

ORDINANCE NO. 2019-12

**AN ORDINANCE AMENDING CHAPTER 168,
PEDDLERS, CANVASSERS, AND SOLICITORS
OF THE CODE OF COLTS NECK TOWNSHIP**

BE IT ORDAINED by the Township Committee of Colts Neck Township, in the County of Monmouth, in the State of New Jersey, as follows:

SECTION I: That Chapter 168 Peddlers, Canvassers and Solicitors of the Code of Colts Neck Township is amended and supplemented as follows: (additions to text indicated by underline, subtractions to text indicated by ~~strikeout~~).

Chapter 168 Peddlers, Canvassers and Solicitors

§168-1. License required.

It shall be unlawful for any peddlers, canvassers or solicitors, as defined in §168-2 of this chapter, to engage in any such business in Colts Neck Township without having first obtained a license therefore in compliance with the provisions of this chapter.

§168-2. Definitions.

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

CANVASSER OR SOLICITOR

Shall include any person, whether a resident of Colts Neck Township or not, who goes from house to house, from place to place or from street to street, soliciting or taking or attempting to take orders for sale of services, goods, wares or merchandise, including magazines, books, periodicals, photographs or personal property of any nature whatsoever for future delivery or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he or she is collecting advance payments on such orders. Such definition shall include any person who for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad box car, boat, hotel, inn or motel room, lodging house, apartment, shop or other place in Colts Neck Township for the primary purpose of exhibiting samples and taking orders for future delivery.

PEDDLER

Shall include any person, whether a resident of Colts Neck Township or not, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

§168-3. Exempted sales.

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, persons under the age of 16 years, persons distributing circulars or any other matter not relating or pertaining to commercial activities. Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court.

§168-4. Application information; investigation fee.

- A. Applicants for a peddlers, canvassers and solicitors license under this chapter must file with the Township Municipal Clerk a ~~sworn~~ notarized application, in writing which shall give 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 brief description of the nature of the business and the goods to be sold
 - (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
 - (5) The length of time for which the right to do business is desired.
 - (6) The source of supply of the goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said application is filed and the proposed method of delivery.
 - (7) ~~A recent~~ Two passport quality photographs of the applicant, which picture shall be approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing 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.~~
 - ~~(89)~~ 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.
 - ~~(910)~~ The last municipalities, not to exceed three, where the applicant ~~carried on~~ conducted business immediately preceding the date of application, and the addresses from which such business was conducted in those municipalities.
- B. At the time of filing the application, a fee of \$100 shall be paid to the Township Municipal Clerk to cover the cost of investigation of the facts stated therein.

§ 168-5. Religious organization, etc., exempted; application; permit.

- A. Exemption; application. Any organization, society, association or ~~corporation~~ business entity desiring to solicit or have solicited in its name money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house-to-house canvass or in public places for a charitable, religious, patriotic or philanthropic purpose shall be exempt from the provisions of §168-4, 168-6, 168-7 and 168-8E of this chapter.

§ 168-6. Investigation; issuance of license and badge.

- A. Upon receipt of each application, it shall be referred to the Colts Neck Township Police, Colts Neck Township, New Jersey, which shall conduct such investigation of the applicant's business and moral character as it deems necessary for the protection of the public good, and shall endorse the application in the manner prescribed in this section after it has been filed by the applicant with the Township Municipal Clerk.
- B. Issuance.
- (1) If, as a result of such investigation, the applicant's ~~character or business responsibility~~ background investigation is found to be satisfactory, said Colts Neck Township Police Chief shall endorse on such application such finding and return the said application to the Township Municipal Clerk who shall, upon payment of the license fees as herein provided, issue the license, and shall at the same time issue a badge setting forth the words "~~Licensed Solicitor~~" "Colts Neck Township SOLICITOR", the period for

which the license is issued and the number thereof in letters and figures easily discernable.

