seq.) or any ordinance of the village. If the answer is "yes," the applicant shall state the date and nature of each conviction.
 - (7) The kind of merchandise to be sold.
 - (8) Such other information as the Village Clerk may require.
- D. Each individual applicant, whether an employer or employee, who shall personally engage in the activities set forth in § 80-1, shall be fingerprinted and photographed as provided for in § 80-3 of this Article.
- E. The fee for an annual license granted pursuant to an application made under Subsection A of this section and the fee for an annual license granted pursuant to an application made under Subsection B of this section shall be set by resolution by the Board of Trustees.

§ 80-3 Investigation; fingerprinting and reports.

- A. The Village Clerk shall, upon receipt of an application for a license, forthwith transmit the copy thereof to the Chief of Police. The Chief shall fingerprint and photograph the applicant and cause the fingerprints to be sent to the State Bureau of Identification. The Chief of Police shall, upon completion of his investigation as to the applicant's moral character, return the application to the Village Clerk and shall endorse his recommendation of approval or disapproval thereon, together with a report of his findings. The Village Clerk shall determine whether a license shall be issued to the applicant.
- B. No license shall be granted to a person who is not of good moral character.

§ 80-4 License: contents; records; renewal.

- A. Upon approval of the application by the Village Clerk, the licensee shall be entitled to receive a license valid until December 31 next following the granting of the same. The Village Clerk shall keep an accurate record of all licenses issued by him, which licenses shall be numbered consecutively. [Amended 10-25-1982 by Ord. No. 82-22]
- B. Licenses not suspended or revoked may be renewed annually, subject to the same terms and conditions as in the original license, except that the provisions of § 80-3A relating to fingerprinting and photographing may be waived by the Chief of Police.

§ 80-5 Exemptions.

Any person holding a license issued pursuant to N.J.S.A. 45:24-9 shall be exempt from applying for a license or paying a fee as required by this Article; provided, however, that such a license holder shall be required to comply with all other provisions of this Article.

§ 80-6 Licensees to be supervised by Police Department. [Amended 10-15-2008 by Ord. No. 2008-17]

Persons licensed under this Article shall be subject to the supervision of the Police Department of the village.

§ 80-7 Display of badge; photograph; legend on vehicle. [Amended 10-15-2008 by Ord. No. 2008-17]

- A. Every person licensed under this Article, who does not use a wagon, cart or other vehicle shall wear conspicuously, while engaged in his occupation, a badge on which shall be the following words, "Licensed, South Orange, N.J." The village Clerk shall provide the badge.
- B. In addition to the display of the badge as required by Subsection A of this section, a copy of the photograph of the licensee shall be appended to the license, which photograph shall be furnished by the Police Department. The licensee shall exhibit his license to any police officer or other person upon request.
- C. Every vehicle used by a hawker or peddler shall bear the following legend, plainly printed or painted thereon in letters not less than 2 ½ inches in height: "License, South Orange, N.J., No, [license number], Expires December [Year]." The number of the license and the year of expiration shall be properly filled in. In lieu of printing or painting, the Licensee may use a metal or other plate approved by the Police Chief.
- D. Every person licensed under this Article shall have in his/her possession while engaged in his/her occupation, in addition to the badge required in this section, a receipt showing how they obtained the goods they are selling. [Added 12-18-1995 by Ord. No. 95-41]

§ 80-8 Proximity to schools; sales restrictions.

The selling or offering for sale within 1,000 feet of any school building between the hours of 8:00 a.m. and 4:00 p.m. on any school day of any goods, wares or merchandise, including food products and beverages, from a pack, wagon, cart or any vehicle is hereby prohibited. This section shall apply to all persons, firms and corporations and the employees and agents thereof, whether holding a license under the provisions of this Article or holding any other license. Said distance of 1,000 feet shall be measured between the point where said goods, wares or merchandise are being sold or offered for sale and that portion of the building housing any such school which is nearest to said point.

§ 80-9 Suspension and revocation. [Amended 10-15-2008 by Ord. No. 2008-17]

- A. In addition to the penalty prescribed in § 80-10, any license issued under this Article may be suspended or revoked for violation of any applicable state law or Village ordinance or of any provision of this Article or for any cause which would have constituted a valid ground for denial of the license in the first instance.
- B. The licensee shall be notified, in writing, of the charges preferred against him and shall be afforded the opportunity of a hearing before the Village Administrator. [Amended 10-25-1982 by Ord. No. 82-22]
- C. After a hearing before the Village Administrator as provided in Subsection B of this section, the Administrator shall make his recommendation to the Board of Trustees for appropriate action.

§ 80-10 Violations and penalties.

