

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

PEDDLERS AND SOLICITORS LICENSE APPLICATION

Must be filed in duplicate; answer all questions completely; attach additional sheets if necessary.

BIOGRAPHICAL INFORMATION

NAME: _____
(Last) (First) (M.I.) (Maiden)

HOME ADDRESS: _____

HOME TELEPHONE: () _____ CELL: _____ SEX: _____

DATE OF BIRTH: _____ AGE: _____ PLACE OF BIRTH: _____

WEIGHT: _____ HEIGHT: _____ HAIR: _____ EYES: _____

SOCIAL SECURITY NUMBER: _____

DRIVERS LICENSE NUMBER: _____ STATE: _____

VEHICLE(S) OWNED: REGISTRATION NUMBER: _____ STATE: _____

MAKE: _____ YEAR: _____ MODEL: _____ COLOR: _____

MILITARY STATUS: _____ BRANCH: _____ TYPE OF DISCHARGE: _____

SERVICE NUMBER: _____ DATE OF SERVICE: _____

HAVE YOU EVER BEEN ARRESTED OR CHARGED WITH A CRIME, DISORDERLY PERSONS VIOLATION, OR A VIOLATION OF ANY MUNICIPAL ORDINANCE?
_____ YES _____ NO

IF YES, LIST PARTICULARS OF EACH OFFENSE BELOW, THE APPROXIMATE DATE, AND THE JURISDICTION WHERE THE OFFENSE TOOK PLACE. YOU MUST LIST EACH OFFENSE, EVEN IF THE MATTER WAS DISMISSED OR RESULTED IN AN ACQUITTAL. **FAILURE TO PROVIDE THIS INFORMATION WILL NEGATE THIS APPLICATION AND REQUIRE RE-SUBMISSION.**

OFFENSE _____ DATE _____

JURISDICTION _____ DISPOSITION _____

OFFENSE _____ DATE _____

JURISDICTION _____ DISPOSITION _____

THE APPLICANT SHALL AGREE TO BE FINGERPRINTED FOR THE PURPOSE OF VERIFYING THAT HE/SHE HAS NO CRIMINAL RECORD. THE FINGERPRINT IMPRESSIONS WILL BE TAKEN BY SAGEM MORPHO INC. (SAFRAN GROUP). THE NECESSARY FORM AND INSTRUCTIONS CAN BE OBTAINED AT THE BOROUGH CLERK'S OFFICE-2 WEST MAIN STREET, MENDHAM, NJ. **APPLICANTS MUST MAKE AN APPOINTMENT AND BRING THE COMPLETED FORM WITH THEM TO SAGEM MORPHO INC.**

POLICE DEPARTMENT

Date Received _____ Approved _____ Disapproved _____

Date Returned _____ Chief of Police _____

EMPLOYMENT INFORMATION

DESCRIPTION OF MERCHANDISE OR SERVICES TO BE SOLD: _____

THE PLACE WHERE THE GOODS OR PROPERTY TO BE SOLD OR OFFERED FOR SALE ARE MANUFACTURED OR PRODUCED; WHERE SUCH GOODS OR PROPERTY ARE LOCATED AT THE TIME SUCH APPLICATION IS FILED; AND THE PROPOSED METHOD OF DELIVERY:

EMPLOYER'S NAME: _____

EMPLOYER'S ADDRESS: _____

TELEPHONE: () _____ HOW LONG EMPLOYED: _____

IMMEDIATE SUPERVISOR: _____

IF EMPLOYED FOR LESS THAN ONE YEAR FOR THE ABOVE MENTIONED EMPLOYER, GIVE EMPLOYERS FOR THE PAST TWO YEARS:

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
_____	_____	_____
_____	_____	_____

REFERENCES:

PERSONAL REFERENCES OF THREE REPUTABLE PERSONS OTHER THAN FAMILY, WHO HAVE KNOWN YOU FOR AT LEAST THREE YEARS:

<u>NAME</u>	<u>TELEPHONE</u>	<u>ADDRESS</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

BUSINESS REFERENCES OF BUSINESSES LOCATED IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, OR IN LIEU THEREOF, SUCH OTHER AVAILABLE EVIDENCE OF CHARACTER AND BUSINESS RESPONSIBILITY OF THE APPLICANT:

<u>NAME</u>	<u>TELEPHONE</u>	<u>ADDRESS</u>
_____	_____	_____
_____	_____	_____

THE UNDERSIGNED DECLARES THAT THIS APPLICATION INCLUDING ANY ACCOMPANYING STATEMENTS TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF IS TRUE AND CORRECT AND THAT HE/SHE HAS RECEIVED A COPY OF THE ORDINANCE GOVERNING THIS APPLICATION.

