

ORDINANCE O:19-2024

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 230 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED “PEDDLERS AND SOLICITORS”**

WHEREAS, the Township Council of the Township of Monroe has recommended certain amendments to Chapter 126 of the Code of the Township of Monroe and has determined that it is in the best interest of the Township to amend this specific section; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe that the Code of the Township of Monroe is hereby amended to include the amendments herein.

SECTION I. Chapter 230, entitled “Peddlers and Solicitors” is hereby amended to add the following:

Article I: Peddlers

§ 230-1 Definitions.

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

PEDDLER

Any person or vendor, whether a resident of the Township or not, traveling by foot, cart, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying, or transporting goods, **advertisements**, merchandise, provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers.

§ 230-2 License required.

It shall be unlawful for any person to engage in the business of a peddler within the corporate limits of the Township without first obtaining a license and submitting to a criminal background check under § 230-5. **This licensing requirement also applies to existing and/or registered businesses within the Township.**

§ 230-3 Fees.

A. The annual license fee for a Peddler’s License shall be \$100 per year. The license year shall be from January 1 to December 31 of the filing year of the application. Said fee shall not be prorated for any portion of any calendar year.

B. Upon approval, an ID fee of \$25 shall be paid by the applicant.

§ 230-4 Exemption of certain persons from fees.

The fee requirements set forth in § 230-3, insofar as same shall apply to fees for peddlers 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.

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- (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.
- (3) **Existing and/or registered businesses within the Township. All businesses must provide proof of active operations within the Township, such as a current business registration certificate as part of the registration process. Said documentation requirements will be at the discretion of the Township.**

§ 230-5 Investigation of applicant.

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. 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 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 Chief of Police or designee shall notify the applicant of the Chief of Police's decision. In case of approval, the Chief of Police or designee, 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 Chief of Police or designee shall notify the applicant to contact the Office of Emergency Management to begin the process of the creation of their license badge or card.

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- C. **Businesses exempt from Fees under § 230-4 above are still required to pass a criminal background check report as set forth in § 230-5 (A). The owner of the business, in addition to any employee of the business who will be engaging in activities under this ordinance shall be subject to said criminal background check. Businesses may not contract with third-parties or other outside companies to perform activities under this ordinance. Proof of ownership and employee relationship will be required by the Township, as per the Township's discretion.**

§ 230-6 Use of streets.

- A. No peddler shall have an exclusive right to any location, nor shall they be permitted to operate in any congested area where their operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- B. No license or permit which includes use of a vehicle shall permit the licensee to sell from the same location on a public roadway to within the area of 100 feet from that location for a period of more than one hour.

§ 230-7 Time restrictions.

No person shall sell, offer for sale, or peddle in the Township any of the items listed in § 230-1 before 10:00 a.m. or after 5:00 p.m., unless at a Township sponsored or Township permitted event.

§ 230-8 Enforcement.

It shall be the duty of any police officer of the Township to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this article against any person found to be violating the same.

§ 230-9 Exceptions.

- A. This article shall not be construed to include:
- (1) The delivery of newspapers or such other necessary merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one week.
 - (2) Federal census takers and polls or surveys taken pursuant to federal, state or local laws.

§ 230-10 Inspection of equipment.

The equipment used or employed by peddlers shall be maintained in a clean and sanitary manner and be subject to the inspection of the Board of Health or its authorized agents. Any violation found and not immediately corrected shall be grounds for revocation of the license.

§ 230-11 Violations and penalties.

Violation of any provision of this article shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$2,000 or by imprisonment for a term not exceeding 90 days or by

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a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this article within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this article.

BE IT FURTHER ORDAINED, that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency; and

BE IT FURTHER ORDAINED, that all prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinances are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its passage and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire Township upon final adoption and shall become a part of the Code of the Township of Monroe once completed and adopted.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

TOWNSHIP OF MONROE

CNCL. PRES., CAROLANN FOX

ATTEST:

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

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CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 24th day of April, 2024, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 5th day of May, 2024 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

ROLL CALL VOTE

1st Reading

| | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Cncl. Adams | | | | |
| Cncl. Fox | | | | |
| Cncl. Garbowski | | | | |
| Cncl. Heverly | | | | |
| Cncl. McKinney | | | | |
| Cncl. O'Reilly | | | | |
| Cncl. Pres. Valcourt | | | | |
| Tally: | | | | |

2nd Reading

| | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------------|-------------|-------------|----------------|---------------|
| Cncl. Adams | | | | |
| Cncl. Fox | | | | |
| Cncl. Garbowski | | | | |
| Cncl. Heverly | | | | |
| Cncl. McKinney | | | | |
| Cncl. O'Reilly | | | | |
| Cncl. Pres. Valcourt | | | | |
| Tally: | | | | |

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this _____ day of _____, 2024.

MAYOR GREGORY A. WOLFE