

Township of Monroe, NJ  
Tuesday, August 6, 2019

## Chapter 230. Peddling and Soliciting

[HISTORY: Adopted by the Township Council of the Township of Monroe 5-24-2011 by Ord. No. O:17-2011.<sup>[1]</sup> Amendments noted where applicable.]

### GENERAL REFERENCES

Circuses and carnivals — See Ch. **109**.

Flea markets — See Ch. **143**.

Land management — See Ch. **175**.

Parks and playgrounds — See Ch. **226**.

Outdoor sale of merchandise — See Ch. **242**.

[1] *Editor's Note: This ordinance also repealed former Ch. 230, Peddling and Soliciting, adopted 12-13-1967 by Ord. No. O-8-69 as Ch. 38 of the 1967 Code, as amended.*

### § 230-1. Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

#### CHARITABLE, NONPROFIT, and PHILANTHROPIC

Includes political, patriotic, religious, service, welfare, benevolent, educational, civic or fraternal corporations, organizations, associations, societies and the like not organized for private gain. Examples of nonprofit organizations include veterans' groups and organizations which assist the poor, the aged, the sick, the physically disabled or mentally retarded or which aid victims of fire, flood or similar catastrophes. This enumeration is intended to be typical and shall not be construed as exclusive. All applicants shall provide satisfactory proof of nonprofit status upon request, including but not limited to evidence of tax exemption.

#### CONTRIBUTION

Includes all food, clothes, money, subscription, or property of any nature or kind.

#### MERCHANDISE

Includes anything or any service sold or offered for present or future sale by a vendor, including but not limited to merchandise, goods, food, seasonal items, home repair services, flowers or greens.

#### PEDDLER, SOLICITOR, VENDOR, TRANSIENT MERCHANT

Any person who goes from house to house or from place to place offering or exposing merchandise or services for present or future sale, prophesying or preaching, or who engages in any of the foregoing activities from a location on the street or other public

place. Included in the definition are persons who go from house to house or place to place collecting information, financial contributions or distributing literature.

#### **PERSON or ORGANIZATION**

Any natural person, individual, firm, copartnership, corporation, company, association, church, religious denomination, society, class or league and principal or agent thereof.

#### **SOLICIT and SOLICITATION**

The request, directly or indirectly, of money, credit, property, financial assistance and other things of the 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 chapter. Solicitation shall be deemed to be complete when made, whether or not the person making the same receives any contribution.

### **§ 230-2. Purpose.**

[Amended 11-26-2018 by Ord. No. O:37-2018]

This chapter is and shall be deemed an exercise of the police powers of the state and of the Township for the public safety, comfort, convenience and protection of the Township and the citizens of the Township, and all of the provisions of this chapter shall be construed to the accomplishment of this purpose. Also, the purpose of this chapter is to secure for the residents of the Township the peaceful enjoyment of their homes and property by prohibiting door-to-door solicitation during those times when such solicitation is most intrusive and disruptive; to aid crime prevention and detection; to prevent unfair business practices; to provide for the appropriate use of land of the Township of Monroe in accordance with the Zoning and Land Development Ordinance (Chapter **175**); and to ensure that persons engaged in door-to-door commercial solicitation have obtained required state registrations and licenses.

### **§ 230-3. License and compliance required.**

- A. It shall be unlawful for any peddler, solicitor, vendor or transient merchant to do business within the Township of Monroe without first obtaining a license from the Township. It shall also be unlawful to sell or dispose of, or offer to sell or dispose of, any merchandise or services to be rendered in the future or to take orders for any merchandise or services to be delivered in the future, within the Township of Monroe, at any time between the hours of sunset and 9:00 a.m., except when the peddler has a specific invitation and an appointment with the customer.

