

CHAPTER IV

GENERAL LICENSING

4-1 CANVASSERS AND SOLICITORS.

4-1.1 Preamble. The residents of the Township will benefit from regulations designed to prevent fraud, crime and unethical business practices; and the nature of the business of soliciting and canvassing opens the way for fraud, deceit and dishonest dealing by the unscrupulous, with redress difficult or impossible. The licensing and regulation of solicitors and canvassers would serve to deter fraudulent and dishonest practices for the general protection, health and welfare of the residents of Tabernacle. (Ord. #1986-8, Preamble)

4-1.2 Registration with Township Clerk. No solicitor shall canvass, solicit or call from door-to-door, or place-to-place, in the Township without first registering as provided herein with the Township Clerk. (Ord. #1986-8, 1; New)

4-1.3 Definitions. *As used in this section:*

Solicitor shall mean and include licensed real estate brokers, licensed salespersons, canvassers or itinerant vendors of merchandise or services who go from door-to-door in this Township, selling, causing to be sold, offering for sale, causing to be offered for sale, or taking orders for present or future delivery of merchandise or services of any description whatsoever. Exceptions. The word solicitor shall not include persons who make surveys for research purposes, analysis, opinion polls, rating data or persons who solicit for the purpose of contributions, donations, or alms for any

persons or organizations and any such similar work which by its nature involves door-to-door, or place-to-place activity. (Ord. #1986-8, 2, New)

4-1.4 Certified Application. Each registrant shall, at the time of registering, file with the Township Clerk, a certified application which shall include the following information:

- a. Name, age and physical description.
- b. Complete permanent home and local address.
- c. Name and address of the organization or person for whom solicitation is being made.
- d. Description of the nature of the business and the goods, wares, or services to be sold.
- e. Sufficient information to determine whether the business to be transacted is interstate or intrastate **commerce**.
- f. Two (2) photographs, taken within the last ninety (90) days, of the registrant, approximately two and one-half (2 1/2") inches by two and one-half (2 1/2") inches in size showing the registrant's head and shoulders in a clear and distinguishing manner.
- g. A statement as to whether the registrant has been convicted of a crime, misdemeanor, or disorderly conduct offense, where and when so convicted, the nature of the offense and the penalty, if any.
- h. To make, model, year, color and license plate number of the automobile(s) to be used by the registrant during the period of solicitation within the Township, and the number of the registrant's driver's license and the state of issuance.

(Ord. #1986-8, 3; New)

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4-1.5 Investigation. Upon submission of the information in subsection 4-1.4, the Township Clerk shall promptly cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Township Clerk shall endorse his disapproval and his reasons therefor, and the license shall not issue. If the registrant's character and business responsibility are found to be satisfactory, the Township Clerk shall endorse his approval and execute a license, upon which shall be affixed one (1) photograph of the registrant, signed by the Township Clerk, so that part of the signature covers part of the photograph. The license shall be issued by the Township Clerk upon payment of the license fee. (Ord. #1986-8, 4)

4-1.6 Disapproval of Application; Appeal to Township Committee. In the event an application for soliciting is disapproved by the Township Clerk, the registrant may appeal to the Township Committee, who shall promptly set a time and place for a hearing, at which the applicant shall be given an opportunity to present the reasons why the license should be issued. The decision of the Township Committee shall be final. (Ord. #1986-8, 5)

4-1.7 Applications by Real Estate Brokers or Salespersons. In the event that a registrant, at the time of registering, presents proof that he is a Real Estate Broker or salesperson licensed by the State of New Jersey, the solicitor's license may only be withheld upon determination that the applicant has a criminal record. Upon such determination, the Township Clerk shall report the same to the New Jersey State Real Estate Commission. Should the Real Estate Commission determine that the information requires a review of the registrant's New Jersey Real Estate License, the solicitor's license shall not issue. Should the Real Estate Commission determine that no such review is required, the solicitor's license shall immediately issue. (Ord. #1986-8, 6)

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4-1.8 Exhibition of License. Each registrant shall carry the license at all times and shall exhibit it to any person upon request. (Ord. #1986-8, 7)

4-1.9 Signs Posted. No solicitor shall visit or call at any private residence for the purpose of solicitation when banned by the householder by a sign bearing words to the effect that solicitors, peddlers, salesmen and the like are prohibited. (Ord. #1986-8, 8)

4-1.10 Revocation of Licenses. Any license issued pursuant to this section may be revoked by the Township Clerk for violation of any Township ordinance regulating solicitors. Such revocation is subject to the right of appeal to the Township Committee as set forth in subsection 4-1.6. (Ord. #1986-8, 9)

4-1.11 Hours Solicitation Permitted. No person shall solicit before the hour of 8:00 a.m. or after the hour of 9:00 p.m. (Ord. #1986-8, 10; New)

4-1.12 Administrative Fee. An administrative fee of fifty (\$50.00) dollars shall be paid by the registrant for each such license issued. (Ord. #1986-8, 11; New)

4-1.13 Expiration; Renewal. Each license issued shall expire upon December 31 of the year of issue. Renewal is required for each calendar year, upon the same application procedure described herein. (Ord. #1986-8, 12)

4-1.14 Violations. Any person violating this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5. (Ord. #1986-8, 13)

4-1.15 Applicability. This section is in addition to any other ordinance regulating solicitors within the Township. (Ord. #1986-8, 14)

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4-1.16 Severability. In the event that any subsection, sentence or clause of this section or Code shall be declared unconstitutional by a court of competent jurisdiction, such declaration shall not in any manner prejudice the enforcement of the remaining provisions. (New)

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