

ORDINANCE NO. 118-05

**ORDINANCE ESTABLISHING “PEDDLING AND SOLICITING” REGULATING
CANVASSING, SOLICITING OR RAISING FUNDS
IN THE BBOROUGH OF BLOOMSBURY**

WHEREAS, the Mayor and Council of the Borough of Bloomsbury find that, regulations regarding canvassing, soliciting or raising funds which if often accomplished by door-to-door contact with residents is necessary and proper to ensure the safety of the residents of the Borough; and

WHEREAS, the Mayor and Council of the Borough of Bloomsbury deem it in the best interest of the Borough and its residents to establish an ordinance regulating canvassing, soliciting or raising funds; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, that the Ordinances of the Borough of Bloomsbury are hereby supplemented as follows:

SECTION 1: A new ordinance, entitled “Peddling and Soliciting” is hereby adopted, reading as follows:

PEDDLING AND SOLICITING

Legislative declaration.

This ordinance is adopted to regulate the distribution of certain materials and peddling, soliciting and related activities within the Borough of Bloomsbury. The licensing of persons engaged in the above-mentioned activities is required so that the identity of persons going door-to-door or otherwise distributing materials or food and beverages within the township may be established, so that general regulations may be more effectively enforced for the protection and maintenance of the health, safety and welfare of the inhabitants of the Borough and to prevent dishonest business practices and dishonest solicitation of funds in the Borough of Bloomsbury.

Definitions.

MERCHANDISE — All goods, wares, food, meat, fish, ice cream, fruit, vegetables, magazines, periodicals, printed materials, farm products, services and orders or contracts for services, home improvements or alterations, and anything that may be sold or distributed by peddlers or transient merchant as defined herein.

PEDDLER — Any person, whether a resident of the Borough or not, who goes from house to house, from place to place or from street to street or whether stationary or traveling by foot, automotive vehicle or any other type of conveyance, carrying or transporting merchandise for

the purpose of selling and delivering the merchandise to customers, or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, 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 any street or any public place. The word “peddler” shall also include the words “hawker” and “huckster.”

PERSON — Any individual, firm, partnership, corporation, organization, club or association or any principal thereof.

TRANSIENT MERCHANT — Any person engaging in the activities commonly referred to as “transient merchant” or “itinerant vendor” who merchandises or sells with the intent to close out or discontinue such business within a period of one (1) year from the date of commencement and occupies a room, building, tent lot or other premises for the purpose of selling merchandise.

License required.

It shall be unlawful for any peddler, distributor or transient merchant to sell, offer for sale or distribute merchandise, printed material or services within the Borough of Bloomsbury without first securing a license therefor by filing an application for the license, paying a license fee and obtaining a license from the Borough Clerk, as hereinafter provided.

Effect of license; expiration.

Upon obtaining a license as hereinafter provided, a peddler, or transient merchant may conduct his activities within the Borough of Bloomsbury only as long as he adheres to the regulations set forth herein and carries the license upon his person at all times during the conduct of his activities. The license shall identify the person and the type of activity for which he has registered and shall be shown to any borough official upon request. All licenses shall expire December 31 of the calendar year in which they are issued. A separate license shall be required for each vehicle used.

Exemptions.

Upon receipt of a completed application, a license may not be denied to:

- A. Any veteran or exempt fireman who holds a special state license.
- B. Any person soliciting a vote or support for any political candidate or program.
- C. Any person soliciting for a bona fide charitable, religious, patriotic, community service or philanthropic purpose or organization.

- D. Wholesale salesmen calling on businesses.
- E. Public utility or its employees, which said public utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that said employees shall display the identification badge or card issued by their employer.
- F. Persons appointed by the borough or other governmental agency to conduct a census or canvass.

The above-listed categories shall be exempt from licensing fees.

Application for license.

No person, firm, corporation or organization shall hawk or peddle without first having filed the required bond and having obtained a license. Written application for such license shall be made to the Borough Clerk and shall show:

- A. The name, address and telephone number of the applicant and of all persons associated with him in his business.
- B. The type of business for which the license is desired.
- C. In case of transient merchants, the place where the business is to be carried on.
- D. The length of time for which said license is desired.
- E. A general description of the thing or things to be sold.
- F. The present place of business of the applicant.
- G. The places of residence of the applicant for the two (2) years last past.
- H. A statement as to whether or not the applicant or his employer or principal has been convicted of any crime, misdemeanor or violation of any municipal ordinance, stating the nature of the offenses and the punishment or penalty assessed therefor.
- I. If a vehicle is to be used, a description of such vehicle and its license number.
- J. A photograph of the applicant taken within sixty (60) days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two by two (2 x 2) inches.
- K. Two (2) business references located in the State of New Jersey or, 'in lieu thereof, such other available evidence of the character and business responsibility of the applicant

Issuance of license.

Upon approval of the license application by the Borough Council, the Borough Clerk shall issue the said license, provided that the application is complete and that there is nothing in the application to indicate that the applicant’s character or business is other than satisfactory for carrying on the said business within the Borough of Bloomsbury. In the event that the application is rejected, the Borough Clerk shall note such rejection on the application and return it to the applicant along with his application fee.

License fees.

The fees for licenses shall accompany the application and shall be as follows:

Type of License	Fee
Annual	\$50.00
Daily	\$15.00

Hours of operation.

No person duly licensed shall hawk, or peddle before 8:00 a.m. or after 6:00 p.m., prevailing time, nor at any time on the day commonly called “Sunday.” This provision shall not apply to exempt organizations.

Use of license.

No license issued shall be used at any time by any person other than the one to whom it was issued.

Revocation of license.

