

Chapter 353: PEDDLING AND SOLICITING

[HISTORY: Adopted by the City Council of the City of Vineland 1-27-1987 as Ord. No. 86-85 (Ch. 155 of the 1968 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Auctions and auctioneers — See Ch. 167.

Transient merchants and itinerant vendors — see Ch. 433.

§ 353-1. Definitions.

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

PEDDLER or HAWKER — Includes any person who goes from house to house, from place to place or from street to street conveying or transporting goods, wares or merchandise and offering or exposing the same for sale or making sales and delivering articles to purchasers.

PERSON — Includes any partnership, corporation or other business entity.

SOLICITOR or CANVASSER — Includes any person 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 services to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject for such order or whether or not he is collecting advance payments of such orders.

B. Any person who displays or sells from a fixed location or who otherwise meets the definition of "transient merchant" or "itinerant vendor" shall not be considered a "peddler" or "hawker" or "solicitor" or "canvasser."

§ 353-2. License required.

It shall be unlawful for any hawkers, peddlers, canvassers or solicitors, as defined in this chapter, to engage in any such business or operations in the City of Vineland without having first obtained a license therefor in compliance with the provisions of this chapter and, in any event, only in accordance with the terms and provisions of this **chapter**.

§ 353-3. Exceptions.

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, and nothing contained herein shall be held to prohibit any sale required by statute or by order of any court

§ 353-4. Application; information required; investigation. [Amended 12-12-1995 by Ord. No. 95-83]

A. Applicants for a license under this chapter must file with the Director of the Department of Licenses and Inspections a sworn application, in writing, which shall, without limitation, 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 description of the nature of the business and goods or wares 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 and the days of the week and hours of the day within which said business will be conducted.
 - (6) The source of supply of the goods or property or services proposed to be sold, where such goods, services or products are located and the method of delivery.
 - (7) 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.
 - (8) 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.
 - (9) Any other pertinent information required by the Director of Licenses and Inspections.
- B. Fingerprinting and photo identification cards.
- (1) The applicant shall be fingerprinted, and such fingerprint records shall be immediately processed for classification and identification. If said applicant has submitted his fingerprints to this municipality or another municipality in this state within one hundred eighty (180) days prior to his application hereunder, then, in that event, appropriate authentication of fingerprint clearance shall be sufficient, and a new set of fingerprints shall not be required.
 - (2) Every applicant for a license under this chapter shall be photographed by the City of Vineland for the issuance of a photo identification card upon approval of the licensure. Said photo identification card is to be carried by the licensee as evidence of licensure.
 - (3) Photo identification cards shall be required for all original licenses and every fourth year for renewal licenses.
 - (4) Licensees will be required to return their photo identification cards to the Department of Licenses and Inspections at the end of the year covered by said license.
- C. Applications for partners shall be signed by all partners, with the foregoing provisions of this section answered in detail as to each said partner, and applications of corporations shall have attached thereto individual statements, in accordance with all of the provisions of this section, relating to each and every employee, agent or servant who shall engage in any of the functions authorized by this chapter and shall be signed by each such agent, servant or employee and in full compliance herewith by each such individual.
- D. At the time of filing the application, a nonrefundable fee of fifty dollars (\$50.) shall be paid to the Director of the Department of Licenses and Inspections for the express purpose of covering the costs of investigation of the facts stated in the application. A fee of twenty-five dollars (\$25.) shall be charged for each renewal.
- E. A fifteen-dollar fee to cover the cost of the photo identification cards will be charged for all original licenses and every fourth year for renewal licenses. Replacement photo identification cards will be provided for a cost of fifteen dollars (\$15.).
- F. No license shall be issued by the Director of the Department of Licenses and Inspections until the applicant shall have been approved by the Chief of Police, allowing adequate time for investigation of the facts set forth in the application, and the Chief of Police shall exercise due diligence and dispatch in processing all such applications.

