TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 9-2021

REPEALING AND REPLACING CHAPTER 132 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED PEDDLING, SOLICITING, TRANSIENT VENDORS, AND COMMUNITY EVENT VENDORS

WHEREAS, the Township of Moorestown currently regulates peddlers, solicitors, transient vendors, and community event vendors by Chapter 132 of the Township Code; and

WHEREAS, the Economic Development Advisory Committee has studied the existing regulatory scheme and, with input from the business community and the police department, has recommended Community Events by regulated separately, and that Chapter 132 be revised to better perform the regulatory function for which the chapter exists; and

WHEREAS, the Township Council believes it is in the interests of the residents of the Township to revise Chapter 132 as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey as follows:

Section 1: Chapter 132 of the Code of the Township of Moorestown is hereby repealed and replaced as follows:

Chapter 132
PEDDLERS, SOLICITORS, AND TRANSIENT VENDORS

§ 132-1. Definitions.
§ 132-2. Intent and Scope.
§ 132-3. Permit Required.
§ 132-4. Application Process and Review; Ineligibility.
§ 132-5. Permit Issuance; Expiration; Display; Transferability.
§ 132-6. Permitted Hours; Location Limitation.
§ 132-7. Prohibited Activities.
§ 132-8. Permit Suspension and Revocation.
§ 132-9. Violations.

§ 132-1. Definitions.

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

CONDUCTING (or CONDUCT) BUSINESS - Includes the conducting of retail sales for profit of any product, food, beverage, goods, wares or merchandise; the offering for sale, sale, causing to be offered for sale, or the taking of orders for present or future delivery; or the display of any

nature of product, food, beverage, goods, wares, merchandise, articles or services of every kind or description, including licensed professional services.

EXEMPT ACTIVITY - Includes the requesting of money, credit, property, financial assistance or anything of economic value on behalf of any charitable, religious, political or nonprofit cause or organization; also the taking of surveys for research purposes and the taking of opinion polls.

EXEMPT PARTY - A person or entity which qualifies for tax-exempt status under the Internal Revenue Code; qualifies for exemption from property tax under N.J.S.A. 54:4-3.6; qualifies for an exemption from sales tax under N.J.S.A. 54:32B-9; is not conducting business; or was created under or is otherwise subject to the provisions of Title 15A of the New Jersey Statutes.

PEDDLER - Any person or entity which goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement within Moorestown for the purpose of conducting business by offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property or any services that the person is carrying, otherwise transporting or offering.

SOLICITOR - Any person or entity which goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement within Moorestown for the purpose of conducting business by obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above.

TRANSIENT VENDOR - Any person or entity which conducts business within Moorestown in any public place by car, truck or other vehicle (motorized or unmotorized), for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, services, wares, products, merchandise, or other personal property.

§ 132-2. Intent and Scope.

It is the intent of this chapter to regulate the conduct of those persons and entities conducting business in Moorestown by the direct sale or the solicitation of orders by house-to-house, door-to-door or other type of place-to-place movement, or which are conducting business in any public place by car, truck, or other vehicle.

The provisions of this chapter are not intended to and shall not apply to those persons or entities engaged in door-to-door canvassing, campaigning, advocacy, education, proselytizing, handbill distribution, engaging in an exempt activity as defined in this chapter, or other entry upon private property on behalf of or representing an exempt party as defined in this chapter. The requesting of a donation by or on behalf of an exempt party shall not be deemed to be conducting business as defined in this chapter. However, those persons engaging in an exempt activity or acting on behalf of an exempt party shall carry proper identification issued by the

organization represented and shall display the same upon request. Further, no person shall engage in an exempt activity or act on behalf of an exempt party at any premises within the Township of Moorestown that has been marked with a sign or placard stating "No Peddlers, Solicitors or Transient Vendors," "Peddlers, Solicitors, and Transient Vendors Prohibited," or other comparable statement, nor shall such person enter or attempt to enter any dwelling without the invitation or permission of the occupant, and such person shall immediately leave any premises upon request.

§ 132-3. Permit Required.

No person or entity shall conduct business as a peddler, solicitor, or transient vendor within Moorestown without first having obtained a permit pursuant to this chapter. However, a permit is not required for a peddler, solicitor, or transient vendor which is participating in a designated community event and has space allocated to it by the organizer of the event, or a transient vendor which has been invited to a private event for the purpose of serving invited guests only.