- A. Licenses issued may be revoked by the Borough Council after notice and hearing or any of the following causes:
 - (1) Fraud, misrepresentation or false statements contained in the application for license.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.

(5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace to the health, safety or general welfare of the general public.

B. Notice of the hearing of revocation of a license shall be given 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 last known address at least five (5) days prior to the date set for the hearing.

Appeal to Borough Council.

Any person aggrieved by the action of the Clerk in the denial of an application for a license shall have the right of appeal to the Borough Council within twenty-five (25) days after notice of the action complained of has been mailed to such persons's last known address, by a written statement setting forth the time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant. The decision and order of the Borough Council on such appeal shall be final and conclusive.

General regulations.

No licensee shall:

- A. Attempt to peddle, or distribute merchandise or printed material without first having identified himself as a peddler or distributor registered with the borough and displaying his license.
- B. Have exclusive right to any location in the public streets or operate in any congested area in such a manner as to impede the flow of traffic or of pedestrians or create a breach of the peace.
- C. Enter or attempt to enter the land of any resident in the borough where such resident has posted a notice prohibiting such entry.
- D. Refuse to leave any private dwelling or property after having been once requested to do so by the owner or occupant thereof.
- E. Shout, cry out, blow a horn, ring a bell or use any soundmaking or amplifying device on any of the streets, parks or public places of the borough or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the private premises, for the purpose of attracting attention to any merchandise or services, without first obtaining written authorization for same time from the appropriate borough official.

- F. Distribute obscene merchandise or printed material or that which advocates unlawful conduct.
- G. Litter the streets, public places or public or private property within the borough with any merchandise or printed material.
- H. Violate the Borough Zoning Ordinance or any other ordinance of the borough.

Duration of validity of license.

Every license or permit shall remain in force and be valid only for the time thereon expressed. All yearly licenses shall run until December 31 of any given year. All daily licenses shall be valid only for the day indicated on the license.

Canvassing, Soliciting or Raising Funds.

A. Definitions. For the purposes of this section only, the following words are hereby defined:

“**Canvass**” shall mean face to face contact with any person for the purpose of conducting surveys, asking for votes, surveying to determine probable vote outcomes or public sentiment on any matter, or obtaining signatures for a petition or similar document, and, not in conjunction with the soliciting of persons for the purpose of obtaining funds, money or anything of value.

“**Charitable Organization or purposes**” shall mean any charitable organizations qualifying under N.J.S.A. 45:17A-20 and/or non-profit or not-for-profit organizations or organizations formed and existing for charitable, eleemosynary, philanthropic, political or publicly beneficial purposes.

“**Solicit**” shall mean face to face to contact with a person anywhere in the Borough, including at a persons home, for the purpose of requesting or obtaining the contemporaneous donation of funds, money or anything of value.

B. Prohibition of Soliciting, Canvassing. Registration and Regulations.

1. Soliciting. No person shall solicit on behalf of a charitable organization or for a charitable purpose without registering with the Borough as set forth herein. This section and the requirements herein do not relieve persons or organization from the licensing requirements of the Borough of Bloomsbury Revised General Ordinances, if applicable, for other activities not defined or addressed herein.

2. Canvassing. Persons or organizations are permitted to canvass without registering with the Borough. The requirements herein do not relieve persons or organization from the licensing requirements of the Borough of Bloomsbury for other activities not defined or addressed herein.

3. Registration. Any person or organization wishing to solicit must register with the Borough at least forty-eight (48) hours prior to the commencement of soliciting, as follows:

- a. The person or organization must submit a letter to the Borough Clerk, upon the organizations letterhead if applicable, containing at least the following information:
 1. the specific date(s) and times of day the participants will be in Bloomsbury, and,
 2. the specific location(s) where the solicitation will occur, and,
 3. the name, address, and a legible photocopy of a form of identification for each participant, and,
 4. the name, mailing address and telephone number of a person to contact should any questions arise before the person or organization comes to the Borough and the same information for a person to act as a contact while the person or organization is present in Bloomsbury.
- b. Upon receipt of this information, the Borough Clerk shall promptly provide copies of the same to the Police for background checks, and the Code Enforcement Officer.
- c. The Borough will only contact the person or organization if the Borough Council determines that certain persons or the organization will not be permitted to solicit in the Borough. Appeals from the Borough's decision in this regard may be taken to any court of competent jurisdiction. The basis for the Borough's determination that certain persons, or the organization, will not be permitted to solicit in the Borough are:
 1. any pending criminal or quasi-criminal claims of fraud, financial wrongdoing, acts of violence, robbery, burglary or other claims involving the persons or the organizations moral turpitude, or,
 2. a conviction or finding within in the past three (3) years against the persons, or the organization, in any criminal, quasi-criminal or civil matter involving

fraud, financial wrongdoing, acts of violence, robbery, burglary or other claims involving the persons or organizations moral turpitude.

4. Regulations. Once a person or organization has registered with the Borough of Bloomsbury, the following regulations apply to their solicitation activities:

- a. No solicitation is allowed after 9 p.m. or before dawn. The Borough requests, but does not require, that solicitation occur during daylight hours.
- b. Persons, organization and its participants must abide by all other rules, regulations, ordinances and laws.
- c. Failure to abide by these prerequisites, regulations and conditions may result in legal action and/or criminal process, and, the person and/or organization may be ordered to cease all further solicitation until the applicable prerequisites, regulations and conditions have been complied with.

SECTION 2. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 3. All ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

Mark R. Peck, Mayor

Attest:

Lisa A. Burd,
Acting Borough Clerk

First Reading: October 25, 2005
Publication: December 8, 2005
Public Hearing: December 27, 2005
Adoption: December 27, 2005
Publication of Adoption: January 5, 2006

