

**AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE
CHAPTER 301, ENTITLED "PEDDLING AND SOLICITING"**

WHEREAS, the Township of Manchester enacted Township Code §301-1, et seq., which sets forth various requirements for the licensing and regulation of peddling and soliciting in the Township; and,

WHEREAS, the Township Council of the Township of Manchester has determined that Township Code §301-1, et seq requires revisions to clarify portions of the regulations and clearly outline background check requirements; and,

BE IT ORDAINED by the Township Council of the Township of Manchester, County of Ocean, State of New Jersey, as follows:

SECTION 1. Amends Chapter 301, Section 15 "Application for Permit" as follows:

§ 301-15 Application for permit.

It shall be unlawful for any person under 18 years of age to make application for license for solicitation. An application for a permit as required in § **301-13** hereof shall be made to the Township Clerk upon forms provided by the Township of Manchester and shall contain any and all information that the Township Clerk may deem reasonable and necessary. The application shall include the following information and must be updated by the applicant as necessary:

- A. The name, description, address or headquarters of the person applying for the license.
- B. If the applicant is not an individual, the names and addresses of the applicant's principal officers, operating managers and all members of the applicant's Board of Directors.
- C. If the applicant is a corporation of the State of New Jersey, a certified copy of its certificate of incorporation, together with any amendments or supplements thereto.
- D. If the application is a corporation, an in-state registered agent must be identified by name and street address.
- E. If the applicant is an individual, the permanent home address and full local address of the applicant.
- F. A brief statement of the nature of the business and description of the merchandise or service to be sold.

G. The name and address of the person or persons who will be in direct charge of conducting the sale or offer of merchandise or service(s) and the names of all promoters connected or to be connected with the proposed sale or offer.

H. If a vehicle is or vehicles are to be used, a description of such vehicles and license plate numbers.

I. Such other information as may be reasonably required by said ~~Chief of Police~~ Township Clerk in order for him or her to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of and not inimical to the public welfare.

~~J. A temporary license may be issued for a period not to exceed 60 days upon the written recommendation of the Chief of Police.~~

K. Applicants shall maintain and produce proof of insurance coverage in the minimum amounts of \$100,000 per person for personal injuries, \$300,000 per occurrence for personal injuries and \$50,000 for property damage. Manchester Township shall be named as an additional insured on all such insurance policies. The insurance coverages shall not be terminated or canceled prior to the expiration date thereon unless 30 days' advance written notice is provided to the Manchester Township.

§ 301-16 Investigation of applicant.

A. For each applicant, full fingerprinting and a criminal background check shall be performed in accordance with the procedures established by the Manchester Township ~~Division of Police~~ Clerk.

B. No person shall be licensed as a canvasser, peddler, itinerant vender or owner or employee of a door-to-door sales enterprise unless the Chief of Police certifies that the person has no New Jersey criminal history record of a conviction for an offense enumerated in Subsection C(1) of this section.

C. A person subject to Subsection B of this section whose criminal history record background check reveals a conviction for any of the following crimes and offenses shall be disqualified from receiving a license to conduct, canvass, peddle, itinerant vendor to perform door-to-door sales:

(1) If the conviction was in New Jersey, for a crime:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq. or N.J.S.A. 2C:15-1 et seq.; or

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq. or N.J.S.A. 2C:25-17 et seq.; or

(c) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes: or

(d) Involving any controlled dangerous substance or analog as set forth in Chapter 35 of Title 2C of the New Jersey statutes except Paragraph (4) of Subsection a of N.J.S.A. 2C:35-10.

(2) If the conviction was in any other state or jurisdiction, for conduct constituting any of the crimes described in Subsection C(1) of this subsection.

(3) ~~The Chief of Police~~ Manchester Township Clerk is authorized to receive criminal history record information from ~~the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation~~ an outsourced private background Agency consistent with applicable state and federal laws, rules and regulations. The applicant shall bear the cost, if any, for the criminal history record background check, including all costs of administering and processing the check.

D. A permit may also be denied for repeated or egregious violations of the requirements of this chapter, repeated complaints from the general public substantiated and documented by the Township of Manchester Police Department or any other law enforcement agency, of illegal practices during previous service under a previous issued permit, fraudulent or illegal activity of any kind.

~~E. Following review, the Chief of Police or the Chief's designee shall issue a written report to the Township Clerk detailing the results of the required background investigation and inspection and recommending approval or rejection of the applicant based on the criteria set forth in this article~~

§ 301-18 Permit fees; expiration of permit; hours of sale.


A. For each permit to sell any goods, wares or merchandise, the applicant shall pay to the Township of Manchester the sum of ~~\$150~~ \$200 and said permit shall expire December 31 next ensuing the date of issuance. The first permit shall cover one person and one vehicle.

B. No such permit shall be effective for more than one person and one vehicle, but duplicate permits may be issued in like manner for an additional fee of ~~\$10~~ \$15 for each additional person who will sell any goods, wares or merchandise, and an additional ~~\$150~~ \$200 for each additional vehicle being used in the sale of said goods, wares or merchandise. No rebate shall be allowed from any fee herein specified for a term of less than one year.

C. No selling or soliciting shall be permitted except between sunrise and sunset, provided that home deliveries of milk, bread and the like shall not be circumscribed hereby; provided, further, that trucks peddling coffee, doughnuts and similar items to work sites shall not be limited to the hours herein provided.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Council of the Township of Manchester on first reading at a meeting held on the 12th day of August at 6:00 p.m. The Ordinance will be considered for second and final reading at a meeting of the Township Council which is scheduled for the 26th day of August, 2024 at 6:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 1 Colonial Drive, Manchester, New Jersey 08759, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.



Teri Giercyk, RMC /CMC
Municipal Clerk