

**TOWNSHIP OF ROCKAWAY
COUNTY OF MORRIS, STATE OF NEW JERSEY**

ORDINANCE NO. O-21-25

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 5, ARTICLE V,
ENTITLED PEDDLERS, CANVASSERS, SOLICITORS AND MOBILE FOOD
VENDORS OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY**

WHEREAS, the Township Council of the Township of Rockaway desires to repeal and replace Chapter 5, Article V, “Peddlers, Canvassers, Solicitors and Mobile Food Vendors”, of the Revised General Ordinances of the Township of Rockaway with a new ordinance to be entitled “Peddlers, Canvassers, Solicitors and Mobile Food Vendors”; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Rockaway, County of Morris and State of New Jersey as follows:

§5-5.1 **Definitions**, is hereby amended as follows:

- a. *Bona fide religious, charitable, benevolent, educational or political organization* means any organization that is qualified under state or federal law as a tax-exempt, non-profit organization or any organization or group that espouses or advocates a position or belief on any subject of public interest or on behalf of any candidate for public office or acting in furtherance of any candidate, education or benevolent interest or cause.
- b. *Person*, shall mean any individual, business, corporation, organization or entity who may be subject to any provision in this ordinance.
- c. *Peddler, Canvasser or Solicitor* shall mean any person travelling from place to place, from house to house, or from street to street taking or attempting to take orders or offer for sale goods, wares, merchandise or personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future and shall also mean any person who distributes or seeks to distribute or offer materials, facts or information, or seeks to elicit facts or information, whether or not remuneration or compensation is sought or received.
- d. *Mobile Food Vendor* shall mean any person offering food for sale from a vehicle.

§5-5.2 **License required.**

It shall be unlawful for any person, except those exempted under N.J.S.A. 45:24-9 et seq., and unless otherwise exempt pursuant to this Chapter, to engage in the business of peddling, canvassing, or soliciting as defined herein, within the corporate limits of the Township without first registering with and/or obtaining a license from the Township Clerk.

§5-5.3 Exemptions.

- a. Any person peddling, soliciting or canvassing on behalf of a bona fide religious, charitable, benevolent, educational or political organization or candidate shall be exempt from the requirements of this Chapter.
- b. Any person delivering goods or performing services which have previously been ordered by the person owning, leasing or occupying the property where such delivery is made or service performed shall be exempt from the requirements of this Chapter.
- c. A minor engaged in business or operating a concern where no other person is employed shall be exempt from the requirements of this Chapter.
- d. Any veteran or exempt fireman of a Volunteer Fire Department holding a special license issued pursuant to N.J.S.A. 45:24-9 and 45:24-10 shall be exempt from procuring a license or paying the fee as provided herein, but shall be required to comply with all other applicable subsections of this section, and shall be required to register with the Township Clerk and obtain a license which will be issued by the Clerk, without cost, upon proper identification and exhibition of such State license.
- e. Any public utility or its employees, where the public utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that such employees shall display the identification badge or card issued by their employer.
- f. Notwithstanding the provisions of §5.3(a) through §5.3(e) above, no person shall be exempt from the provisions of §5.7(b) and §5.9 of this Chapter.

§5-5.4 Application for license.

- a. Any person seeking a license pursuant to the requirements of this Chapter shall file an application with the Township Clerk of the Township of Rockaway on a form to be furnished by the Clerk, which shall give the following information:
 - (1) Name of applicant.
 - (2) Permanent home address.
 - (3) Temporary address.
 - (4) Name and address and telephone number of the employer or firm represented.
 - (5) Place or places of residence of the applicant for the preceding three years.
 - (6) Date on which soliciting or canvassing is to commence and end.
 - (7) Nature of goods or merchandise to be sold or offered for sale or the nature of the services to be furnished.

