



BOROUGH OF FAIR HAVEN NEW JERSEY

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FAIR HAVEN, NJ 07704
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BOROUGH OF FAIR HAVEN: DO NOT KNOCK REGISTRATION

Pursuant to the Borough's "DO NOT KNOCK" ordinance, you may register below to prohibit peddlers, canvassers and other solicitors (except for the Borough Police, Fire Department and First Aid Squad) from seeking contact with you at your home.

First Name: _____

Last Name: _____

House No. _____

Street Address: _____

Telephone Number: _____

Resident's Signature

Please note: Only address information will be given to the licensees. No names will be included on this list.

Property owner must notify the Borough Clerk of any change in ownership of property within the Borough

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2018-05**

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING THE FAIR HAVEN BOROUGH CODE, CHAPTER 4, GENERAL LICENSING, SECTION 1, PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.

BE IT ORDAINED by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey, as follows:

I.

The purpose of this Ordinance is to amend Chapter 4, Section 1, Peddlers, Solicitors and Transient Merchants.

NOTE: The section of Chapter 4 that is to be amended by Ordinance is Section 1 Peddlers, Solicitors and Transient Merchants. All additions are shown in ***bold italics with underlines***. The deletions are shown as ***~~strikeovers in bold italics~~***. Sections of Chapter 4, Section 1 that will remain unchanged are shown in normal type.

II.

4-1 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.

4-1.1 Definitions.

As used in this section:

Canvasser or **Solicitor** shall mean a person who goes from place to place, house to house, or person to person, selling or taking orders for or offering to sell or take orders for goods, wares, merchandise or any article for future delivery or for services to be performed in the future or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery or for the solicitation of money for any purposes whatsoever. **Any person taking a poll or a survey from house to house or on the streets, or distributing advertisements or handbills is included.**

Hawker or **Peddler** shall mean any person who goes from place to place by traveling on the streets or from house to house and carries with him goods, wares or merchandise of any description for the purpose of selling and delivering them to purchasers.

Junk Dealer shall mean a person who deals in buying and selling old iron or other metals, glass, paper, cordage or other waste or discarded material.

Transient Merchant shall mean a person commonly referred to either as a transient merchant or itinerant vendor who engages temporarily in business in the Borough by occupying a room, building, tent, lot or other premises for the purpose of selling goods, wares and merchandise.

Transient Merchant also includes any person who conducts any traveling or street show, carnival or circus and in connection therewith sells or displays for sale any goods, wares or merchandise.

Transient Merchant Peddler shall mean a person who engages in business in the manner defined by the definition of transient merchant and in pursuant thereof becomes a peddler or hawker, or hires a peddler or hawker, as hereinabove described.

(2002 Code § 5.12.010)

4-1.2 Purpose.

The purpose of this section is for the Borough of Fair Haven to exercise police power for the public safety, comfort, convenience and protection of the borough and the citizens of the borough. Also, the purpose of this Ordinance is to secure the residents of the Borough; the peaceful enjoyment of their homes by prohibiting door-to-door solicitation during those times when such solicitation is most intrusive and disruptive; to aid crime prevention and detection; to prevent unfair competition, dishonest business practices; and fraudulent solicitation by the regulation of transient merchants, hawkers, peddlers, junk dealers, solicitors and canvassers as defined in subsection 4-1.1. (2002 Code § 5.12.020)

4-1.3 License Required.

It is unlawful for any transient merchant, hawker, peddler, junk dealer, solicitor or canvasser to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or publications or to solicit money within the Borough without first applying for and securing a license as hereinafter provided. (2002 Code § 5.12.030)

4-1.4 Persons Exempted.