APPLICATION FEE \$50.00 - Must be submitted with application
TWO PASSPORT SIZE PHOTOS - Must be submitted with application

Date Signature of Applicant

Date Received Borough Clerk

Borough of Mendham, NJ
Friday, March 4, 2016

Chapter 151. PEDDLING AND SOLICITING

[HISTORY: Adopted by the Mayor and Council of the Borough of Mendham as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 102.

Peace and good order — See Ch. 147.

Article I. General Provisions

[Adopted 11-4-1974 as Ch. 77, Art. I of the 1974 Code]

§ 151-1. Definitions.

For the purpose of this article and as used herein, the following words shall have the following meanings:

APPLICANT

Any person who applies for a license in accordance with the terms and provisions of this article.

BOROUGH

The Borough of Mendham.

BOROUGH COUNCIL

The Borough Council of the Borough of Mendham.

CHIEF

The Chief of Police of the Borough of Mendham.

CLERK

The Clerk of the Borough of Mendham.

LICENSEE

Any person who has applied for, has been issued and holds a license in accordance with the terms and provisions of this article.

MERCHANDISE

Food, fruit, vegetables, farm products, magazines, periodicals, all kinds of articles of personal property for domestic use and orders or contracts for home improvements or alterations.

PEDDLER

Any person who goes from house to house or from place to place by traveling on the streets and roads, carrying, conveying or transporting goods, wares or merchandise for the purpose of engaging in the business of selling and delivering them to customers; provided, however, that the word "peddler" shall not include wholesalers calling on retail merchants.

PERSON

Any natural person.

SOLICITOR

Any person who goes from house to house or from place to place by traveling on the streets or roads for the purpose of engaging in the business of taking or attempting to take orders for the sale of goods, wares and/or merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not he is collecting advance payments on such sales; provided, however, that the word "solicitor" shall not include wholesalers calling on retail merchants.

§ 151-2. Permit and license required.

It shall be unlawful for any person to act as or to engage in the business of a peddler or solicitor within the borough without having first obtained a license therefor as provided for herein and except in compliance with all other terms and provisions of this article.

§ 151-3. Exceptions.

The licensing requirements of this article shall not apply to the following:

- A. Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 et seq., provided that a copy of such license is filed with the Borough Clerk for identification purposes.
[Amended 10-16-1995 by Ord. No. 24-95]
- B. Any person who is an exempt fire fighter of a volunteer Fire Department, as defined by N.J.S.A. 45:24-9 et seq., possessing a license in conformity with said law.
- C. Any person engaged in the delivery of goods, wares or merchandise or other articles or things, in the regular course of business, to the premises of persons who had previously ordered the same or were entitled to receive the same by reasons of a prior agreement.

§ 151-4. Application.

Every applicant for a license under this article shall file with the Clerk a sworn written application, in duplicate, on a form to be furnished by the Clerk, which shall give the following information:

- A. Name and description of the applicant.
- B. Permanent home address and full local address of the applicant.
- C. A brief statement of the nature of the business and a description of the goods, wares, merchandise or service to be sold.
- D. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- E. The length of time for which the license is desired.
- F. If a vehicle is to be used, a description of such vehicle and its license number.

- G. The place where the goods or property to be sold or offered for sale are manufactured or produced, where such goods or property are located at the time such application is filed and the proposed method of delivery.
- H. A photograph of the applicant taken within 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 inches by two inches.
- I. Two business references located in the County of Morris, State of New Jersey, or, in lieu thereof, such other available evidence of the character and business responsibility of the applicant which will enable an investigator to properly evaluate such character and responsibility.
- J. A statement as to whether the applicant (and, if employed, the applicant's employer) has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- K. Execution of the Authorization by Subject of Request and Private Act Notification area of Form SBI-212A or 212B (Request for Criminal History Record Information for a Noncriminal Justice Purpose).
[Added 6-7-1999 by Ord. No. 15-99]

§ 151-5. Fees.