[Amended 11-26-2018 by Ord. No. O:37-2018]

- B. It shall be unlawful for any merchant to operate from any particular location, unless such location complies with all zoning and site plan requirements of the Land Management and Zoning Ordinance (Chapter **175**) and all necessary approvals have been granted for such location by the Planning Board and/or Zoning Board of Adjustment.
- C. Except as provided in § **230-4**, any person claiming an exemption from the license required by this chapter under state or federal law will not be allowed to do business in the Township unless at least 10 working days before beginning business activity:

- (1) They submit sufficient proof of their eligibility for exemption.
- (2) They complete the application process as otherwise required by this chapter in order that they may be identified and regulated as allowed by law.
- (3) They appear of good character as evidenced by lack of criminal convictions for crimes of theft, fraud, burglary, or the like.

## § 230-4. Exemption of certain persons from fees.

[Amended 2-14-2012 by Ord. No. O:05-2012]

- A. The requirements of this chapter, insofar as same shall apply to fees for peddlers, solicitors, vendors and transient merchants, shall be held not to include the following persons, who are hereby expressly exempt from its application:
  - (1) 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 45:24-10.
  - (2) Any person who is an exempt fireman of a volunteer fire department, as defined by N.J.S.A. 45:24-9 and 45:24-10, possessing a license in conformity with said law.
- B. Residents of Monroe Township engaged in home-based businesses similar to those involving the distribution of catalogs, the scheduling, arranging and performing of demonstrations, and the taking of orders, shall be exempt from the requirements set forth under § 230-7. Examples of same include nationally recognized organizations including but not limited to Avon, Tupperware®, Pampered Chef®, Mary Kay®, Kirby, Rainbow®, etc.
  - (1) Residents of Monroe Township engaged in home-based businesses as described above must comply with other local zoning requirements.
  - (2) Residents of Monroe Township engaged in home-based businesses as described above must, at any time when performing business, produce valid photo identification upon request. Valid photo identification shall be a valid New Jersey driver's license, government ID, passport or equivalent.
- C. Local businesses who are legally licensed to operate within the Township shall be exempt from one-day event licenses, but shall be subject to background check, application submission and approved safety plan.  
[Added 11-26-2018 by Ord. No. O:37-2018]

## § 230-5. Application for license.

[Amended 9-26-2016 by Ord. No. O:29-2016; 11-26-2018 by Ord. No. O:37-2018]

Any person desiring a license pursuant to this chapter shall file with the Director of Community Development Department a zoning application to be supplied by the Zoning Office. The Zoning Officer shall approve the zoning application if the requirements set forth at § 230-11 and all zoning and site review requirements of the Land Management and Zoning Ordinance (Chapter 175) have been complied with for the subject location. The Zoning Officer shall otherwise deny the zoning application and forward the application to the

designated land use board prior to moving forward in the peddling and soliciting process. The Zoning Officer shall approve or deny the zoning application within three business days. Once the zoning permit has been issued, the peddling and soliciting application shall be completed and filed with the Director of Community Development at least 30 days prior to the first day of the proposed activity. The applicant shall furnish the following along with the completed application:

- A. The applicant must submit to a criminal background check conducted by a state contract vendor, at the applicant's own cost, for a person record request.
- B. A statement as to whether or not the applicant has been charged with or convicted of any crime or disorderly persons offense or violation of any municipal ordinance other than a traffic violation and the nature, dates and places of such offenses and the punishment or penalty assessed therefor.
- C. An original letter addressed to the Director of Community Development from the firm for which the applicant purports to work, authorizing the applicant to act as its representative.
- D. A list of all towns in New Jersey in which the applicant has conducted business in the last 12 months, setting forth the specific dates.
- E. A statement of whether the applicant has been refused or has been revoked a similar license at any time.
- F. Original social security card.
- G. A current driver's license determined valid by the Monroe Township Police Department at the time application is made.
- H. A New Jersey sales tax certificate.
- I. Federal taxpayer identification number.
- J. Photo identification.
- K. Proof of insurance where insurance is required by this chapter.
- L. An instrument in writing nominating and appointing the Director of Community Development his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of license. It shall also contain recitals to the effect that the applicant consents and agrees that service of any notice of process may be made upon such agent and when so made shall be as valid as if personally served upon the applicant according to the laws of this or any state and waiving all claim or right of error by reason of such acknowledgment or service or manner or service.
- M. For transient merchants: the specific location of operation and certificate from the Zoning Officer stating that all zoning and site review requirements of the Land Management and Zoning Ordinance (Chapter **175**) have been complied with for the subject location and that all necessary approvals have been granted for such location by the Planning Board and/or Zoning Board of Adjustment and the written permissions of the owner of the premises for the use of same and a copy of any resolution of approval from said land use board.