§ 132-4. Application Process and Review; Ineligibility.

A. Application for eligibility. In order to obtain a permit to conduct business as a peddler, solicitor, or transient vendor, an applicant shall initially file an application to be deemed eligible for such a permit. The application shall be made to the Chief of Police of the Township of Moorestown upon forms provided by the Township. Such application shall be filed at least twenty (20) business days prior to the commencement of conducting business within Moorestown. A separate application shall be filed for each individual who shall be conducting business on behalf of an entity.

The applicant shall provide the following information:

(1) The applicant's full legal name and residence address, along with a copy of government issued photo identification matching the name.

(2) Telephone number of applicant's permanent residence, any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines, and telephone numbers where the applicant can be reached while conducting business within Moorestown.

(3) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.

(4) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent. If the applicant is conducting business on behalf of a entity, the name and address of the principal officers and managers of the entity, and applicant’s supervisor, if any.

(5) Full address of applicant's regular place of business, if any.

(6) A detailed description of the type of business for which the applicant is applying for a permit, including a general description of the items to be sold or services to be provided, and an outline of the method to be used in conducting the business.

(7) The date(s) and hours of operation during which the applicant intends to conduct business.

(8) If intending to conduct business at a specific address or addresses, the addresses in Moorestown where the applicant intends to conduct business. If located on private property, written permission of the property owner or the property owner's agent shall be provided.

(9) Any criminal record of the applicant, including any conviction for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

(10) Two photographs of the applicant not larger than two inches by two inches.

(11) A list of the three (3) most recent locations where the applicant has conducted business as a peddler, solicitor or transient vendor.

(12) If a vehicle is to be used, the year, make, model, color, license plate number, and vehicle identification number (VIN) of such vehicle. A copy of the registration, insurance card, and driver's license of the operator shall be provided.

(13) Applications shall be signed.

B. Fee. At the time application is made, the applicant shall pay to the Township of Moorestown a nonrefundable application fee in the amount of $75.

C. Procedure for Review. Upon receipt of the application for eligibility and payment of the application fee, the Chief of Police shall, within two (2) business days, determine if the application is complete. An application will be considered complete if all required information is provided.

If the Chief of Police determines that the application is incomplete, the Chief of Police must inform the applicant of the required, necessary information that is missing. If the application is complete, the Chief of Police shall cause the applicant to be thoroughly investigated by the Police Department, including a background check, necessary to verify the information supplied on the application.

D. Determination of Eligibility. Within fifteen (15) business days of receiving a complete application, the Chief of Police shall determine the applicant is eligible to receive a permit unless grounds exist for denying the permit under Subsection E. If the Chief of Police determines an applicant is not eligible to receive a permit, the applicant must be notified in writing of the decision, the reason for determination, and the applicant's right to appeal the determination to a court of competent jurisdiction. Such notice may be delivered in person, by e-

mail, or by first class mail to the permanent residential address listed on the permit application, or if no residential address is listed, to the business address provided on the permit application.

A determination of eligibility shall expire one (1) year from the date eligibility is determined. Upon expiration, a new application for eligibility must be submitted, together with payment of the required application fee.

E. Permit Ineligibility. The following shall be grounds for determining an applicant ineligible for a permit:

(1) The failure of an applicant to truthfully provide any information requested as part of the application process.

(2) The failure of an applicant to sign the permit application.

(3) The failure of an applicant to pay the required fee at the time of application.

(4) A conviction for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the permit is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(5) The applicant has previously violated this chapter.

(6) The applicant had a permit issued for the purpose of conducting business as a peddler, solicitor, or transient vendor revoked by Moorestown or any other municipality.

§ 132-5. Permit Issuance; Expiration; Display; Transferability.

A. Permit Issuance. Upon approval of an application for eligibility by the Chief of Police, a thirty (30) day permit shall be issued at no additional cost. So long as an applicant remains eligible, up to eleven (11) additional thirty-day permits may be obtained during the next year for $10 each, or a twelve (12) month permit may be obtained for $110. Permits issued pursuant to this chapter shall bear the name and address of the person to whom issued, the date of issue, the dates within which the permit shall be valid and a statement that the permit does not constitute an endorsement by the Township of Moorestown or by any of it departments, officers and employees.