[Amended 3-5-1984 by Ord. No. 4-84]

- A. Registration fee. At the time the application is filed, a fee as set forth in Chapter **102**, Fees, shall be paid to the Clerk to cover the cost of processing the application and of investigating the facts stated therein. In addition, the applicant must submit a cashier's check, certified check or money order drawn on a United States bank in the amount set forth in Chapter **102**, Fees, payable to the Division of State Police - SBI, for a criminal history name search. The Chief of Police shall submit this latter fee with a Request for Criminal History Record Information for a Noncriminal Justice Purpose form (SBI-212A or SBI-212B) to the New Jersey State Bureau of Investigation.
[Amended 6-7-1999 by Ord. No. 15-99]
- B. Badge deposit. If, as and when a license is issued, a deposit as set forth in Chapter **102**, Fees, shall be paid to the Clerk for the badge required hereunder. Said deposit shall be returned if, as and when the badge is returned to the Clerk in good condition.

§ 151-6. Investigation and issuance of license.

[Amended 6-7-1999 by Ord. No. 15-99]

Upon receipt of an application properly completed and submitted pursuant to § **151-4** above, the Clerk shall refer the original and duplicate to the Chief, who shall make or cause to be made such investigation of the business responsibility and moral character of the applicant (and, if employed, the applicant's employer) as he or she deems necessary for protection of the public good. The duplicate shall be kept on file in the Police Department upon completion of the investigation. The investigation shall include a criminal history name search identification check pursuant to N.J.S.A. 53:1-20.5 et seq. The criminal history check shall be kept confidential. For the purposes of this check, the Mendham Borough Police Department is hereby authorized to have access to the criminal history record information file through the State Bureau of Investigation.

- A. If, as a result of such investigation, the moral character or business responsibility of the applicant (or, if employed, the applicant's employer) is found to be unsatisfactory, the Chief shall endorse

on the original application his or her disapproval and his or her reasons therefor and return the original application to the Clerk, who shall notify the applicant, in writing, either by personal delivery to the applicant or by certified mail to the applicant at the address stated in the application, that the application is disapproved, as well as the reasons therefor, and that no license shall be issued. The applicant shall have the right to appeal from any such disapproval pursuant to the provisions contained in § 151-12 hereof. Any determination by the Chief that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:

- (1) Conviction of a crime adverse to solicitation activities pursuant to N.J.S.A. 2A:168A-1. In determining whether a conviction relates adversely to solicitation activities, the following factors shall be considered:
 - (a) Nature of solicitation activities.
 - (b) Nature and seriousness of the crime.
 - (c) Circumstances under which the crime occurred.
 - (d) Date of the crime.
 - (e) Age of the person when the crime was committed.
 - (f) Whether the crime was an isolated or repeated incident.
 - (g) Social conditions which may have contributed to the crime.
 - (h) Any evidence or rehabilitation.
 - (2) Record of breaches or solicited contracts.
 - (3) Unethical business practices adverse to solicitation activities.
 - (4) Conclusive evidence that the applicant has within four months of the application been addicted to the habitual use of drugs or intoxicating liquors pursuant to N.J.S.A. 2A:168A-4.
- B. If, as a result of such investigation, the character and business responsibility of the applicant (and, if employed, the applicant's employer) are found to be satisfactory, the Chief shall endorse his or her approval on the original application and return the same to the Clerk, who shall, in turn, issue a license to the applicant. Such license shall contain the signature of the Clerk as issuing officer and shall show the name, address and photograph of the licensee, the nature of license issued, the kind of goods or services to be sold thereunder, the name of the licensee's employer (if any), the date of issue, the length of time the license shall be operative and the motor vehicle license number and other identifying description of any motor vehicle to be used in the peddling or soliciting activity licensed.
- C. The Borough Clerk shall issue a badge to each licensee at the time of delivery of his or her license, which shall show the nature of the license in letters and figures easily discernible from a reasonable distance. Such badge shall, during the time such licensee is engaged in peddling or soliciting, be worn constantly by the licensee on the front of his or her outer garment in such a way as to be visible to a person facing him or her.
- D. No license shall be issued wherein any person who would use the proposed license is under 16 years of age.

