

Township of Colts Neck, NJ  
Tuesday, July 2, 2013

## Chapter 168. PEDDLERS, CANVASSERS AND SOLICITORS

**[HISTORY: Adopted by the Township Committee of the Township of Colts Neck 12-26-1969 as Ch. 37 of the 1969 Code. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Mercantile licenses — See Ch. 145.

Peace and good order — See Ch. 164.

Streets and sidewalks — See Ch. 198.

Vehicles and traffic — See Ch. 222.

### **§ 168-1. License required.**

It shall be unlawful for any peddlers, canvassers or solicitors, as defined in § 168-2 of this chapter, to engage in any such business in the Township of Colts Neck without having first obtained a license therefor in compliance with the provisions of this chapter.

### **§ 168-2. Definitions.**

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

#### **CANVASSER or SOLICITOR**

Shall include any person, whether a resident of the Township of Colts Neck or not, 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 service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he or she is collecting advance payments on such orders. Such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad box car, boat, hotel, inn or motel room, lodging house, apartment, shop or other place in the Township of Colts Neck for the primary purpose of exhibiting samples and taking orders for future delivery.

#### **PEDDLER**

Shall include any person, whether a resident of the Township of Colts Neck or not, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

### § 168-3. Exempted sales.

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, persons under the age of 16 years, persons distributing circulars or any other matter not relating or pertaining to commercial activities. Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court.

### § 168-4. Application information; investigation fee.

A. Applicants for a license under this chapter must file with the Township Clerk a sworn application, in writing, which shall 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 brief description of the nature of the business and the goods 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.
- (6) The source of supply of the goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.
- (7) A recent photograph of the applicant, which picture shall be approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) 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.
- (9) 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.
- (10) The last municipalities, not to exceed three, where the applicant carried on business immediately preceding the date of application, and the addresses from which such business was conducted in those municipalities.

B. At the time of filing the application, a fee of \$100 shall be paid to the Township Clerk to cover the cost of investigation of the facts stated therein. **[Amended 2-29-2012]**

### § 168-5. Religious organizations, etc., exempted; application; permit.

**[Amended 5-8-1986; 2-25-2004; 2-29-2012]**

- A. Exemption; application. Any organization, society, association or corporation 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 upon the streets, in office or business buildings, by house-to-house canvass or in public places for a charitable, religious, patriotic or philanthropic purpose shall be exempt from the provisions of §§ **168-4, 168-6, 168-7** and **168-8E** of this chapter.

## § 168-6. Investigation; issuance of license and badge.

**[Amended 2-29-2012]**

- A. Upon receipt of each application, it shall be referred to the Colts Neck Township Police, Colts Neck Township, New Jersey, which shall conduct such investigation of the applicant's business and moral character as it deems necessary for the protection of the public good, and shall endorse the application in the manner prescribed in this section after it has been filed by the applicant with the Clerk.

B. Issuance.

- (1) If, as a result of such investigation, the applicant's character or business responsibility is found to be satisfactory, said Colts Neck Township Police shall endorse on such application such finding and return the said application to the Township Clerk who shall, upon payment of the license fees as herein provided, issue the license, and shall at the same time issue a badge setting forth the words "Licensed Solicitor," the period for which the license is issued and the number thereof in letters and figures easily discernable.
- (2) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Colts Neck Township Police, shall endorse on such application its finding, its reasons for the same and shall return the said application to the Township Clerk. The issuance of the license shall then be considered and determined by the Township Clerk in conjunction with the recommendation of the Chief of Police.

C. Invitation or barring of solicitors.

- (1) It is hereby declared to be one of the policies of the Township of Colts Neck that the occupant or occupants of the residences or businesses in the Township shall have the right to make a determination of who shall or shall not be invited to their respective residence or business. If a determination has been made by an occupant of a residence or business that solicitors, peddlers and/or hawkers shall not be invited to their respective residence or business, notice of the determination by the occupant refusing to invite solicitors to any residence or business shall be given by notice posted on the premises, and/or by requesting to be maintained on the Township No-Knock List in the following manner:
  - (a) No solicitors invited. The sign shall be no larger than one foot by one foot and the letters shall be at least two inches in height and shall be displayed so that they can be clearly visible to any prospective solicitors, peddlers and/or hawkers. Signs which indicate "No Solicitors Invited" shall constitute sufficient notice to any solicitor of the determination by

the occupant of the residence or business of the information contained thereon, and if the notice states "No Solicitors Invited," then the solicitor, hawker and/or peddler shall immediately and peacefully depart from the premises. Any solicitor, hawker and/or peddler who has gained entrance to any residence or business, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

