

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: \_\_\_\_\_

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL  
REPEALING AND REPLACING CHAPTER 77  
OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED  
"PEDDLING AND SOLICITING"

BE IT ORDAINED by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 77 entitled "Peddling and Soliciting" of the Code of the Township of Monroe is hereby repealed and replaced in its entirety:

SECTION 1.

§ 77-1. Legislative intent.

§ 77-2. Definitions.

§ 77-3. Solicitation permit required.

§ 77-4. Contents of application.

§ 77-5. Investigation of applicant.

§ 77-6. Denial.

§ 77-7. Issuance of permit; transferability; expiration.

§ 77-8. Revocation of permit; hearing.

§ 77-9. Appeal from denial or revocation of certificate.

§ 77-10. Restrictions.

§ 77-11. Exemptions.

§ 77-12. Violations and penalties.

[HISTORY: Adopted by the Council of the Township of Monroe 7-2-79 as Ord. No. 393. Amended in its entirety 12-28-2012 by Ord. No. O-12-2012-040. Subsequent amendments noted where applicable.]

§ 77-1. Legislative intent.

This chapter is adopted with the intent to regulate ~~the distribution of advertisements~~, peddling, soliciting, and related activities within the Township of Monroe; and the registration of persons engaged in ~~such commercial or for profit solicitation~~ activities is necessary so that the identity of persons going from door to door to distribute advertisements or sell merchandise within the municipality may be established, so that general regulations may be more effectively enforced for the protection and maintenance, health, safety and welfare of the inhabitants of the township and to prevent dishonest business practices and dishonest solicitation of funds.

§ 77-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DISTRIBUTOR — Any person who distributes or causes to be distributed on any street or public place within the township any ~~advertisements, such as~~ newspapers, periodicals, books, magazines, handbills, circulars, cards, pamphlets or printed material of any kind which are distributed for the purpose of selling or delivering merchandise to customers.

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

PEDDLER — Any person, whether a resident of the township or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance and carrying or transporting merchandise for the purpose of selling and delivering the merchandise to customers. The word "peddler" shall also include the words "hawker" and "huckster."

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

SOLICITOR — Any person, whether a resident of the township or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance and soliciting, taking 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 other public place. The word "solicitor" shall also include the word "canvasser" or any person who goes from door to door, as described above, for the purpose of soliciting and/or who collects funds from a stationary location on any street or other public place.

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 discontinues such business within a period of one (1) year from the date of commencement and who occupies a room, building, tent, lot or other premises for the purpose of exhibiting or selling merchandise.

### § 77-3. Solicitation permit required.

It shall be unlawful for any peddler, solicitor, distributor or transient merchant to sell, offer for sale or distribute any merchandise, ~~printed~~-advertisements or services for commercial purposes within the township without first applying for and being granted a solicitation permit from the Township of Monroe. This Subsection does not apply to any solicitation or canvassing activities for charitable, political, religious, non-profit organizations or other non-commercial purposes.

### § 77-4. Contents of application.

- A. Any person ~~seeking to engage in solicitation with the Township of Monroe~~required to obtain a permit under -§ 77-3 shall apply to the Township Clerk for a solicitation permit.
- B. An applicant for a solicitation permit shall be required to provide the following information in writing:
  - (1) The name of each individual who will engage in solicitation within the Township of Monroe;
  - (2) The present address of each individual who will engage in solicitation within the Township of Monroe;
  - (3) As to each such individual, whether the individual has ever been arrested or convicted of a crime, offense or violation and if so, the nature of the conviction, where convicted, the date of conviction, and the penalty imposed;
  - (4) The employer or organization for which solicitation will be made;
  - (5) The address of the employer or organization;
  - (6) The telephone number of the employer or organization;
  - (7) The name of a contact person at the offices of the employer or organization;
  - (8) The type of goods or services to be sold, or the type of survey or research to be conducted;
  - (9) As to any vehicle to be used by the applicant, the make, model, year, color and license plate information of the vehicle or vehicles;
  - (10) The expected dates of solicitation within the Township of Monroe;
  - (11) The names of other municipalities in New Jersey where the applicant has been issued and or "denied" a permit to solicit or peddle in the past two (2) years; and
  - (12) If the applicant intends to go from house to house or place to place, the application shall be accompanied with two (2) passport-size photographs for each person on the application.
- C. An applicant for a solicitation permit shall also be required to produce any Government issued, State or Federal photo identification, which the Township Clerk will photocopy and attach to the application form.
- D. The application form shall be signed by the applicant, under penalty or perjury.
- E. Application forms, including photographic identification, shall be retained by the Township Clerk.