- N. It shall be unlawful for any person to give any false or misleading information in connection with his or her application for a license required by this chapter  
[Added 11-26-2018 by Ord. No. O:37-2018]

## § 230-6. Investigation of applicant; hearing.

[Amended 9-26-2016 by Ord. No. O:29-2016; 11-26-2018 by Ord. No. O:37-2018]

- A. When the application is properly filled out and signed by the applicant, it shall be the duty of the Chief of Police or his designee to investigate and verify the statements made therein. A criminal background check report completed by a state contract approved vendor shall be submitted to the Chief of Police by the applicant. Within five business days upon receipt of the criminal background check, the Chief shall indicate approval or disapproval in writing upon the application to the Director of Community Development and copy the Office of Emergency Management. The Chief of Police may, upon review of the application, refuse to issue a permit to the applicant for any of the following reasons:
- (1) The location and time of the activities described in the application would endanger the safety and welfare of the applicant, its customers, or the citizens of the Township;
  - (2) The applicant has previously violated a peddling or soliciting ordinance;
  - (3) The applicant has a record of breaches of solicited contracts;
  - (4) Other concrete evidence of bad character;
  - (5) An investigation reveals that the applicant falsified information on the application;
  - (6) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property; or
  - (7) The applicant 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.
- B. The Director of Community Development shall notify the applicant of the Chief of Police's decision. In case of approval, the Director of Community Development, upon the payment of the prescribed license fee, shall execute and deliver to the applicant his license and notify the Office of Emergency Management of the same. A separate license must be obtained for every agent or employee working for any person. The Director of Community Development shall notify the applicant to contact the Office of Emergency Management to begin the process of the creation of their license badge or card per § 230-7. In case of disapproval of an application, the applicant may appeal to the Township Council. Council shall set a time and place for a hearing, which hearing shall be held within 10 days after appeal is taken by the applicant; at which time the applicant will be given an opportunity to present his reasons why the license should be issued. The decision of Council shall be final.

## § 230-7. Issuance of license badge or card; fees.

- A. Licenses will be in the form of a badge/card bearing a number, the name of the Township, the word "peddler" or "solicitor" or other suitable inscription, the date of issue and the date of expiration. The applicant's license badge or card will be forwarded to the Director of Community Development when complete.  
[Amended 9-26-2016 by Ord. No. O:29-2016]
- B. Upon the issuing of the photo identification badge, a deposit of \$50 shall be collected as a security. Upon return of the photo identification badge, \$25 of the security deposit shall be refunded. The licensee to whom such photo identification badge is issued shall wear the same conspicuously upon his clothing at all times he is working in the Township of Monroe, and such license is not transferable from the person to whom it was issued to any other person.
- C. All licenses issued pursuant to this chapter shall expire at the end of the calendar year during which they were issued. At time of application, the licensee shall pay a fee pursuant to § 74-27 of this Code for the time he intends to do business in the Township. The license shall be for the year it was issued or any portion thereof.  
[Amended 7-26-2011 by Ord. No. O:20-2011]
- D. Any person or organization subject to this chapter shall complete a new application for a license after 12 months has passed since the last application.