- (2) No-Knock List. The Municipal Clerk shall maintain a list of names and addresses of residents and businesses who have determined that solicitors, peddlers and/or hawkers shall not be invited to their respective residences or businesses. Any resident or business shall be included on such list upon submission of a written request to the Town Clerk. The list, containing addresses only, shall be distributed to applicants seeking a license for the purposes mentioned herein. The licensee shall not solicit, peddle or hawk at any residence or business on the list. Any solicitor, peddler or hawker who goes upon any premises or rings a doorbell upon or near any door or creates any sound in any manner calculated to attract the attention of the occupant of such residence or business, when such residence or business is on the list provided, shall be considered to be engaging in uninvited soliciting, and shall be subject to the penalties set forth in § 1-9 of this Code.

### § 168-7. License fees; veteran's permit; interstate commerce; corporate employees.

- A. All licenses issued under this chapter shall run for consecutive days. Any individual or corporation is required to have all employees intending to solicit, peddle or hawk obtain individual licenses. Every applicant for a license under this chapter shall pay \$5 a day. **[Amended 2-29-2012]**
- B. Any veteran who holds a special state license issued under the laws of the State of New Jersey shall be exempted from securing a license as provided herein, but shall be required to comply with §§ 168-8, 168-9, 168-10 and 168-11 of this chapter and shall be required to procure from the Township Clerk a special veteran's permit, which shall be issued by the Township Clerk upon proper identification.
- C. Any person engaged in interstate commerce shall be exempted from the payment of any application and license fees under this chapter; however, such persons shall be subject to all other provisions of this chapter and shall apply for and procure a special permit from the Township Clerk upon proper identification and proof. *Editor's Note: Former Subsection D, regarding the employment of three or more persons as peddlers, solicitors, or canvassers which immediately followed this subsection, was repealed 2-29-2012.*

### § 168-8. Rules and regulations.

Every person to whom a license is issued under the terms of this chapter shall be governed by the following rules and regulations:

- 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 on any day later than 9:00 p.m., prevailing time.

**[Amended 5-8-1986; 2-25-2004]**

C. No person subject to the terms of this chapter shall enter or attempt to enter the house of any resident of the Township of Colts Neck without an express invitation from the occupant of the house.

D. No person subject to this chapter shall conduct himself in such manner as to become objectionable to or annoy an occupant of any house.

E. At all times that a person is engaged in the business licensed under the provisions of this chapter, the badge as provided for in § 168-6B shall be conspicuously worn on the front of the licensee's outer garment.

### § 168-9. Shouting wares; using noise-making devices.

No licensee, nor any person in his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound-amplifying device upon any of the streets, alleys, parks or other 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, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

### § 168-10. Interference with traffic.

No license shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

### § 168-11. Exhibiting license.

Licensees are required to exhibit their certificate of license at the request of any citizen or police officer.

### § 168-12. Record of licenses and violations.

The Municipal Court Clerk *Editor's Note: See Ch. 43, Municipal Court.* shall report to the Township Clerk all convictions for violation of this chapter, and the Township Clerk shall maintain a record for each license issued and record the reports of violation therein.

### § 168-13. Revocation of license; hearing, notice.

A. Licenses issued under the provisions of this chapter may be revoked by the Township Committee of the Township of Colts Neck, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or a material incorrect statement contained in the application for license.
  - (2) Fraud, misrepresentation or a material incorrect statement made in the course of carrying on his or her business as solicitor, canvasser or peddler.
  - (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 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 licensee at his or her last known address at least five 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 days prior to the date set for hearing.

### § 168-14. Expiration of license.

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

### § 168-15. Violations and penalties.

**[Amended 10-8-1997; 3-8-2006]** A violation of any provision of this chapter shall be punishable as provided in § 1-9 of this Code.