§ 353-5. Nonprofit organizations. [Amended 9-27-1994 by Ord. No. 94-68]

- A. Any person, organization, society or association 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, at any place or places within the City of Vineland, for a charitable,

religious, patriotic or philanthropic purpose, shall be exempt from the provisions of § 353-4 of this chapter, provided that there is filed a sworn application, in writing, with the Director of the Department of Licenses and Inspections, which shall give the following information:

- (1) The name and purpose of the cause for which the permit is sought.
 - (2) A copy of the current valid certificate of registration of the charitable organization with the Attorney General of the State of New Jersey, as required by Chapter 16 of P.L. 1994, *Editor's Note: See N.J.S.A. 45:17A-18 et seq.* unless exempted from said registration requirements pursuant to Section 9 of said Act. *Editor's Note: See N.J.S.A. 45:17A-26.*
 - (3) The names and addresses of the officers and directors of the organization.
 - (4) The period during which solicitation is to be carried on.
 - (5) Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.
- B. A list of the names and addresses of each agent or representative who will conduct solicitations and the length of time that said agent or representative has been employed or affiliated with such organization, society, association or corporation shall be made available upon request by the Director.
- C. Licenses issued to such individuals of these organizations by the Director of the Department of Licenses and Inspections shall be temporary licenses, valid only for the period of the particular fundraising campaign involved.

§ 353-6. Investigation by Chief of Police; disapproval.

- A. Each application shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section, within a reasonable period of time after it has been filed by the applicant.
- B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory or the product or services are not free from fraud, the Chief of Police shall endorse on such application his disapproval and his reasons for the same and return said application to the Director of the Department of Licenses and Inspections, who shall notify the applicant that his application is disapproved and that no license will be issued.

§ 353-7. Restrictions.

- 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 except during the hours 10:00 a.m. to 7:00 p.m., Monday through Friday.
- C. No person subject to the terms of this chapter shall enter or attempt to enter the lands or house of any resident in the City of Vineland if denied an express invitation from the occupant of the house.
- D. No person subject to this chapter shall conduct himself in such a manner as to become objectionable to or annoy an occupant of the house or place of business.
- E. No licensee nor any person in his behalf shall shout, cry out, blow a horn, ring a bell or use any sound-making or amplifying device upon any of the streets, parks or other public places of the City of Vineland 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, parks or other public places, for the purpose of attracting attention to any goods, wares, merchandise or services which said licensee

proposes to sell.

- F. No person, whether or not required to be licensed under this chapter, shall park or stop a vehicle, cart, van or other means of transportation and/or conveyance upon any public street, roadway or right-of-way, on any sidewalk, on any public parking lot or on public property of any kind for the purposes of or during the process of soliciting sales or business, displaying goods for sale or selling or offering to sell goods, merchandise or services.

§ 353-8. Report and record of violations.

The Chief of Police shall report to the Director of the Department of Licenses and Inspections all convictions for violation of this chapter, and the Director of the Department of Licenses and Inspections shall maintain a record for each license issued and record the reports of violation therein.

§ 353-9. Revocation of license; hearing.

- A. Licenses issued under the provisions of this chapter may be revoked by the Council of the City of Vineland, after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation or a materially incorrect statement made in the course of carrying on business as a solicitor, canvasser or peddler.
 - (2) Fraud, misrepresentation or a materially incorrect statement contained in the application for a license.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor.
 - (5) Conducting the business of peddler, canvasser or solicitor, 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 Director of the Department of Licenses and Inspections, in writing, setting forth specifically the grounds of the 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 hearing, or shall be delivered by a police officer in the same manner as a summons, at least three (3) days prior to the date set for the hearing.

§ 353-10. Expiration of license.

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

§ 353-11. Business deliveries.

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

§ 353-12. Violations and penalties.

Any person violating the terms of this chapter, whether as principal or agent or employee of another, shall, upon conviction in the Municipal Court of the City of Vineland, be subject to a fine not exceeding one thousand dollars (\$1,000.) or to imprisonment not exceeding ninety (90) days, or both.

