

First Reading:	9-20-2018
Publication:	9-27-2018
Second Reading:	10-04-2018
Publication:	10-11-2018

ORDINANCE NO. 2551

AN ORDINANCE AMENDING CHAPTER IV, SECTION 4-10 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED "PEDDLERS, CANVASSERS, TRANSIENT MERCHANTS AND ARTISTS"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter IV, Section 4-10 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 4-10 PEDDLERS, CANVASSERS, TRANSIENT MERCHANTS AND ARTISTS.

4-10.1 Hawkers and Peddlers.

a. *License Required; Exceptions.* No person shall engage in the business of hawker, peddler or as itinerant vendor of medicine, remedies or merchandise, nor shall any person sell or offer to sell merchandise of any kind or description whatsoever from any wagon, cart or vehicle or by traveling on foot with a pack, basket, package or bundle of any kind or description, without first paying a license fee as hereinafter provided. Any person who shall engage, pursue or carry on any such business or any person who shall sell or offer to sell merchandise of any kind or description whatsoever from any wagon, cart or vehicle, or by traveling on foot with a pack, basket, package or bundle of any kind or description, without first paying a license fee therefor, as in this section provided, shall be deemed guilty of a violation of this section, but nothing herein contained shall prevent any person from selling at wholesale, or any farmer or gardener from selling the product of his farm or garden, or milkmen or butchers from carrying on their business, respectively, without a license.

b. *Contents of License.* The license herein required shall be signed by the Mayor, attested by the Municipal Clerk, and shall have affixed thereto the seal of the Borough; it shall state the object for which it is given, the name of the person licensed, the number of the license and the date of its expiration. Every application for such license shall be in writing and signed by the applicant, stating his or her place of residence and the purpose for which such license is asked.

c. *License Fee.* Every person to whom such license shall be granted shall, at the time of receiving the same, pay therefor to the Municipal Clerk to be turned over to the Chief Financial Officer for the use of the Borough, a license fee of one hundred (\$100.00) dollars.

d. *Selling from Fixed Location.* No person licensed under this subsection shall stand or remain with his vehicle, wares or merchandise upon any sidewalk or in any street or other public place for the purpose of soliciting customers, selling or exposing for sale any wares or merchandise longer than ten (10) minutes at any one time. If requested to move from such place by any Officer of the Borough or by the owner or the occupant of any premises in front of, or opposite, which such person may then be, then, upon such request, the person so requested shall move with his vehicle, goods, wares and merchandise to a point at least two hundred fifty (250) feet distant from the point which this person was requested to move before stopping for the purpose of soliciting customers, and at no time shall any person licensed under this section solicit customers in such a

way as to obstruct travel or cause annoyance or damage to any person; and at all times any person licensed under this section shall move from any point in any public place or street where such person may be soliciting customers or selling or exposing for sale any wares and merchandise, when requested by any Officer of the Borough.

e. *Noise Prohibited Certain Hours.* Any hawker or peddler, or peddler or itinerant vendor of medicine, remedies or merchandise, who blows a horn, rings a bell, makes an outcry or other loud noise between the hours of 9:00 p.m. and 7:00 a.m. shall be deemed guilty of a violation of this section.

f. *Selling Without License.* The Chief of Police shall ascertain whether all persons doing business as aforesaid are in possession of such license and, if not, to charge them with a violation of this section.

g. *Complaints of Violations.* It shall be lawful for any person to make complaint of the violation of this section or any of its provisions before the Judge of the Municipal Court, who is authorized to hear and determine such complaint and enforce the penalties herein provided.

h. *Suspension or Revocation of License.* Every license granted under this subsection may be suspended or revoked by the Mayor **Chief of Police or his Borough qualified designee** for satisfactory cause.

i. *Violations and Penalties.* Any person violating any of the provisions of this subsection shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

SECTION 2. 4-10.2 Solicitors and Canvassers.

a. *Permit Required.* No person, except as otherwise provided in this subsection, shall engage in commercial sales or solicitation of any kind, including solicitation for contractual agreements or donations, from house to house in the Borough without having received a permit and without having first deposited a letter from the individual partnership or corporation for which he or she purports to work, authorizing the applicant to act as a representative.

b. *Application for Permit.* Prior to the issuance of the permit required herein, the applicant shall present his request in writing to the Chief of Police or other officer in charge of Police Headquarters giving the following information:

1. Name;
2. Specific address for the past three (3) years;
3. Date and place of birth and citizenship;
4. Marital status;
5. Arrest or conviction at any time of any crime or disorderly conduct, or of any municipal ordinance or regulation;
6. Name and addresses of employers for the past three (3) years and respective dates of employment;

7. Identification and location of the sponsor of the project for which this permit is sought.

c. *Investigation; Issuance of Permit; Fee.* The Chief of Police or Officer in Charge of the Police Headquarters shall receive and file the application together with two (2) current photographs of the applicant to be one inch by one inch (1" x 1") in size, to be furnished by the applicant. The application shall be investigated by the Chief of Police, or such other officer delegated by him, or the Officer in Charge of Police Headquarters. If the investigation indicates that the applicant has truthfully submitted the information and has never been convicted of a criminal offense, (and is not subject to any outstanding criminal warrants or indictments) relating to fraud, deception, theft or assault, and that he is selling or soliciting for a project free from fraud, a permit shall be issued, under the signature of the Chief of Police or the Officer in Charge of Police Headquarters. The permit shall expire one (1) year from the date of the application and the fee shall be the sum of twenty-five (\$25.00) dollars per annum. No permit shall be issued until the fees are paid.

d. *Exhibiting Permit.* Each permit shall display its expiration date, and copy of the permittee's photograph shall be attached to the permit. The permittee shall carry said permit and shall exhibit the permit to any officer or resident of the Borough of Roselle Park upon request. To the extent possible, the permittee shall advise the Police Department weekly of the specific location and/or locations he or she intends to canvas. The person giving this information shall do so by providing to the Police Department his or her name, permit number, name of organization, if any, and specific location and/or locations he or she or others shall canvas. Every permit shall be returned to the Officer in Charge at Police Headquarters at the end of each day of canvassing and shall be redelivered on such day that such permit is to be used by the person so soliciting or canvassing. The Police Department shall require a five (\$5.00) dollar deposit upon issuance of the badge, which deposit shall be returned at the time the badge is turned in at the conclusion of the canvassing period. Any person who shall fail to abide by the provisions of this section and shall fail to forthwith deposit the permit after concluding his canvassing and soliciting for the day and who shall fail to give a justifiable excuse, in addition to other penalties herein provided, will forfeit his right to solicit or canvass in the Borough for a period of one (1) year thereafter.

e. *Hours of Operation; Conduct.* After issuance of the permit, canvassing and soliciting may be carried out during the effective period of the permit between the hours of 9:00 a.m. and 5:00 p.m., except Sundays. The permittee shall be courteous to all persons in canvassing and shall not importune or annoy any of the inhabitants of the Borough and shall conduct himself in a lawful manner.

f. *Exceptions.*

1. This subsection shall not apply to employees of any public utility which is subject to the regulation of the Board of Public Utilities of the State of New Jersey; provided, however, that such employee shall display the identification badge or card issued by his employer and provided he shall not canvass or solicit between 8:00 p.m. and 8:00 a.m.

2. Nonprofit Organizations.

(a) This subsection shall not apply to members or representatives of any church, or social, civic, political, fraternal, or philanthropic nonprofit organization which may engage in its activities between the hours of 9:00 a.m. to 9:00 p.m.

g. *Limitations.*

1. The Borough may establish a nonsolicitation list of all residents and property owners who have notified the Borough that they do not authorize any person or entity to solicit or canvass at their residence or property. Such list shall be limited to the addresses where solicitation or canvassing is not authorized and shall be made available by the Borough Clerk to anyone seeking to solicit or canvass in the Borough. The Tax Assessor, shall, upon being advised of a transfer of ownership of a residential premises, notify the Borough Clerk of said conveyance whereupon the Borough Clerk shall remove the premises so transferred from the nonsolicitation list.