B. Expiration. All permits shall expire thirty (30) days after issuance, unless a twelve (12) month permit is obtained, which shall expire twelve (12) months after issuance; in no event shall a permit expiration date extend beyond the expiration date of the determination of eligibility.

C. Display. Each person to whom a permit shall be issued pursuant to this chapter shall carry such permit at any time during which he or she shall be conducting business within Moorestown and shall display it in such a manner as to be clearly visible, and shall exhibit the same to any person upon request.

D. Transferability. No permit issued under this chapter shall be transferred to any person other than the person to whom the permit was issued.

§ 132-6. Permitted Hours; Location Limitation.

A. Permitted Hours. With the exception of ice cream truck vendors, who may conduct business in the Township of Moorestown from 9:00 a.m. until sunset, prevailing time, Monday through Sunday, the hours during which any other peddler, solicitor or transient vendor may conduct business in the Township of Moorestown shall be limited to 9:00 a.m. until 5:00 p.m., prevailing time, Monday through Saturday. Any peddler, solicitor, or transient vendor seeking exception to this section may request approval by the Township Manager.

B. Location Limitation. Any transient vendor who receives a permit to conduct business in Moorestown is limited to a maximum of one stop of ten minutes in duration at any one location within the business corridors of Moorestown (defined as the following zoning districts: Main Street [CRO & RLC-2]; Lenola District [LTC]; and Moorestown Mall [SRC]). A transient vendor may not return to that location, or one within two hundred (200) feet of it, at any time in that twenty-four (24) hour period. However, this subsection shall not apply to the following: a transient vendor which is participating in a designated community event and has space allocated to it by the organizer of the event, or a transient vendor which has been invited to a private event for the purpose of serving invited guests only.

§ 132-7. Prohibited Activities.

No peddler, solicitor, transient vendor or other person engaged in other similar activities shall conduct business in any of the following manners:

A. Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

B. Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

C. Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

D. Entering or attempting to enter any dwelling without an invitation or permission of the occupant, and said person shall immediately leave any premises upon request.

E. Remaining on the property of another when requested to leave.

F. Entering onto a property which is marked with a sign or placard stating "No Peddlers, Solicitors or Transient Vendors," "Peddlers, Solicitors, and Transient Vendors Prohibited," or other comparable statement.

G. Failing to provide proof of permit or identification when requested.

H. Using the permit of another person.

I. Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient vendor shall claim to have the endorsement of the Township solely based on the Township having issued a permit to that person.

J. Otherwise conducting business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

§ 132-8. Permit Suspension and Revocation.

A. Generally. Any permit issued under this chapter may be suspended or revoked at the discretion of the Chief of Police for violation of any of the following:

(1) Subsequent knowledge of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.

(2) Fraud, misrepresentation or false statements made during the course of the permitted activity.

(3) Subsequent conviction of any offense to which the granting of the permit could have been denied under §132-4 E of this chapter.

(4) Engaging in any prohibited activity as provided under §132-7 of this chapter.

(5) Violation of any other provision of this chapter.

B. Notice. Notice of suspension or revocation may be delivered verbally or in writing, and shall identify the basis for the suspension or revocation. If delivered in writing, it may be delivered in person or by e-mail or first class mail to the permanent residential address listed on the permit application, or if no residential address is listed, to the business address provided on the permit application. Upon receipt of notification of such revocation, the permit holder shall immediately surrender possession of the permit to the Chief of Police. Failure to comply with such notice shall constitute a violation of this chapter and shall render the violator liable for the penalties hereinafter set forth.

C. Appeal. Any person whose permit is suspended or revoked under this section shall have the right to appeal that decision to a court of competent jurisdiction.

§ 132-9. Violations.

Any person who violates any provisions of this chapter shall be fined as set forth in Chapter 66. Every day that a violation continues shall constitute a separate and distinct offense.

Section 2: Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3: Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4: Effective Date. This ordinance shall take effect upon proper publication and in accordance with law..

Section 5: Short Title. This Ordinance shall be known as Ordinance 9-2021.

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 9-2021 which was introduced and adopted on first reading on March 8, 2021 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on March 22, 2021.

VOTE:	
GILLESPIE	YES
MAMMARELLA	ABSENT
LAW	YES
VAN DYKEN	YES
ZIPIN	YES

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Patricia L. Hunt, RMC
Township Clerk