- (2) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Colts Neck Township Police, shall endorse on such application its finding, its reasons for the same and shall return the said application to the Township Municipal Clerk. The issuance of the license shall then be considered and determined by the Township Municipal Clerk in conjunction with the recommendation of the Chief of Police.
- (3) The SOLICITOR badge is the property of Colts Neck Township and shall be returned to the Municipal Clerk upon expiration of the permit or upon the request of the issuer.

C. Invitation or Barring of Solicitors

- (1) ~~It is hereby declared to be one of the policies of the Township of Colts Neck that the occupant or occupants of the residences or businesses in the Township shall have the right to make a determination of who shall or shall not be invited to their respective residence or business. If a determination has been made by an occupant of a residence or business that solicitors, peddlers and/or hawkers shall not be invited to their respective residence or business, notice of the determination by the occupant refusing to invite solicitors to any residence or business shall be given by notice posted on the premises, and/or by requesting to be maintained on the Township No Knock List in the following manner:~~
 - (a) ~~No Solicitors Invited. The sign shall be no larger than 1 foot by 1 foot and the letters shall be at least two inches in height and shall be displayed so that they can be clearly visible to any prospective solicitors, peddlers and/or hawkers. Signs which indicate "No Solicitors Invited" shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence or business of the information contained thereon, and if the notice states "No Solicitors Invited," then the solicitor, hawker and/or peddler shall immediately and peacefully depart from the premises. Any solicitor, hawker and/or peddler who has gained entrance to any residence or business, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.~~
- (2) ~~No Knock List. The Municipal Clerk shall maintain a list of names and addresses of residents and businesses who have determined that solicitors, peddlers and/or hawkers shall not be invited to their respective residences or businesses. Any resident or business shall be included on such list upon submission of a written request to the Town Clerk. The list, containing addresses only, shall be distributed to applicants seeking a license for the purposes mentioned herein. The licensee shall not solicit, peddle or hawk at any residence or business on the list. Any solicitor, peddler or hawker who goes upon any premises or rings a doorbell upon or near any door or creates any sound in any manner calculated to attract the attention of the occupant of such residence or business, when such residence or business is on the list provided, shall be considered to be engaging in uninvited soliciting, and shall be subject to the penalties set forth in §1-9 of this Code.~~

C. "No Knock" Registry.

- (1) The Municipal Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Municipal Clerk that peddler, canvassers and solicitors and door-to-door sales enterprises are

not permitted on the premises (hereinafter referred to as the “No Knock” Registry). Notification shall be completion of a form available at the Municipal Clerk’s office during normal business hours. The list shall be updated as needed and a copy provided to the Chief of Police.

- (2) Any owner and/or occupant who has requested enlistment on the “No Knock” Registry pursuant to Subsection 1 herein shall be able to procure from the Municipal Clerk’s office a sticker for display at his/her/its premises indicating enlistment on the “No Knock” Registry. The first sticker shall be provided free of charge and may be picked up in person during regular business hours. If a replacement sticker is required, the individual may pick up a replacement at the Municipal Clerk’s office at no charge. A fee of \$1 must be paid to Colts Neck Township by any individual who desires to have the sticker mailed to him or her.
- (3) The Municipal Clerk shall distribute the current “No Knock” Registry to a licensee at the time of issuance of a peddler, canvasser, or solicitor license pursuant to the provisions of this chapter. The licensee shall not peddle, canvass, solicit or conduct door-to-door sales at any premises identified on the then current “No Knock” Registry.
- (4) Although the most current list of registrants on the “No Knock” Registry shall be provided by the Municipal Clerk, it is the responsibility of the peddler, canvasser or solicitor to have the most up-to-date list prior to performing their business.
- (5) Any peddler, canvasser or solicitor or owner or employee of a door-to-door sales enterprise who violates any provision of this section, if convicted, shall be:
- i Subject to a maximum ordinance violation fine of \$1,250.00 for
the first offense;
- ii Subject to ninety (90) days in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days for any offense thereafter; and
- iii Subject to a permanent revocation of any license issued to the within chapter
- (6) Current “No Knock” Registrants are protected against the peddlers, canvassing or soliciting activities regulated by this article without having to register.

§ 168-7. License fees; veteran’s permit; interstate commerce; corporate employees.