[Amended 10-25-1982 by Ord. No. 82-22; 2-22-1999 by Ord. No. 99-2]

Any person who violates any provision of this article shall be subject to punishment as set forth in § 1-20 of this Code.

ARTICLE II - CODE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE

Canvassers and Solicitors (§ 80-11 — § 80-18)

§ 80-11 Definitions.

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

CANVASSER or SOLICITOR

Any individual, whether resident of the village or not, traveling in the village by foot, wagon, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise or 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. Such definition shall also include any person who, for himself or for another person, hires, rents, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop or any other place within the village for the sole purpose of exhibiting samples and taking orders for future delivery of personal property or of taking orders for the furnishing or performance of services in the future.

§ 80-12 Permit required; term.

No person shall engage in the business or occupation of canvasser or solicitor without first having obtained a written permit therefor as hereinafter provided in this article. No permit shall be issued for a period of more than 60 days.

§ 80-13 Application for permit; filing; contents. [Amended 10-25-1982 by Ord. No. 82-22]

Every applicant for a permit under this article shall file with the Village Clerk a sworn application, in duplicate, on a form to be supplied by the Clerk. The form shall contain the following information:

- A. Name, age and physical description of the applicant.
- B. Local address of the applicant to which all notices and communications are to be addressed.
- C. Permanent home address of the applicant.
- D. Brief description of the nature of the business and the goods to be sold or the services to be furnished or performed.
- E. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- F. Length of time for which the right to do business is desired, but not to exceed a period of 60 days.
- G. Statement as to whether or not the applicant has been convicted of any crime or disorderly persons offense or violation of any ordinance and, if so, the nature of the crime, offense or violation, the punishment or penalty assessed therefor and the date and place of such conviction.
- H. License number and complete description of any vehicle which is to be used in connection with such canvassing or soliciting.
- I. Such other pertinent information as shall be required by the Village Clerk or Chief of Police.

§ 80-14 Unauthorized canvassing or soliciting. [Amended 11-24-2008 by Ord. No. 08-24]

No person shall canvass or solicit:

- A. Under any permit issued to him as a canvasser or solicitor for any other person, organization, society, association or corporation for whom or for which he is not, at the time of such canvassing or soliciting, a duly authorized canvasser or solicitor;
- B. Under any permit issued to him as the result of any material misrepresentation; or
- C. Under a permit not issued to him.
- D. In any business or commercial establishment located within the Township of South Orange Village, except with the expressed written approval of the owner or operator of that business or commercial establishment.

- E. After 9:00 P.M.
- F. At any residence whereon there is posted a notice “No-Knock”, “No Solicitation” or similar message.
- G. At any residence, the address of which appears on a No-Knock list, which list all canvassers and solicitors shall secure from the Village Clerk prior to any activity which is the subject of this article II or Article III. The Clerk shall maintain the No-Knock list provided for herein.

§ 80-15 Grounds for revocation or suspension of permit. [Amended 10-25-1982 by Ord. No. 82-22]

- A. Permits issued under this Article may be revoked by the Village Administrator after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for the permit.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on business as a canvasser or solicitor.
 - (3) Any violation of this Article.
 - (4) Conviction of the permittee of any crime or disorderly persons offense or violation of an ordinance which renders him an unfit person to hold a permit based upon business responsibility and moral character.
 - (5) Conducting the business of canvassing or soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Pending such hearing, the Village Administrator shall have the power to suspend the permit for a period not more than seven days.

§ 80-16 Revocation procedures.

- A. Notice of the hearing for revocation of the permit shall be given to the permittee, in writing, setting forth specifically the grounds of the complaint and the time and place fixed for the hearing.
- B. Such notice shall be mailed, by registered or certified mail, postage prepaid, to the permittee at the address set forth in his application, pursuant to § 80-13B of this Article, at least three days prior to the date fixed for the hearing.

§ 80-17 Exemptions. [Amended 11-26-1990 by Ord. No. 90-44]

This Article shall not be construed to apply to:

- A. Soliciting and canvassing for the purpose of sale of personal property at wholesale to retailers of such articles.
- B. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of persons ordering or entitled to receive the same.
- C. Any person engaged in a permanent business in the village and at a fixed location.
- D. Any public solicitation for charitable, benevolent or patriotic purposes conducted pursuant to Article III of this chapter or any charitable campaign conducted or to be conducted within the village which has been approved by the Board of Trustees or its delegate, appointed by a resolution duly adopted by the Board of Trustees.

§ 80-18 Violations and penalties. [Amended 10-25-1982 by Ord. No. 82-22; 2-22-1999 by Ord. No. 99-2]

Any person who violates any provision of this article shall be subject to punishment as set forth in § 1-20 of the Code of the Township of South Orange Village.