## § 230-8. Revocation; hearing upon request.

- A. Licenses issued under this chapter may be temporarily suspended on verbal notice by the Director of Community Development or any law enforcement officer and permanently revoked by the Municipal Court Judge after the reasonable notice and hearing, for any of the following causes:  
[Amended 9-26-2016 by Ord. No. O:29-2016]
  - (1) Misrepresentation or false statement contained in the application for the license.
  - (2) Misrepresentations or false statement made in the course of carrying on activities regulated herein.
  - (3) Conviction of any crime involving moral turpitude.
  - (4) Conducting business in violation of any provision of this chapter.
  - (5) Violation of any Township ordinance, any state or federal law, or for other good and sufficient reasons.
  - (6) Violation of the terms of the license.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth the grounds of complaint and the time and place of hearing. Such notice shall be served upon the licensee or mailed to the licensee at the time address given by the licensee in making application herein at least five days to the date set for hearing.

## § 230-9. Exclusion of certain persons, organizations and activities.

This chapter shall not apply to employees of any public utility 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 his employer.

### A. Organizations.

- (1) Any bona fide members of any church, social, civic, fraternal, educational, charitable, civic, philanthropic organization, volunteer first aid organization or fire company, located within the Township of Monroe, desiring to solicit or who have solicited in its name money, donations of money, property or financial assistance of any kind, or desiring to sell or distribute any items of literature or merchandise for which a fee is charged or solicited at any place or places within the Township for any purpose, shall be permitted to conduct business in the Township without a license, upon the filing of a sworn application in writing with the Director of Community Development; or any member of any such organization not located in the Township of Monroe, which organization has received the written approval and endorsement of the governing body of the Township of Monroe, and which shall give the following information:

[Amended 9-26-2016 by Ord. No. O:29-2016; 11-26-2018 by Ord. No. O:37-2018]

- (a) Name and address of organization.
  - (b) Nature and location of planned activity.
  - (c) Period during which solicitation or sale is to be carried on.
  - (d) Name, address, and social security number of each person who will conduct solicitations.
  - (e) A recent photograph of all persons who are not Township residents who will conduct solicitations or sales.
- (2) Such organization, association, society or corporation shall furnish all its members, agents or representatives conducting solicitation or sales with credentials in writing stating the name of the organization, names of the agent and the duration and purpose of solicitation. All persons or organizations qualifying for a license exemption under this section shall comply with all other provisions of the chapter.

### B. Special exemption.

- (1) The Township Council, by resolution, may exempt from compliance with any part or parts of this chapter any person or organization. Any person or organization seeking an exemption must make a written request to the Director of Community Development at least 30 days before the start of the activity for which the exemption is sought. The Township Council may place conditions or restrictions on the granting of an exemption.

[Amended 9-26-2016 by Ord. No. O:29-2016]

- (2) Criteria for exemption. The following are criteria to be applied when considering whether an exemption will be granted:

- (a) The charitable nature of the organization.
- (b) The number of participants who are Township residents, eliminating or minimizing the need for identifying information.
- (c) The reputation of the individual or organization in the community.
- (d) The financial or human resource burden of compliance with any provision of this chapter when weighed against the benefit to the Township and/or its residents.
- (e) Whether the activity will result in or lead to a benefit to the Township residents such as lower taxes, increased public services, betterment of the community or other public benefit.
- (f) The need to regulate the activity to address safety, health or other concerns.

## § 230-10. Violations and penalties.

Any person violating any of the provisions or terms of this chapter, whether as principal, agent or employee of another, shall, upon conviction of the Municipal Court Judge, be subject to a fine not exceeding \$1,000 or to imprisonment in the county jail not exceeding 90 days, or both, in the discretion of the Judge.

