

## **20-3 PEDDLERS AND SOLICITORS.**

### **20-3.1 License Required.**

No person shall conduct a business as a transient merchant, itinerant merchant, itinerant vendor, peddler, canvasser, solicitor or handbill distributor, as defined in this Chapter, unless a permit or license therefor is first procured and kept in effect at all such times as required by this Chapter or any other law or ordinance of the Borough, required fees are paid and all provisions of this Chapter are met.

A veteran or exempt fireman who has been issued and currently possesses a valid license pursuant to N.J.S.A. 45:24-9 et seq., shall not be required to obtain a license or permit under this Chapter; said veteran or exempt fireman shall be required to comply with the terms of this Chapter which regulate the hawking, peddling and vending on public streets and highways in accordance with said statute and this section and shall permanently display license upon his person. (1966 Code § 7-3.1; Ord. No. 1991-1 § 16; Ord. No. 1994-7 § 1; Ord. No. 2002-07)

### **20-3.2 License Applications.**

In addition to the requirements of subsection 20-2.2 of this Chapter, persons applying for licenses as transient merchants, itinerant merchants, itinerant vendors, peddlers, solicitors, canvassers or handbill distributors shall furnish this further information on their respective applications or attach the same thereto.

- a. A listing of all misdemeanors, felonies or violations of any municipal ordinances for which applicant has been convicted, the nature of the offense and the punishment assessed therefor. If applicant is not an individual these provisions shall apply to its officers and managers.
- b. The place or places in the Borough where applicant proposes to carry on business, peddle, solicit, canvass or distribute, and the length of time he or she proposes to do so.
- c. The place or places within or without the Borough where applicant, within two (2) years next preceding the date of the application, did carry on business, peddle, solicit, canvass or distribute.
- d. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale, where manufactured and located, and proposed method of delivery.
- e. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers.
- f. Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative.
- g. Such other reasonable information as to the identify or character of the person or persons having the management or supervision of the applicant's business, or the method or plan of doing such business as the Borough License Officer may deem proper to fulfill the purposes of this Chapter in the protection of the public good.
- h. A photograph of the applicant taken within thirty (30) days immediately prior to the date of filing of the application, which picture shall be two inches by two (2" x 2") inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- i. If a vehicle is to be used, a description of the same, together with the license registration number or other means of identification.
- j. If a vehicle, as defined in subsection 20-6.2 is used which is not a motor vehicle, or is not licensed or registered by any other government agency, or regulated by any other law, then the Borough license number for the use thereof shall be conspicuously displayed on the vehicle, and

if together with a current certificate from the County Board of Health showing that the vehicle, etc., has been inspected and approved for use by the Board of Health.

k. A photograph of each person to be licensed whether self-employed or in the employ of others licensed under this subsection, and the photograph and license prepared by the Police Department to be on file with the license application and prominently displayed on the hat or outer garment of the licensee.

(1966 Code § 7-3.2; Ord. No. 1991-1 § 16; Ord. No. 1992-2 § 1, 2)

### **20-3.3 Regulations.**

All licenses and licensees under this section are subject to the provisions and regulations of this Chapter and each licensee shall in addition be required to carry at all times and display to any person upon request his license and identification. Further, it shall be the duty of the Chief of Police, the Borough License Officer and any Police Officer of the Borough to require any person seen peddling, soliciting, canvassing or distributing, as defined in this Chapter, who is not known by such officer to be duly licensed, to produce his/her peddler's, solicitor's, canvasser's or distributor's license, as the case may be. (1966 Code § 7-3.3; Ord. No. 1991-1 § 16)

### **20-3.4 Occupation Restrictions.**

The practice of going in and upon private residences in the Borough of Belmar, County of Monmouth, State of New Jersey, by transient merchants, itinerant merchants, itinerant vendors, peddlers, canvassers, solicitors, salesmen or others of like occupation, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, magazines, services or the like, or for the purposes of disposing of or hawking the same, is hereby declared to be a nuisance, is prohibited and punishable as herein provided.