- F. Misrepresentation, false statements, or failure to disclose information on the solicitation permit application form shall constitute a violation of this chapter.
- G. The application must be completed in a clear and legible manner to avoid prolonging the process.

**§ 77-5. Investigation of applicant.**

Once the application has been submitted to the Township Clerk, it will then be forwarded to the Chief of Police with all accompanying information. The Chief of Police or designee shall perform a background check of the applicant(s) and investigate the information submitted ~~as to the good moral character of~~by the applicant(s) and approve or deny the application within fourteen (14) business days.

**§ 77-6. Denial.**

Any application can be denied if the applicant, or the individual who will engage in solicitation, (a) has been convicted of crimes involving moral turpitude, dishonesty, violence, theft or burglary which occurred in the past ten years, (b) is under indictment for any such crime, (c) has been found guilty of violating this Ordinance or similar Ordinances within the past five (5) years, or (d) if any statement or information contained in the application is false. If the application is denied, the Chief of Police shall set forth in writing his reasons therefor which statement ~~or~~of reasons shall be submitted to the applicant.

**§ 77-7. Issuance of permit; transferability; expiration.**

A permit shall be issued to all approved applicants. The permit shall be signed by the Township Clerk. A separate badge shall be issued to each individual who engages in solicitation within the township.

- A. Upon approval by the Police Department and payment of fees with the Township Clerk as set forth in the Township Code, Section 39-3B (6) the Township Clerk shall issue to the applicant a permit and individual badges for each individual submitted on the application. The badge shall contain the name of the individual, photo, the name of the company or organization, the purpose for which the permit was issued, the date of issuance and date of expiration.
- B. Every individual licensed pursuant to the provisions of this section shall display the badge at all times while engaged in the peddling and soliciting process while in the township. Every licensee shall produce the badge at the request of any police officer of the township or resident.
- C. All licenses and badges shall be valid for the requested time period as stated on the license, but not to exceed the current calendar year ending 12/31/XX.
- D. No license or badge is transferrable or assignable to any other individual.
- E. All licenses and badges must be surrendered at expiration and/or the end of the calendar year, whichever comes first.

**§ 77-8. Revocation of permit; hearing.**

- A. Permit issued under the provisions of this chapter may be revoked by the Township Clerk and/or Police Department after notice and hearing for any of the following causes:
  - (1) Fraud, misrepresentation or a material incorrect statement contained in the application of a permit.
  - (2) Fraud, misrepresentation or a material incorrect statement made in the course of carrying on his business as solicitor, peddler, distributor or transient merchant.
  - (3) Any violation of this chapter.
  - (4) Conviction of any crime or misdemeanor.
  - (5) Conducting the business of peddler, solicitor, distributor or transient merchant 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 permit shall be given by the Township Clerk 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 holder of the permit at the address given on the application at least five (5) days prior to the date set for the hearing or shall be delivered by the agent to the township in the same manner as a summons at least three (3) days prior to the date set for the hearing.
- C. Upon revocation the permit and all badges shall be surrendered to the Township Clerk.

**§ 77-9. Appeal from denial or revocation of certificate.**

Any person aggrieved by the denial or revocation of a license, as provided in this chapter, shall have the right of appeal to the Township Council. Such application shall be taken by filing with the Township Council, within fourteen (14) days after the notice of the action complained of has been mailed to such person's last known address. The appeal to the Township Council must include a written statement setting forth fully the grounds for the appeal. The Township Council shall set a time and place for hearing on such appeal. The Township Clerk shall provide notice of the hearing. Such notice shall be mailed, postage prepaid, to the applicant at the address given on the application at least five (5) days prior to the date set for the hearing. The decision of the Township Council on such appeal shall be final and conclusive.