## § 230-11. Safety, business practices and quiet enjoyment requirements,

- A. Except as otherwise provided by specific exception in this chapter, persons subject to this chapter, including persons claiming an exemption from the requirement of the municipal licensing, shall not:
  - (1) Station, place, set up or maintain wares adjacent to any sidewalk if to do so would place him closer than 200 feet to another vendor who is selling adjacent to the sidewalk.
  - (2) Solicit, conduct business with or sell to persons in motor vehicles.
  - (3) Station, place, set up or maintain his wares or equipment in such a way as would restrict, obstruct, interfere with or impede the pedestrian's right-of-way; restrict, obstruct, interfere with the use of enjoyment from the abutting property; create or become a nuisance; increase traffic congestion, cause or increase traffic delay or hazards; cause or create or constitute a danger to life, health, or property; sell food, drinks, ice cream or confections of any kind for immediate consumption unless he has available for public use his own liner receptacle which must be attached to his cart or vehicle which shall be clearly marked and maintained for his patronage use, nor shall any peddler leave any location without first picking up, removing and disposing of any trash or refuse remaining from sales made by him.
  - (4) Leave his wares unattended at any time or store, place or lease the same overnight on any sidewalk or public way of the Township.

- (5) Station, place, set up, or maintain his wares closer than 50 feet from the curbline or end of the pavement of intersecting streets.
- (6) Place his wares in such way as would reduce the unobstructed pedestrian right-of-way on a sidewalk to less than six feet.
- (7) Engage in business within 50 feet of any location where the curb has been depressed to facilitate pedestrian or vehicle movement.
- (8) Engage in business on any sidewalk or along any street within 100 feet of any fire hydrant, crosswalk or bus stop or within 50 feet of any driveway.
- (9) Place his wares in front of the display windows or signs of fixed-location businesses, nor shall they be within 20 feet from the entrance door to a fixed-location business.
- (10) Operate in such a manner as to restrict the continued maintenance of a clear passageway for vehicles or pedestrians.
- (11) Engage in business within 200 feet of the grounds of any school between 1/2 hour prior to the start of the school day and hour after dismissal at the end of the school day.
- (12) Engage in business within 200 feet of the grounds of any church, synagogue or other house of worship while same is in session.
- (13) Use or operate any loudspeaker, public address system, sound amplifier, horn, radio record player, tape player, CD player, musical instrument or any similar device used to attract attention entertain the public or entertain himself.
- (14) Sell from any one site or area for a period of more than four hours, including time for setup and breakdown of a vending unit. After four hours, the vending unit or vendor must move to a new location other than the present lot at least 300 feet away from where he was doing business or cease doing business. No vendor may return to the same location on any calendar day. No vendor shall place any object, sign, or person nor take any action designed to reserve a location for their use. Any such object may be removed and kept as evidence of a violation by any person, who shall promptly surrender it to the police.
- (15) Place his wares other than on one vending unit, whether it is a cart, single table no larger than 96 inches long by 48 inches wide by 72 inches high or display unit similar to a table which shall occupy a space no larger than 32 square feet. The Director of Community Development may grant an exception to size limits with the advice and consent of the Chief of Police in the case of the sale of certain holiday items sold for limited times during the year. Seasonal greenery and Christmas trees shall be regulated by this chapter.  
[Amended 9-26-2016 by Ord. No. O:29-2016]
- (16) Engage in business within 300 feet of any fixed place of business selling substantially similar merchandise; a food vendor shall not operate within 300 feet of a restaurant.
- (17) Every person registering under this chapter shall produce proof of such registration at the request of any resident from whom solicitation is made.

