

Permit Application

This application shall be used for the purpose of securing a license from the Borough of Garwood for the purpose of conducting business as defined in Chapter 71, Article I of the Borough Code

Section I: Permit Type

Hawker or Peddler _____ Distributor of Advertising _____ Solicitor or Canvasser _____

Section II: Applicant Information

1. Name _____ SS# _____
2. Address _____
3. DOB _____ Age _____ DL _____
Sex _____ Race _____ Eyes _____ Hair _____ Height _____ Weight _____

Section III: Company Information

1. Name _____
2. Address _____
3. Phone _____ Cell _____ E-Mail _____
4. Product _____
5. Employees _____ Supply all information as applicant listed above for each – use rear of paper if needed

A. _____

B. _____

6. Signature _____ Date _____

Section IV: Approval

1. Background Completed _____ Finger Prints _____
2. License # _____ Fee _____
3. Issue Date _____ Expiration Date _____

Approved By _____ Date _____

§ 71-1. Definitions.

A. The following definitions shall apply to this article:

DISTRIBUTOR OF ADVERTISING — A person who distributes advertising or commercial literature of any kind for any commercial purpose.

HAWKER or PEDDLER — A person who conducts casual or seasonal sales from time to time within a location, or who goes from house to house or who travels from place to place on foot or with a conveyance, carrying with him goods, wares or merchandise for sale or delivery, or who seeks to render services.

SOLICITOR or CANVASSER — A person who goes from house to house on foot or with a conveyance for any commercial purpose whatever, including but not limiting to, the sale of goods or services or the seeking of orders.

B. The categories defined above are not intended to be mutually exclusive.

§ 71-2. License required.

No hawkers, peddlers, canvassers, solicitors, or distributors of advertising shall conduct business within the Borough of Garwood without a municipal license.

§ 71-3. Application. [Amended 12-6-2005 by Ord. No. 05-27]

Every person subject to the provisions of this article shall file with the Chief of the Garwood Police Department, or his designee, an application in writing on a form to be furnished by the Department, which shall provide the following information:

- A. Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license or other legally recognized form of identification;
- B. A brief description of the business or activity to be conducted;
- C. The hours and location for which the right to peddle or solicit is desired;
- D. If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
- E. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor, crime, disorderly persons offense, petty disorderly persons offense or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred and other pertinent details thereof;
- F. Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed

business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this article;

- G. Two photographs of the applicant which shall have been taken within 60 days immediately prior to the date of filing of the application. The photographs shall measure one inch by one inch and show the head of the applicant in a clear and distinguishing manner; and
- H. A request for a criminal history record information (SB1212) from the New Jersey State Police, State Bureau of Identification, together with the fee for this search in the amount prescribed by the New Jersey State Police. This fee shall be paid by money order and shall be payable to the New Jersey State Police.

§ 71-3.1. Fees. [Added 12-6-2005 by Ord. No. 05-27]

At the time the application is filed with the Department, the applicant shall pay a fee to cover the cost to the Borough of processing the application and investigating the facts stated therein. The application fee, which shall cover the cost of the license, if issued, shall be as follows:

- A. Hawkers or peddlers with or without conveyance or persons engaging in casual or seasonal sales: \$50.
- B. Canvassers, solicitors, with or without a conveyance: \$25.
- C. Distributors of advertising (printed matters or samples): \$25.

§ 71-4. Issuance of license.

The Chief of Police of the Borough of Garwood is hereby authorized upon fulfillment of the requirements herein stated to issue a license to any applicant who has complied with the provisions of this article, and the said Chief of Police shall keep in a book provided for that purpose, a list of all licenses granted, the name and residence of the person licensed, the number and date when granted, the term of said license and the purpose for which the same has been granted.

§ 71-5. License not transferable; display.

- A. Each licensee shall carry his license with him and produce it whenever called upon to do so.
- B. A license issued under this article shall not be transferable.

§ 71-6. Expiration of license.

Licenses issued under this article shall expire six months from the date of issuance.