The provisions of this section shall not be construed to apply to the following persons:

- a. Any person selling fruits, vegetables or farm products grown by himself with or without the help of others;
- b. Any honorably discharged soldier, sailor, marine, nurse, or army field clerk of the United States, having been in the active military or naval service of the United States in any war in which this country has been engaged, or who served or shall have served in the armed forces of the United States during the present emergency, who is a resident of the State of New Jersey and who has procured a license in the manner and under the conditions prescribed in N.J.S.A. 45:24-9 et seq.;
- c. Any person who conduct a judicial sale under the authority of State or national laws;
- d. Any exempt member of a volunteer fire department, volunteer fire engine, hook and ladder, hose, supply company or salvage corps, of any municipality or fire district in this State, who holds an exemption certificate issued to him as an exempt member of any such department, company or corps, who is a resident of the State of New Jersey, and who has procured a license in the manner and under the conditions prescribed in N.J.S.A. 45:24-9 et seq.;
- e. Any person soliciting for a lawful and recognized religious, charitable, educational or political organization, provided however, that the local chairman or other person in charge of solicitation for such lawful and recognized religious, charitable, educational or political organization in the Borough shall apply for and obtain a license in the manner hereinafter provided and all persons engaged in such solicitation shall carry identification cards signed by such local chairman or person in charge, but nothing herein contained shall permit any such person to engage in any business within these provisions without first applying for and obtaining the prescribed license;
- f. Any person engaged in the sale or delivery of newspapers qualified as legal newspapers within the meaning of N.J.S.A. 35:1-1 et seq. (2002 Code § 5.12.040)

4-1.5 Application for License.

Any person desiring a license shall file with the Borough Clerk an application containing the following information:

- a. Applicant's name, home and business address and local address, if any;
- b. Place or places of residence of the applicant for the preceding three (3) years;

c. The physical description of the applicant, setting forth the applicant's age, sex, height, weight, complexion, color of hair and eyes and any other distinguishing physical characteristics;

d. The name, address and principal or registered office in this State, if any, of the person, firm, organization or corporation for or through whom or under whose auspices the applicant is authorized to conduct such activity or a statement, if such be the case, that the applicant is engaged in such activity solely in his own behalf;

e. A brief description of the type or types of articles or services to be sold or furnished and the purpose or purposes for which money is to be solicited;

f. A statement as to the approximate amount of money to be collected by the applicant and whether or not the same is to be in full or partial payment for articles to be sold or services to be rendered;

g. The length of time for which the license is desired;

h. A statement as to whether or not the applicant has been convicted of any crime or misdemeanor involving moral turpitude and if applicant has been so convicted, the nature of the offense or offenses and the penalty or penalties imposed therefor. If the applicant is not engaged in the proposed activity solely in his own behalf, there must be attached to the application a letter from the person, firm, organization, or corporation for or through whom or under whose auspices the applicant seeks authorization to conduct such activity, together with sample copies of the order or receipt form or forms to be used by him in connection with such activity. All applicants must submit to fingerprinting by the Police Department of the Borough at the time the application is made; (2002 Code § 5.12.050)

i. *The days of the week and the hours of the day during which the licensed activity will be conducted;*

j. *If a vehicle is to be used, a description of the vehicle, together with New Jersey state vehicle license number or other means of identification.*

4-1.6 Transient Merchant Licenses.

In addition to the foregoing items, the applicant shall file:

a. A sworn statement of the true invoice of the amount, average quality or kind and value of the goods to be offered for sale;

b. A statement of the location of such goods by streets or number, and whether on the premises from which it is sold or in warehouse;

c. To the application must be attached, in the discretion of the Borough Clerk, the bills or invoices of purchase of such goods. (2002 Code § 5.12.060)

4-1.7 Transient Merchant Peddler Licenses.

In addition to the foregoing information the applicant must show:

a. The names and addresses of each peddler acting for the merchant;

b. And for each peddler, the number either of arrests or convictions for misdemeanors or crimes and the nature of the offenses for which arrested or convicted. (2002 Code § 5.12.070)

4-1.8 Soliciting for Religious or Charitable Organizations.

In addition to the information required under subsection 4-1.5, the applicant, local chairman or other person in charge of the solicitation, shall set forth upon his application the names and addresses of

all persons authorized to in behalf of such religious or charitable organization for the period of the license and shall attach to the application the form of identification card to be carried by each person engaged in such solicitation. Provided, however, that when the intended solicitation is to be performed by school children under the age of nineteen (19), who reside in the Borough and is for the purpose of raising funds for the assistance of local schools and churches, the license shall be secured in the manner hereinabove provided, but the identification cards may be signed by any member of the committee in charge of the solicitation for such local school or church, provided that the chairman thereof has filed their signatures with and as a part of the application for license made by such chairman. (2002 Code § 5.12.080)

4-1.9 Establishing Character of Business; Filing of Bond.