§ 151-7. Duties of licensee.

[Amended 6-7-1999 by Ord. No. 15-99]

Any person holding a peddler's license or solicitor's license issued by the Clerk under the authority of this article, or by the Clerk of the County of Morris under the authority of N.J.S.A. 45:24-9 and 45:24-10, shall be required to carry such license with him or her while engaged in the business or activity licensed within the corporate limits of the borough. He or she shall produce such license at the request of any official of the borough or at the request of any person with whom he or she wishes to conduct business. Every such licensee shall restrict his or her peddling or soliciting activities within the borough to the hours between 9:00 a.m. and 9:00 p.m. prevailing time, on Mondays through Saturdays, and shall notify the police officer on duty at least once in every week in which he or she plans to conduct said activities. Such notification shall include a statement of the general area of the borough in which the licensee intends to conduct said activities and a schedule of dates and times when said activities shall be conducted. The licensee shall notify the police officer on duty of any change in area or in dates or times should such changes be made during the week.

§ 151-8. Prohibited practices.

No licensee, either under this article or under N.J.S.A. 45:24-9, shall:

- A. Call attention to his or her business or to his or her merchandise by crying out, blowing a horn or by any other loud or unusual noises.
- B. Conduct or attempt to conduct his or her business at any residence or on any property on which is posted a sign expressly prohibiting such activity.
- C. During school hours, conduct or attempt to conduct his or her business within 200 feet of any place occupied exclusively as a public or private school or for school purposes, nor during said times shall he or she permit his or her cart, wagon or vehicle to stand on any public highway within said distance of such school property.
- D. Allow any other person to use the license issued hereunder.
- E. Engage in any conduct which would be a cause for revocation of the license as set forth in § 151-11A.

§ 151-9. Enforcement.

It shall be the duty of the Chief and any police officer of the borough to enforce the provisions of this article.

§ 151-10. Records.

The Clerk shall maintain a record of all licenses issued under the provisions of this article and shall record therein all convictions for violations of this article and other pertinent circumstances and incidents reported by the Chief, other borough officials or other persons.

§ 151-11. Revocation of license.

- A. Licenses issued under the provisions of this article may be revoked by the Borough Council, after notice and hearing, for any of the following causes:
 - (1) Any misrepresentation or false statement contained in the application for a license.

- (2) Fraud, misrepresentation or false statement by the licensee in the course of conducting the business licensed.
 - (3) Any violation of § 151-8 or any other provisions of this article.
 - (4) Conviction of any crime adverse to soliciting, peddling, canvassing or hawking pursuant to N.J.S.A. 2A:168A-1.
[Amended 6-7-1999 by Ord. No. 15-99]
 - (5) Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public, the foregoing including, without limitation, use of threatening conduct or abusive language in dealing with residents and others as well as failure to leave promptly the premises of a resident or property owner when requested to do so.
- B. Written notice of the hearing for revocation of a license shall be given to the licensee by the Clerk, which hearing shall be held within 30 days of the date of the notice. Such notice shall set forth the specific grounds of complaint and the time and place of hearing and shall either be delivered personally to the licensee or be sent by certified mail to the licensee at his or her last known address at least five days prior to the date set for hearing.
- C. In the event that the Chief shall determine that there has been a violation in accordance with Subsection **A(2)** above, then and in that case he or she shall immediately notify the Borough Council of said violation and shall order the licensee to suspend further operation until a hearing is held in accordance with the provisions of this section.

§ 151-12. Appeal.

Any applicant aggrieved by the action of the Chief or Clerk in the denial of a license, as provided in § 151-6 of this article, shall have the right of appeal to the Borough Council. Such appeal shall be taken by filing with the Borough Council, within 14 days after the notice of the action complained of has been given to such person by the Clerk in accordance with § 151-6, a written statement setting forth fully the grounds for the appeal. The Borough Council shall set a time and place for hearing on such appeal (which hearing shall be within 30 days of the date of receipt of the applicant's statement), and notice of such hearing shall be given to the applicant in the same manner as provided in § 151-11 of this article for notice of hearing on revocation. The decision of the Borough Council on such appeal shall be final and conclusive.

§ 151-13. Expiration and renewal of license.