2. A Borough resident or property owner may post a no-soliciting sign on its property.

h. *Suspension and Revocation of License.* Every license granted under this subsection may be suspended or revoked by the Chief of Police or his Borough qualified designee for satisfactory cause.

hi. *Violations and Penalties.* Any person violating this subsection shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

SECTION 3. 4-10.3 Transient Merchants.

a. *Licensing Official.* Pursuant to the provisions of N.J.S.A. 45:24 with respect to the business of transient merchants and itinerant vendors doing business within the Borough, the Municipal Clerk is designated as the licensing official to receive applications and bonds from and issue licenses to the within named vendors.

b. *License Fee.* The license fee for such vendors shall be two hundred (\$200.00) dollars.

c. *Violations and Penalties.* Any person who shall operate as a transient merchant or itinerant vendor as defined by N.J.S.A. 45:24 without first obtaining a license from the Borough shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5. Each day of noncompliance shall constitute a separate offense.

d. *Solicitations by Civic and Religious Groups.* Veterans' organizations, civic groups, religious associations and recognized local clubs, upon application without fee to the Mayor and Council, may be permitted to engage in their annual fund raising sales.

e. *Exemptions.* Persons operating as transient merchants or itinerant vendors for worthy charitable or religious purposes where no personal gain is involved shall be exempt from the provisions of this subsection provided that they carry proper authority and identification attested by the responsible official of the organization they represent, and nothing in this subsection shall be deemed to affect the rights and privileges granted to any person under the provisions of N.J.S.A. 45:24-9 et seq.

f. *Location Restrictions.* Any transient merchant or itinerant vendor who operates within the Borough shall not attempt to sell his goods, wares or merchandise within two hundred (200) feet of any permanently established retail business which may sell the same or similar merchandise and wares.

g. *Suspension and Revocation of License.* Every license granted under this subsection may be suspended or revoked by the Chief of Police or his Borough qualified designee for satisfactory cause.

SECTION 4. 4-10.4 Artists.

a. *License Required; Exceptions.* No person who is participating in a Borough-sponsored event shall engage in the business of selling or displaying art, without first paying a license fee as hereinafter provided. Any person who shall engage, pursue or carry on any such business or any person who shall sell or offer to sell art of any kind or description whatsoever, (only at any Borough-sponsored event) without first paying a license fee therefor, as in this section provided, shall be deemed guilty of a violation of this subsection.

b. *Contents of License.* The license herein required shall be issued and signed by the Municipal Clerk, and shall have affixed thereto the seal of the Borough; it shall state the object for which it is given, the name of the person licensed, the number of the license and the date of its expiration (ONE DAY ONLY). Every application for such license shall be in writing and signed by the applicant, stating his or her place of residence and the purpose for which such license is asked.

c. *License Fee.* Every person to whom such license shall be granted shall, at the time of receiving the same, pay therefor to the Municipal Clerk, to be turned over to the Chief Financial Officer for the use of the Borough, a one day license fee of sixty (\$60.00) dollars.

d. *Selling from an Assigned Location.* No person licensed under this subsection shall stand or remain with his vehicle, wares or merchandise upon any sidewalk or in any street or other public place for the purpose of soliciting customers, selling or exposing for sale any wares or merchandise unless assigned that location by the Borough. At no time shall any person licensed under this subsection solicit customers in such a way as to obstruct travel or cause annoyance or damage to any person; and at all times any person licensed under this subsection shall move from any point in any public place or street where such person may be soliciting customers or selling or exposing for sale any wares and merchandise, when requested by any Officer of the Borough.

e. *Noise Prohibited Certain Hours.* Any artist who blows a horn, rings a bell, makes an outcry or other loud noise between the hours of 9:00 p.m. and 8:00 a.m. shall be deemed guilty of a violation of this subsection.

f. *Selling Without License.* The Chief of Police or his designee shall ascertain whether all persons doing business as aforesaid are in possession of such license and, if not, to charge them with a violation of this subsection.

g. *Complaints of Violations.* It shall be lawful for any person to make complaint of the violation of this subsection or any of its provisions before the Judge of the Municipal Court, who is authorized to hear and determine such complaint and enforce the penalties herein provided.

h. *Suspension or Revocation of License.* Every license granted under this subsection may be suspended or revoked **by the Chief of Police or his Borough qualified designee** for satisfactory cause.

i. *Violations and Penalties.* Any person violating any of the provisions of this subsection shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

SECTION 5. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 6. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 7. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.


SECTION 8. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: September 20, 2018

Adoption: October 4, 2018


 Mayor

Attest: 
 Borough Clerk

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Shipley	X			
Fahoury	X			
Connelly	X			
Negron	X			
Delorio	X			

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Shipley	X			
Fahoury	X			
Connelly	X			
Negron	X			
Delorio	X			

Copy To: P. Morrison.