- A. All licenses issued under this chapter shall run for consecutive days. Any individual or ~~corporation~~ business entity is required to have all employees intending to solicit, peddle or hawk obtain individual licenses. ~~Every applicant for a license under this chapter shall pay \$5.00 a day.~~
- B. Any veteran who holds a special state license issued under the laws of the State of New Jersey shall be exempted from securing a license as provided herein, but shall be required to comply with §168-8, 168-9, 168-10, ~~and~~ 168-11 and 168-12 of this chapter and shall be required to procure from the Municipal Clerk a special veteran’s permit, which shall be issued by the ~~Township~~ Municipal Clerk upon proper identification.
- C. Any person engaged in interstate commerce shall be exempted from the payment of any application and license fees under this chapter; however, such persons shall be subject to all other provisions of this chapter and shall apply for and procure a

special permit from the ~~Township~~ Municipal Clerk upon proper identification and proof.

§168-8. Rules and 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. All circulars, samples or other matter shall be handed to an occupant of the property and not left on or about the same.
- B. No person subject to the provisions of this chapter shall canvass, solicit or distribute circulars or other matter or call from house to house on any day later than 9:00 p.m. prevailing time.
- C. No person subject to the terms of this chapter shall enter or attempt to enter the house of any resident of Colts Neck Township without an express invitation from the occupant of the house.
- D. No person subject to this chapter shall conduct himself in such manner as to become objectionable to or annoy an occupant of any house.
- E. At all times that a person is engaged in the business licensed under the provisions of this chapter, the badge as provided for in §168-6B shall be conspicuously worn on the front of the licensee's outer garment.
- F. Ice cream vendors may park in a valid on-street parking area or public property while engaging in sales but shall not park in a stationary location for longer than ten minutes while performing a sale.

§168-9. Shouting wares; using noise making devices.

No licensee, nor any person in his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound-amplifying device upon any of the streets, alleys, parks or other public places of the township or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

§168-10. Interference with traffic.

No license shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

§168-11. Exhibiting license.

~~Licensees are required to exhibit their certificate of license at the request of any citizen or police officer.~~

Licensees are required to exhibit their Solicitor's License in plain sight at all times during the conduct of their authorized business within the Township.

168-12. Record of licenses and violations.

The Municipal Court Clerk shall report to the ~~Township~~ Municipal Clerk all convictions for violation of this chapter, and the ~~Township~~ Municipal Clerk shall maintain a record for each license issued and record the reports of violation therein.

§168-13. Revocation of license; hearing, notice.

- A. Licenses issued under the provisions of this chapter may be revoked by the Township Committee of Colts Neck Township, after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation or a material incorrect statement contained in the application for license.
 - (2) Fraud, misrepresentation or a material incorrect statement made in the course of carrying on his or her business as solicitor, canvasser, or peddler.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor.
 - (5) Conducting the business of peddler, canvassers, or solicitors, as the case may be, 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. Notice of the hearing for revocation of a license shall be given by the ~~Township~~ Municipal Clerk, in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her last known address at least five days prior to the date set for hearing or shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for hearing.

§168-14. Expiration of license.

All annual licenses issued under the provisions of this chapter shall expire at 12:00 midnight the 31st day of December in the year when issued. Other than annual licenses shall expire at 12:00 midnight on the date specified in the license.

§168-15. Violations and penalties.

A violation of any provision of this chapter shall be punishable as provided in §1-9 of this Code.

SECTION II: Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Beth Kara, Municipal Clerk, Colts Neck Township, County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2019-12, introduced at a duly convened meeting of the Township Committee on the 29th day of May, 2019, and was adopted after public

hearing at a duly convened meeting of the Township Committee on the 12th day of June, 2019.

Thomas Orgo, Mayor

Beth Kara, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	May 29, 2019					June 12, 2019				
Committeeman	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Orgo		X					X			
Deputy Mayor Rizzuto		X				S	X			
Viola	S	X					X			
Macnow		X					X			
Bartolomeo	M	X				M	X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting		Ab - Absent			