Each license issued under the provisions of this article shall expire at the expiration of a period of one year from and after the date upon which it was issued. Any such license may be renewed, without payment of an additional registration fee, upon submission by the licensee of a new application in conformity with the requirements of § 151-4 of this article or, in lieu thereof, a sworn written statement setting forth any changes in the information contained in the application for the expired license which are necessary to bring said application completely up to date or setting forth that there are no such changes. Such new application or statement in lieu thereof shall be subject to the provisions and standards set forth in § 151-4 of this article.

§ 151-14. Violations and penalties.

[Amended 6-7-1999 by Ord. No. 15-99; 4-2-2007 by Ord. No. 3-07]

Any person violating any of the provisions of this article shall be subject, upon conviction, to the penalties provided in § 1-15 of this Code.

Article II. Charitable Solicitations

[Adopted 5-17-1993 by Ord. No. 10-93 (Ch. 77, Art. II of the 1974 Code)]

§ 151-15. Definitions.

For the purpose of this article and as used herein, the following words shall have the following meanings:

CHARITABLE AND PHILANTHROPIC

Patriotic, religious, eleemosynary, benevolent, educational, civic or fraternal associations, societies and the like.

CONTRIBUTION

The giving of alms, food, clothes, money subscriptions, pledges or property of any nature or kind.

PERSON OR ORGANIZATION

Any individual, firm, copartnership, corporation, company, association, church, religious denomination, society, class or league.

SOLICIT AND SOLICITATION

The request, directly or indirectly, of money, credit, property, financial assistance or other things of value, on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable and philanthropic purpose, as defined in this article. Solicitation shall be deemed to be complete when made, whether or not the person making the same receives any contribution.

§ 151-16. Permit required; exemption.

No person or organization shall solicit charitable and philanthropic contributions within the borough without first obtaining a permit authorizing such solicitations, provided that the requirements of this section or of §§ 151-17 through 151-19 shall not apply to any person or organization possessing a current, valid registration with the State of New Jersey pursuant to N.J.S.A. 45:17A-1 et seq.,^[1] a copy of which shall be filed with the Borough Clerk prior to conduct of any solicitation.

[1]: *Editor's Note: N.J.S.A. 45:17A-1 through 17 were repealed by L. 1994, c. 16, § 24. See now N.J.S.A. 45:17A-18 et seq.*

§ 151-17. Application for permit; investigation.

- A. Application for a permit to make a public solicitation of funds by charitable and philanthropic organizations shall be made to the Borough Clerk upon forms provided by the borough.
- B. An investigation of the application shall be made by the Chief of Police to determine that the person or organization is bona fide. Upon making such a determination, the Chief of Police shall notify the Borough Clerk.

§ 151-18. Issuance of permit.

Upon authorization of the Borough Council, the Clerk shall issue a permit for the conduct of activities under this section. There shall be no fee for a permit issued hereunder.

§ 151-19. Time limit.

No permit may grant the right to solicit for a period longer than 30 consecutive days.

§ 151-20. Written receipts.

Any person or organization receiving money from any contributor under a solicitation made pursuant to this article shall give to the contributor a written receipt signed by the solicitor showing the date and the amount received, if requested by the contributor.

§ 151-21. Hours of solicitation.

[Amended 6-7-1999 by Ord. No. 15-99]

All solicitations conducted under the authority of this section shall take place between the hours of 9:00 a.m. and 9:00 p.m., and no solicitation shall be conducted on Sundays. Any person or organization desiring to solicit at hours other than those stated herein shall make special request therefor on the application, and this special request shall be approved or disapproved by the Borough Council. If approval is given by the Borough Council for the solicitation to be conducted at other than the hours stated in this section, the approval shall be plainly stamped on the permit issued by the Borough Clerk.

§ 151-22. Identification required.

Any person conducting charitable solicitation within the borough shall carry and, upon request, produce for examination either a permit issued pursuant to § 151-16 or written identification showing that person to be a member of the organization to whom a permit or exempt registration has been issued.

§ 151-23. Violations and penalties.

[Amended 6-7-1999 by Ord. No. 15-99; 4-2-2007 by Ord. No. 3-07]

Any person violating any provision of this article shall be subject, upon conviction, to the penalties provided in § 1-15 of this Code.