For transient merchants, transient merchant peddlers, solicitors requiring advance payment in whole or in part, and new merchants, the Borough Clerk shall establish the character of the business by:

- a. Eliciting a declaration of intention of all new businessmen as to whether they intend to remain in the Borough temporarily or longer than a period of one (1) year.
- b. By requiring a bond in the amount of one thousand (\$1,000.00) dollars in accordance with and for the purposes provided in N.J.S.A. 45:24-5. (2002 Code § 5.12.090)

4-1.10 Forfeit of Bond.

The bond shall be declared forfeit upon conclusive period of:

- a. Falsification in application for a license;
- b. Willful violation of any of the provisions of this section;
- c. Removal from the Borough within a year after opening the business premises without payment of the license fee required of transient merchants or merchant peddlers. The bond of every merchant continuously conducting a vending business for more than one (1) year shall be cancelled and no further bond shall be required of him under this section. (2002 Code § 5.12.100)

4-1.11 Investigation of Applicant; Granting of License.

Following the filing of the application, the Administrator, the Chief of Police, or the Borough Clerk shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his application. If upon completion of such investigation it appears that the statements made upon the application are true, that the applicant has not been convicted of any crime or misdemeanor involving moral turpitude and has not been convicted of a prior violation of this section, the Administrator, the Chief of Police, or the Borough Clerk shall endorse a statement to that effect upon the reverse side of the application and the Borough Clerk shall thereafter proceed to issue the license for which the application was made. (2002 Code § 5.12.110)

4-1.12 License Not Transferable; Exceptions; Fee for Peddler's License Transfer.

For all classes of licenses the licensing issued shall not authorize any person, except the licensee therein named to engage in business thereunder. No license shall be transferable from the licensee therein named to any other person, provided however, that a peddler's license issued upon an annual basis may be transferred if the transferee pays a transfer fee of one (\$1.00) dollar and makes application and qualifies thereto in all respects and in the same manner as if his application were for the original issuance of such license. A separate license must be obtained by a licensed transient merchant for each branch or separate place of business in which his business is conducted and each license shall authorize the person to conduct business only at the location which is indicated therein. (2002 Code 5.12.120)

4-1.13 Display of License.

Every person holding a license, under this section, shall be required to carry the license with him or at his business premises while engaged in the business licensed. He must produce the license at the request of any official of the Borough. To every peddler granted a license, the Borough Clerk shall issue either a license card, button or metal plate, bearing the words "License, Peddler, Borough of Fair Haven," together with the number of the license and the year for which it is issued. All automobiles, wagons, carts or other vehicles used for peddling shall have affixed thereon the license. A transient merchant, transient merchant peddler and new merchant must post a license certificate in a prominent place of his business premises. The vendors of all other classes shall, if the license is in the form of a button, have the same affixed on the lapel of his or her coat or garment while engaged in business. Persons soliciting money for a religious or charitable organization shall at all times during such solicitation carry with them and shall exhibit upon request the identification cards for which provision is made above. (2002 Code 5.12.130)

4-1.14 Fees.

License fees shall be as follows:

a. *Solicitors.* For each solicitor other than a person soliciting for a lawful and recognized religious, charitable, educational or political organization: The fee shall be as stated in subsection 2-56.1. Every solicitor's license shall terminate at the close of December 31 of the year for which it is issued.

b. *Peddlers.* For each peddler, regardless of the method used for transporting his wares and merchandise: The fee shall be as stated in subsection 2-56.1. Every peddler's license shall terminate at the close of December 31 of the year for which it is issued.

c. *Transient Merchants.* The fee shall be as stated in paragraphs a. and b. above.

d. *Transient Merchant Peddler.* For each transient merchant peddler, the fee shall be as stated in paragraphs a. and b. above.

e. *Junk Dealer.* For each junk dealer, the fee shall be as stated in paragraphs a. and b. above.

f. *For All Other Licenses.* The fee shall be as stated in paragraphs a. and b. above.