**§ 77-10. Restrictions.**

No person or permit/badge holder shall:

- A. Peddle, ~~solicit or~~ distribute merchandise or advertisements, or solicit for other commercial purposes –except between the hours of 8:00 a.m. and 9:00 p.m., or solicit for charitable, political, religious, non-profit Organizations or other non-commercial purposes unless except between the hours of 8:00 a.m. and 9:00 p.m., unless specifically having been invited into a house by the occupant or having made an appointment with a person previously.
- B. Attempt to peddle, solicit or distribute merchandise or ~~printed~~ advertisements, or conduct any solicitation for commercial purposes –without first having identified himself as a peddler, solicitor or distributor registered with the township and displaying his badge.
- C. Have exclusive right to any location in the public streets or operate in any congested area where his operations impede or inconvenience the public.
- ~~D. Leave at a property or house or in any public place circulars, samples or other matter, except newspapers, which shall be defined as a periodical with a paid circulation of at least ninety percent (90%) of its total circulation, except when handed to a person or house occupant.~~[LL1][LL2][LL3]
- ~~E~~D. Enter or attempt to enter the ~~land~~ home of any resident of the township without an express invitation from the occupant of the house.
- ~~F~~E. Conduct himself/herself in such a manner as to become objectionable to or annoy an occupant of any house.
- ~~G~~F. ~~Shout, cry out, blow a horn, ring a bell or use any sound making or amplifying device upon any of the streets, parks or public places of the township 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 place of the township upon private premises for the purpose of attracting attention to any merchandise or services.~~Violate Monroe's Noise Ordinance codified in Chapter 69.
- ~~H~~G. Distribute obscene merchandise or printed material or that which advocates unlawful conduct.
- ~~H~~. Litter the streets, public places or properties within the township with any merchandise or printed material.
- ~~I~~. Violate New Jersey's Charitable Registration and Investigation Act, if applicable.
- ~~J~~. Conduct any kind of solicitation, commercial or noncommercial, at any private residence where a "No Solicitation" sign is posted on the property.

**§ 77-11. Exemptions.**

~~The following persons or organizations are exempt from the payment of a fee and, in the discretion of the Chief of Police, the application and/or investigation procedures,~~ upon compliance with all other provisions of this chapter and submission of applicable identification and documents to support the claim to exemption.[LL4]

- ~~A. Any charitable or religious society that shall conduct sales of personal property when the proceeds thereof shall be applied to the payment of the expenses thereof and to the charitable or religious object for which the society exists.~~
- ~~B~~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 and 24-10.
- ~~C~~B. Any person who is an exempt fireman of a volunteer fire department as defined in N.J.S.A. 45:24-9 and 24-10, possessing a license in conformity with said law.

~~DC.~~ Any public utility, or its employees, which is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that such employees shall display the identification badge or card issued by their employer.

~~ED.~~ Any person selling fruits and farm products grown by himself, with or without the help of others.

~~F. 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 reason of a prior agreement.~~[LL5]

~~G. Any school, political or civic organization, benevolent society, service club or organization not-for-profit which is located in or has a substantial membership from the township.~~

**§ 77-12. Violations and penalties.**

Any person who violates or fails or neglects to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine or penalty of not more than five hundred dollars (\$500.) or imprisonment for a term of not to exceed ninety (90) days, or both, in the discretion of the court. Each and every time a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable by a like fine or penalty.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

**SECTION 3.** 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 4.** This Ordinance shall take effect twenty (20) days after passage, adoption and publication according to law.

**SO ORDAINED**, as aforesaid.

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GERALD W. TAMBURRO, Council President

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on December 9, 2015. Said Ordinance will again be read and considered for final passage at a meeting of the Monroe Township Council to be held on December 28, 2015 at 7:00 p.m. in the Monroe Township Municipal Complex, 1 Municipal Plaza, Monroe Township, New Jersey. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to its consideration for final passage by the Council.

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SHARON DOERFLER, Township Clerk

**MAYORAL APPROVAL**

Pursuant to the Optional Municipal Charter Law of 1950 and Section 3-19 of the Monroe Township Code, my approval of this Ordinance is effected by the affixing of my signature hereto.

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RICHARD PUCCI, Mayor

Date Signed: \_\_\_\_\_