- B. A vending unit is a selling or display unit, with or without wheels, intended to serve as a transportable structure for facilitating the display, sale and transportation. All equipment installed in any part of the vending unit or articles carried by the unit shall be secured in order to prevent movement during transit and prevent detachment in the event of a collision or overturn.
- C. In the event that food should be sold by any vendor, a certificate of health compliance issued by the local Board of Health and the Gloucester County Department of Health shall be conspicuously displayed on the vending unit. Selling food shall be prohibited in the Township of Monroe without such a certificate of health compliance. Furthermore, any vendor selling food shall provide proof of an insurance policy issued by an insurance company licensed to property and bodily injury, including death, which may arise from operations under or in connection with the vending. Such insurance shall name as an additional insured the Township of Monroe and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' written notice to the Township. The amounts of the insurance to be maintained are: personal injury, \$100,000 per person, \$300,000 per occurrence; property damage, \$25,000.

## § 230-12. Conduct of licensees.

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 or left in a secure place located on the premises.
- B. No person shall enter or attempt to enter the dwelling of any resident without an express invitation from the occupant of the dwelling.
- C. No person shall conduct himself in such a manner as to become objectionable to or annoy any occupant of any house. Signs posted by property owners stating "no soliciting" shall be obeyed.
- D. No licensee or any person in his behalf shall shout, cry out, blow a horn, ring a bell or use any sound-making or amplifying device upon any of the streets, 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, parks or other public places for the purpose of attracting attention to any goods, wares, merchandise or services which the licensee proposes to sell.

## § 230-13. Registration and charitable or religious organizations.

- A. Any person canvassing or soliciting in connection with a charitable or religious organization or society or any representative of such organization or society recognized as tax exempt under the United States Internal Revenue Code, when such canvassing or solicitation does involve the sale or attempted sale of merchandise, shall, at least 48 hours prior to such canvassing or solicitation, present himself to the office of the Chief of Police and shall provide said Chief of Police with the following information:

- (1) The nature and anticipated duration of such canvassing or solicitation.
  - (2) The number of persons who will be canvassing or soliciting.
  - (3) The name, address and telephone number of the person in charge of such canvassing or solicitation.
  - (4) The full name, address and telephone number of the political, charitable or religious organization on behalf of which such solicitation or canvassing is to be conducted.
  - (5) The names of the persons who are expected to go from door to door or to distribute materials within the Township.
  - (6) The make, model, year, color and license plate number of automobiles used by the registrant during the period of solicitation within the Township of Monroe and the number of the driver's license and the state of issuance and the name, address and policy number of automobile insurance coverage.
  - (7) A description of the nature of the solicitation or activity to be conducted within the Township of Monroe and the time period such registration shall cover.
  - (8) Attached written authorization from the firm or corporation for which the registrant works, authorizing the registrant to act as its representative.
  - (9) A copy of any contract with the organization or person for whom distribution or solicitation is being made.
  - (10) A breakdown of the actual distribution of any funds generated by such solicitation, to include the amount of money to be paid to the private company collecting on behalf of said political campaign or charitable or religious organization and the total amount of money to be paid directly to said political campaign or charitable or religious organization.
  - (11) A breakdown of where any and all funds collected shall be used by said organization.
  - (12) A copy of the preceding year's financial statement of said organization, to be kept available for public inspection at the Zoning Office.
- B. The purpose of such registration is that the identity of persons going door to door or distributing materials within the Township may be established for the protection and maintenance of the health, safety and welfare of the inhabitants of the Township and to prevent dishonest solicitation of funds in the Township.

## § 230-14. Investigation of applicant; issuance or denial of license; appeals.

[Amended 9-26-2016 by Ord. No. O:29-2016; 11-26-2018 by Ord. No. O:37-2018]

- A. Following the filing of the registration form pursuant to the aforesaid, the Chief of Police or his designee shall make or cause to be made such investigation to verify the information set forth therein. Within five business days after receipt of the background

check, the Chief shall indicate approval or disapproval in writing to the Director of Community Development and copy the Office of Emergency Management. The Chief of Police may, upon review of the application, refuse to issue a permit to the applicant for any of the following reasons:

- (1) The location and time of the activities described in the registration form would endanger the safety and welfare of the applicant, its customers, or the citizens of the Township;
  - (2) An investigation reveals that the applicant falsified information on the registration form;
  - (3) The applicant has previously violated a peddling or soliciting ordinance;
  - (4) The applicant has a record of breaches of solicited contracts;
  - (5) Other concrete evidence of bad character.
- B. The Director of Community Development shall notify the applicant of the Chief of Police's decision. If approved, the Director of Community Development shall issue the license to such applicant. In the case of disapproval of an application, the applicant may appeal to the Township Council. The Council shall set a time and place for a hearing, which hearing shall be within 10 days after appeal is taken by the applicant, at which hearing the applicant will be given an opportunity to present his reasons why the license should be issued. The decision of the Township Council shall be final.

## § 230-15. Yard sales.

The provisions of this chapter applicable to transient merchants shall not apply to residents of the Township of Monroe conducting yard sales upon their own property. There is no cost to the residents for the permitted number of yard sales as indicated in this section.

- A. Sales of household goods by yard sale or similar event are prohibited except insofar as the seller shall comply with this section.
- B. A maximum of two single-day or two weekend (Saturday and Sunday) yard sales or similar event may be held in any calendar year at any household in the Township. For the purpose of this subsection, any apartment with separate cooking and toilet facilities shall qualify as a "household." No yard sale sign shall be posted earlier than seven days prior to the day of the sale and shall be removed no later than 24 hours after the sale.

## § 230-16. Parades and special events.

All vendors who participate in special events and/or parades shall apply for said vendor's license consistent with the rules and regulations as adopted by the Department of Parks and Recreation.

## § 230-17. Refusal to leave premises prohibited.

[Added 11-26-2018 by Ord. No. O:37-2018<sup>[1]</sup>]

Any person subject to this chapter who enters upon premises owned or occupied by any person and willfully refuses to leave the premises after having been notified by the owner or tenant of the premises or his or her agent to leave the same shall be deemed guilty of a misdemeanor.

[1] *Editor's Note: This ordinance also renumbered former § 230-17 as § 230-20.*

## § 230-18. Posted restrictions.

[Added 11-26-2018 by Ord. No. O:37-2018]

It shall be unlawful for any peddler, solicitor, or transient merchant to enter upon any private premises when the same is posted with a sign stating "No Peddlers Allowed," "No Solicitation Allowed" or other words to that effect.

## § 230-19. Customer's rights; cancellation.

[Added 11-26-2018 by Ord. No. O:37-2018]

All peddlers, solicitors, or transient merchants shall provide to the consumer, in writing, the right to cancel a solicitation transaction made in person or by telephone until midnight of the third business day after the day on which the customer signs an agreement or offer to purchase any goods, wares, merchandise, food, photographs, publications or services. For the purpose of telephone solicitation, the date of transaction means the day the consumer receives the goods, wares, merchandise, food, photographs, publications or services purchased in a solicitation transaction. If the consumer chooses to cancel the solicitation transaction, notification by mail shall be considered given at the time mailed, as evidenced by the postmark, and notification by any other writing shall be considered given at the time delivered to the merchant's designated place of business. It shall be unlawful for any peddler, solicitor or company represented to refuse to allow the customer to cancel the solicitation transaction.

## § 230-20. Violations and penalties.

[Added 9-26-2016 by Ord. No. O:29-2016; amended 11-26-2018 by Ord. No. O:37-2018]

Unless otherwise provided by this chapter, any person violating any provision of this chapter shall be fined up to \$1,000 and/or up to 30 days of community service and/or six months in jail for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. It shall be a violation of this chapter to violate the terms of this chapter, to engage in any activity covered by this chapter without having a valid license to do so, fraudulently obtaining of the license by giving false information on any substantial matter in the application for the license or to disregard a clearly visible sign on private property which prohibits solicitation. It shall also be unlawful for any peddler to make false or fraudulent statements concerning the quality of his or her goods. Each violation shall constitute a separate offense.