The following restrictions apply to the times and locations and manner in which peddlers, solicitors, hawkers, or itinerant vendors or merchants may display their goods or sell or offer for sale any goods or service:

- a. No one may display their goods, sell or offer for sale any goods or service in any residential zone or any park, playground or recreation area before 8:00 a.m. and after 10:00 p.m. prevailing time and no one shall display their goods, sell or offer to sell any goods or services within two hundred (200') feet of any school, between 8:30 a.m. and 3:30 p.m. during any school year;
- b. No one may display their goods, sell or offer for sale any goods or service from any fixed location which
  1. Substantially restrict, obstruct, interfere with or impede the pedestrian's right of way;
  2. Substantially restrict, obstruct, interfere with or impede the ingress or egress from the abutting property;
  3. Create or become a nuisance;
  4. Increase traffic congestion, cause or increase traffic delay or hazards;
  5. Cause or create or constitute a danger to life, health or property;
  6. Sell food, drinks, ice cream or confections of any kind for immediate consumption unless he has available for public use his own litter receptacle which shall be clearly marked and maintained for his patronage use and no one shall leave any location without first picking up, removing and disposing of any trash or refuse remaining from sales made, and violate applicable municipal health regulations, except pursuant to a special one-day permit issued for that purpose

by the Borough pursuant to a resolution of the Borough Council in conjunction with a special event. Nothing contained in this section shall be deemed to prohibit any duly licensed, non-itinerant retail merchant from displaying outdoors on premises leased or owned by him the same goods that the merchant displays within his premises, provided that such displaying of goods is in conformance with existing law affecting the use and occupancy of any such premises;

c. No one may display their goods, sell or offer for sale any goods or services on or in the beachfront, boardwalk, Ocean Avenue or any public right-of-way within one hundred fifty (150') feet of Ocean Avenue, the commercial district as defined in the Development Ordinance, Chapter XXXII, or the marina, or any other public property or any other part of the public right-of-way between the curblines on the public street, road or highway on the public right-of-way boundary line which are part of the above locations; however, the regulations and prohibitions contained in this section, with the exception of those pertaining to the boardwalk and beachfront, shall not apply to veterans or exempt firemen possessing a valid license issued pursuant to N.J.S.A. 45:24-9 et seq.;

d. No one may display their goods, sell or offer for sale any goods or service while on the public street, road, or highway unless the vehicle, pushcart, or device utilized for display, transportation and sale of goods complies with all the requirements of N.J.S.A. 39:3-64.1, regardless of whether such vehicle, pushcart or device is a motor vehicle or not, provided, no one shall use any device of the dimensions of which exceed three (3') feet in width, four (4') feet in length and four (4') feet in height including wheel height, while conducting business as permitted herein and no one shall set up, attach, place or permit the use of any table, crate, carton, rack, or device or structure of any kind to increase the selling or display capacity of a cart;

e. No one may stop at any time for the display, sale or offer of sale of goods or service:

1. Within fifty (50') feet of any intersection, or at any place in the roadway more than ten (10') feet from the curblines, aside or behind any parked vehicle so as to be double parked;

2. In any such position that the licensee or his customers block or reduce the unobstructed pedestrian right-of-way to less than six (6') feet or impede the flow of pedestrian or vehicular traffic; however, the Department of Engineering may, by regulation, change the width of the pedestrian right-of-way space required, as circumstances warrant;

3. Within fifteen (15') feet of any crosswalk, fire hydrant or driveway in front of any fire lane or loading zone, Fire Department stand pipe (connection);

4. Within one hundred (100') feet of another licensee; however, this prohibition shall not apply to veterans or exempt firemen possessing a valid license issued pursuant to N.J.S.A. 45:24-9 et seq.; or

5. Against display windows of any fixed location businesses or be within twenty (20') feet from an entranceway to any building, store, theater, library, school, museum, movie house, sports arena or other place of public assembly;

f. No one may remain in one (1) place for more than one-half (1/2) hour before relocating to a new location which is at least two hundred (200') feet in distance from the last location. No one shall operate from any location more than once in any twenty-four (24) hour period; however, this prohibition shall not apply to veterans or exempt firemen possessing a valid license issued pursuant to N.J.S.A. 45:24-9 et seq.;

g. Goods, merchandise, sales and service may not be sold, delivered, or distributed to anyone standing or stopping in the public crosswalk, or on the street, road or highway. Customers shall be served on that portion of the public right-of-way between the curb and sidewalk. If the sidewalk extends to the curb, customers shall be served on that portion of the sidewalk closest to the curb so as not to block pedestrian traffic on the sidewalk. No one shall use any cart which cannot be easily moved and maintained under control by the licensee at all times.

h. No one may display, sell or offer for sale goods or services through annoying sounds which interfere with the comfort of the public or use of gong bells or other instruments or devices

including but not limited to sound amplifiers, whether manual or automatic, to attract the attention of the public.

i. No one shall leave any cart unattended at any time or store, place or leave the same overnight on any sidewalk.

j. No one may display, sell or offer goods or services on any sidewalk within ten (10') feet of a designated bus stop.

(1966 Code § 7-3.4; Ord. No. 1991-1 § 16; Ord. No. 1991-22 § 1; Ord. No. 1994-7 § 1; Ord. No. 2002-07)