§ 71-7. Hours of business.

- A. No person shall solicit or canvas except between the hours of 9:00 a.m. and 5:00 p.m. on all days of the week from Monday to Friday.
- B. No person shall solicit or canvas except between the hours of 12:00 noon and 5:00 p.m. on Saturday, Sunday and holidays.

§ 71-8. Denied or revoked license. [Amended 12-6-2005 by Ord. No. 05-27]

- A. Upon review of the application by the Chief of Police, the Chief may refuse to issue a license to the applicant, or may revoke the license, under this article for any of the following reasons:
 - (1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
 - (2) An investigation reveals that the applicant falsified information on the application;
 - (3) The applicant has been convicted of a felony, misdemeanor, crime, disorderly persons offense, petty disorderly persons offense or ordinance violation involving trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of the application, or the applicant has been convicted at any time of a sex offense as defined in N.J.S.A. 2C:7-1 et seq.;
 - (4) The application is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;
 - (5) There is no proof as to the authority of the applicant to serve as an agent to the principal; or
 - (6) The applicant has been denied a license under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the Chief of Police that the reasons for such earlier denial no longer exist.
- B. The Chief's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no license will be issued. Notice shall be mailed to the applicant at the address shown on the application form or at the applicant's last known address.
- C. If requested by the applicant within seven days of receipt of notice of disapproval or revocation of the license, the Chief of Police shall provide the applicant with a hearing. The Chief of Police shall notify the applicant within seven days after the hearing as to whether the denial of the license or the revocation of the license shall be upheld.

§ 71-9. Construction and application.

Nothing contained in this article shall be construed to apply to charitable, religious or nonprofit organizations, political parties or candidates, or any other noncommercial purpose. Nothing contained in this article shall be construed to permit any activity otherwise prohibited under this code.

§ 71-10. Parking and selling in the street.

It shall be unlawful for any hawker or peddler to stop or park his vehicle for the purpose of showing or making a sale of any of his goods, wares or merchandise on a public street of the Borough, at any time for a longer period than 10 minutes; or to stop or park his vehicle for such purpose more than once within a distance of 200 feet; or to stop his vehicle for such purpose at any place within 500 feet (by most direct sidewalk route) of any entrance to a school building; provided, however, that the restrictions concerning school buildings shall not apply after 4:00 p.m. on any day, and shall not apply on those days when school is closed.

§ 71-11. Deliveries excluded.

This article shall not affect any person engaged in the delivery of goods, wares or merchandise or other article or thing on regular routes and on prior order in the regular course of business to the premises of persons ordering or entitled to receive the same.

§ 71-11.1. Nonprofit organizations. [Added 12-10-2002 by Ord. No. 02-28 amended 5-25-2004 by Ord. No. 04-09]

A. Definitions. As used in this section, the following terms shall be defined as follows:

EXEMPT ORGANIZATION — A duly incorporated nonprofit charitable, religious, patriotic, political, advocacy, or philanthropic organization.

EXEMPT SOLICITOR — A person acting for or on behalf of an exempt organization who proposes to go from house to house or place to place proselytizing, advocating, or otherwise seeking support, or to solicit donations or to sell or obtain orders for goods or services for the purpose of fundraising for an exempt organization.

B. Regulations for exempt solicitors. Exempt solicitors shall obey the following regulations:

- (1) Exempt solicitors shall conduct themselves in a polite and courteous manner and shall immediately leave the premises of any resident who so requests.
- (2) Exempt solicitors shall not approach any residence on which the resident has displayed a “no soliciting” sign.
- (3) Canvassing shall be confined to the hours of 9:00 a.m. to 9:00 p.m.

§ 71-12. Violations and penalties. [Amended 12-6-2005 by Ord. No. 05-27]

Any person violating the terms of this article shall be subject to a fine not exceeding \$1,250 or by imprisonment for any term not exceeding 90 days or by a period of community service not exceeding 90 days. Each day on which a violation occurs shall be deemed a separate violation.