(2002 Code 5.12.140; Ord. No. 2008-03; Ord. No. 2016-05)

4-1.15 Revocation and Suspension of License; Hearing.

a. Any license issued hereunder may be suspended for any infraction or violation of the terms of the license, or of any Borough ordinance, State or Federal statute, or falsification in applying for a license. The suspension shall become effective by the mailing of a notice to the address appearing upon the application and shall state ***grounds upon which the suspension or revocation is based and that an opportunity for a hearing will be given at a time certain*** ~~time.~~ ***Notice shall be served by certified mail, return receipt requested, at least ten (10) days prior to the date set for the hearing. within five (5) days from date of notice, before the Borough Administrator who, upon finding of such a violation, may revoke the license, and in the event of failure of licensee to appear, the license shall automatically be revoked and cancelled.*** (2002 Code 6.12.150)

b. ***At the hearing the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses on his behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his own expense. If a record is made and a copy if requested by the licensee, the licensee shall provide a copy to the Borough without charge. The Borough Council shall revoke or suspend the license if it is satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.***

4-1.16 Conditions of Permit.

a. Upon the expiration of any license issued under the provisions of this section, the holder thereof shall surrender the same to the Borough Clerk within twenty-four (24) hours. Upon notice of the cancellation or revocation of any license issued under the provisions of this section, the holder shall surrender the same to the Borough Clerk within twenty-four (24) hours after notice of such cancellation.

b. The holder shall have the permit in his possession at all times and shall exhibit the same at any time upon request by Police Officer or by any purchaser or prospective purchaser.

c. The holder shall not canvass or solicit orders for any articles from pedestrian or vehicular traffic on or adjacent to any public street, avenue or highway within the limits of the Borough in such manner as will interfere with the normal and usual use of such public street, avenue or highway.

d. The holder shall not enter in or upon any house, building or structure or any land or property, without prior consent of the owner or occupant thereof, whether there is placed or posted on the premises in conspicuous position at or near the usual means of ingress, a sign or other form of notice stating or indicating that the owner or occupant thereof forbids or otherwise does not desire persons engaged in such or similar activity to enter upon the premises.

e. The holder shall give a written receipt to the purchaser, which receipt shall be signed by the holder and shall set forth a brief description of the article ordered, the total purchase price thereof, and the amount of the payment, if any, received by the holder from the purchaser.
(2002 Code § 5.12.160)

f. The holder shall immediately leave the resident's property upon request by the resident to do so.

g. The holder shall not engage in any conduct which is prohibited by any statute, regulation or ordinance in effect in the Borough.

4-1.17 Deliveries.

This section shall not affect any person engaged in the delivery of goods, wares, merchandise or other articles or things in the regular course of business to the premises of persons ordering or entitled to receive the same. (2002 Code § 5.12.170)

4-1.18 Violations; Penalties.

Any person who violates any provisions of this section or fails to comply with the provisions of N.J.S.A. 45:24-1 to 45-24-8 shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5. (2002 Code § 5.12.180)

4-1.19 Time Restrictions.

It shall be unlawful for any peddler or solicitor to engage in the business of peddling, canvassing, or soliciting before 10:00 a.m. or later than 6:00 p.m. or dusk, whichever is earlier, nor on Sundays or holidays, except ice cream vendors.

4-1.20 "Do Not Solicit" List.

a. Notwithstanding the provisions of any other section of this chapter, any person or entity who owns or rents property within the Borough may register such property on a "Do Not Solicit" list.

b. Registration for the "Do No Solicit" list shall be made as follows:

1. The "Do Not Solicit" list shall be maintained by the Borough Clerk.

2. The "Do Not Solicit" list shall consist solely of property addresses, and shall include no further identifying information concerning the ownership of the property.

3. Property owner must notify the Borough Clerk of any change in ownership of property within the Borough. The Borough Clerk shall remove from the “Do Not Solicit” list any property which has changed ownership.

c. The Borough Clerk’s office shall provide a copy of the “Do Not Solicit” list to every applicant to whom a license is issued pursuant to this chapter.

d. Solicitation of any nature at any address identified on the “Do Not Solicit” list shall constitute a violation of this chapter. Each and every solicitation at an address identified on the “Do Not Solicit” list shall constitute a separate violation of this chapter.

Introduced: 3/12/2018

Adopted: 3/26/2018

Attest:

Approve:

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk

Benjamin Lucarelli
Mayor