- (8) Whether the applicant has been convicted of a crime, disorderly persons offense or violation of any ordinance relating to canvassing or soliciting and, if so, when, where and the nature of the offense.
 - (9) The names of other municipalities in New Jersey where the applicant has been issued a license to solicit in the past two years.
 - (10) Whether any motor vehicle will be used in connection with the canvassing or soliciting and, if so, the make, year, color, type and license plate number.
 - (11) Physical description of the applicant.
 - (12) Social Security number.
 - (13) Applicants for a license as a mobile food vendor shall first obtain the required food handler and fire suppression licenses/permits as well as any other required licenses/permits and provide same to the Township Clerk as part of any application.
- b. If not self-employed, the application shall be accompanied by a letter or other written statement from the person employing the applicant certifying that the applicant is authorized to act as the representative of that person.
 - c. All applicants for a license shall be required to produce a government-issued photographic identification which the Clerk will photocopy and attach to the application form.
 - d. Upon completion of the requirements set forth herein, the Rockaway Township Clerk shall issue a license to the applicant.

§5-5.5 Separate license for each solicitor; License fee; Term.

A separate license must be issued for every solicitor or organization soliciting within the Township limits. No license shall be transferrable. Every employee or agent of a solicitor or organization must be issued a separate license.

Each applicant for a license shall pay a fee of \$100 for an annual license. The license shall expire on December 31 of each year. No license fee shall be prorated for part of any year.

§5-5.6 Investigation: denial or approval of license.

- a. Any applicant who fails to fully comply with the requirements established for issuance of a license shall be denied a license.

- b. Any falsification of information required to be provided in the application process shall result in denial or immediate revocation of the applicant's license.
- c. Any failure to comply with the other provisions of this Chapter shall result in immediate revocation of the license.
- d. A license shall be granted or denied within a period of seven (7) business days.

§5-5.7 Exhibition of license; hours of selling.

- a. Every holder of a license issued by the Township Clerk pursuant to §5.4 and §5.5 hereof or by the Clerk of the County of Morris under the authority of N.J.S.A. 45:24-9 shall be required to carry such license while engaged in the business or activity licensed within the corporate limits of the Township. The licensee shall produce such license at the request of any official of the Township or of any resident of the Township with whom the licensee wishes to conduct business or activity.
- b. Every peddler, canvasser or solicitor shall restrict any such activity within the Township to the hours between 9:00 a.m. and 8:00 p.m. prevailing time, Mondays through Saturdays, with no such activity being permitted on Sundays. Each person intending to peddle, canvass, or solicit with the Township in any single week shall notify the Police Department during the week immediately prior thereto. The obligation to notify the Police Department shall persist and be required to be repeated in advance of each week in which peddling, soliciting, or canvassing is anticipated.

§5-5.8 Enforcement by Police Department.

The Police Department of the Township of Rockaway shall have the power and authority to enforce the provisions of this ordinance.

§5-5.9 Non-solicitation list.

- a. The office of the Township Clerk shall annually collect, prepare and maintain a list of addresses of premises where the owner and/or occupant has notified the Township Clerk that peddling, soliciting or canvassing is not desired or permitted at or on the premises. Copies of the non-solicitation list (hereinafter the "list") shall be available at the Office of Clerk during normal business hours and on the Township's website
- b. The Township Clerk shall submit the list to the Chief of Police on an annual basis. The list shall consist only property addresses and shall include no further information.
- c. Publication of this Chapter, as required, in the official newspapers of Rockaway Township shall be deemed presumptive notice of the existence of the list to all

persons conducting, or attempting to conduct, peddling, soliciting or canvassing activities in Rockaway Township.

- d. Each and every peddler, solicitor or canvasser shall be responsible to review a copy of the then current list before conducting any such activity.
- e. Soliciting, peddling or canvassing at any address identified on the list shall constitute a violation of this Chapter. Each and every solicitation at an address identified on the list shall constitute a separate violation of this Chapter.
- f. The provisions of this section and §5.7(b) of this Chapter shall apply to all persons, organizations or entities notwithstanding that they might otherwise be exempt from any other provision of this Chapter.

§5-5.10 Penalties.

Pursuant to N.J.S.A. 40:49-5 any violation of this Chapter shall be punishable by imprisonment in the Morris County Correction Facility for any term not exceeding 90 days; by a fine not exceeding \$2,000; or by a period of community service not exceeding 90 days.

CERTIFICATION

I Hereby Certify the foregoing to be a true copy of the ordinance introduced by the Township at a duly convened meeting held on June 15, 2021 and adopted on July 13, 2021.

Date:




Michael Puzio, Mayor

Date:



Christina Clipperton, Township Clerk

Date:



Joe Jackson, Council President