

SOLICITORS AND CANVASSERS

Chapter 76

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[**HISTORY:** Adopted by the Mayor and Common Council of the City of Gloucester City 7-1-65. Amendments noted where applicable.]

GENERAL REFERENCES

Hawkers and peddlers — See Ch. 53.

Be it ordained by the Mayor and Common Council of the City of Gloucester City, in the County of Camden and State of New Jersey, that:

§ 76-1. License required.

It shall be unlawful for any solicitor or canvasser, as defined in § 76-2 of this ordinance, to engage in such business within the corporate limits of the City of Gloucester City without first obtaining a license therefor as provided herein.

§ 76-2. Definitions.

PERSON — As used herein, shall include the singular and the plural and shall also mean and include any “person,” firm or corporation, association, club, copartnership or society or any other organization.

SOLICITOR and CANVASSER — As used herein, shall include, but not be limited to, any “person,” whether a resident of the City of Gloucester City or not, traveling either by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries and/or exhibits a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any “person”

who, for himself or for another "person," firm or corporation, hires, leases, uses or occupies any building, structure, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery, and shall include the soliciting of money and donations.

§ 76-3. Application for license.

Applicants for license under this ordinance must file with the City Clerk a sworn application in writing (in duplicate), on a form to be furnished by the City Clerk, which shall give the following information:

- A. Name and description of the applicant.
- B. Permanent home address and full local address of the applicant, if any, and place or places of residence for last three (3) preceding years.
- C. A brief description of the nature of the business and the goods to be sold, literature to be distributed or services to be rendered.
- D. If employed, the full name and address of the employer, and statement as to whether employer is an individual, partnership or corporation, together with credentials establishing the exact relationship of applicant with employer.
- E. The length of time for which the license to do business is desired.
- F. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery.
- G. A photograph, in duplicate, of applicant, taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be two and one-half

by two and one-half ($2\frac{1}{2} \times 2\frac{1}{2}$) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

- H. The fingerprints of the applicant and the names of at least two (2) reliable property owners of the County of Camden, New Jersey, who will certify as to the applicant's good character and business respectability, or in lieu of the names of two (2) references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility. Notwithstanding, any applicant for a license under this ordinance who shall apply for such license for the sole purpose of soliciting money and donations for noncommercial, charitable purposes shall not be subject to the requirement that fingerprints be submitted to city. **[Added 4-6-1995 by Ord. No. 8-1995]**
- I. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, including the nature of the offense and the punishment or penalty assessed therefor.

§ 76-4. Investigation of applicant; issuance or denial of license; records.

- A. Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause an investigation to be made of the applicant's business and moral character to determine whether the applicant has been convicted of a crime involving moral turpitude or has been involved in fraudulent acts or conduct, prior violations of canvassing or similar ordinances, or has a record of breach or breaches of solicited contracts, or other actions evidencing bad character, and to determine such other matters as he may deem necessary for the

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protection of the public in connection with the activities contemplated by this ordinance.

- B. If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval thereof and his reason for the same, and return the said application to the City Clerk, who shall notify the applicant in writing that his application is disapproved and that no license will be issued.
- C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval thereof and return the same to the City Clerk, who shall deliver to the applicant a license. All licenses shall be in book form, printed in duplicate, and shall be numbered consecutively. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee. To said license shall be attached the photograph of the licensee, signed by the Clerk in such manner that a part of his signature covers part of the photograph, the remaining portion appearing on said license. Said license shall state the class of license, kind of goods to be sold or services to be rendered, the date of issuance of the license and the length of time the same shall be operative, as well as the license number and identifying description of any vehicle to be used by the licensee. The Clerk shall keep a permanent record of all licenses issued.

§ 76-5. License fee. [Amended 5-7-1998 by Ord. No. 11-1998]

At the time of filing the application, a fee of \$25 shall be paid to the City Clerk to cover the cost of investigating the facts stated therein. If the investigation is favorable and the

applicant has complied with the other provisions of this ordinance, the applicant shall pay a license fee of \$10 per day, \$20 per month or \$50 per year for each person proposing to solicit or canvass.

§ 76-6. Badges. [Amended 5-7-1998 by Ord. No. 11-1998]

The City Clerk shall issue to each licensee at the time of delivery of his license a badge, which shall contain the words "Solicitor's and Peddler's License" and "Gloucester City" and the year of current issue, which badge shall, during the time such licensee is engaged in soliciting or canvassing, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous. The Clerk shall collect \$10 for each badge, which shall be refunded upon the return of the badge. Badges shall be numbered consecutively.

§ 76-7. Exhibition of license; nontransferability.

Licensees are required to exhibit their licenses at the request of any citizen with whom they seek to do business. Licenses are not transferable.

§ 76-8. Enforcement of ordinance.

It shall be the duty of each police officer of the City of Gloucester City to require any person seen soliciting or canvassing and who is not known by such officer to be duly licensed, to produce his license, and to enforce the provisions of this ordinance against any person found to be violating the same.

§ 76-9. Reports of convictions; records to be kept.

The Chief of Police shall report to the City Clerk all convictions for violation of this ordinance, and the City Clerk shall record the reports of violations on his record of the license.

§ 76-10. Revocation of license; hearing.

A. Licenses issued under the provisions of this ordinance may be revoked by the Clerk of the City of Gloucester City after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a licensee under this ordinance.
- (3) Any violation of this ordinance.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.
- (5) Conducting business as a licensee under this ordinance in any unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Said license shall be suspended pending the outcome of the hearing for revocation.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing and that such license is suspended pending the outcome of said hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing. (The address given in the application for license shall be prima facie evidence of his last known address.)

§ 76-11. Appeals to Common Council.

Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of or revocation of a license shall have the right to appeal to the Common Council of the City of Gloucester City. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement of appeal, setting forth fully the grounds for the appeal. The Council shall set a time and place for the hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in § 76-10 of this ordinance for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

§ 76-12. Restrictions.

- A. No person shall exercise the privilege granted by a license hereunder before the hour of 9:00 a.m. or after the hour of 9:00 p.m. (local time), nor shall such privilege be exercised at any time on Sunday.
- B. No person, whether licensed or not, shall visit or call at any private residence for the purpose of engaging in any business covered by this ordinance when banned by the resident by a sign to that effect.

§ 76-13. Responsibility of agents; exemptions.

- A. The agent or other representatives of nonresidents who come within the provisions of this ordinance shall be personally responsible for the compliance, of their principals and of the businesses they represent, with this ordinance.

- B. No license shall be required of any person for any mere delivery in this city of any property purchased or acquired in good faith from such person at his regular place of business outside the city, where no intent by such person is shown to exist to evade the provisions of this ordinance.
- C. No license shall be required of any person exempted therefrom by New Jersey state law, but such person shall first establish his exempt status to the satisfaction of the City Clerk, obtain a badge pursuant to § 76-6, and he shall comply with the other regulatory provisions of this ordinance.
- D. No part of this ordinance, except § 76-12, shall apply to nonprofit organization, incorporated or unincorporated, nor to any member of any such organization, provided such organization gives at least one (1) week's advance written notice to the Chief of Police of its intention to engage in the activities covered by this ordinance, stating the date or dates of such contemplated activities and obtaining a badge.

§ 76-14. Expiration and renewal of licenses.

All annual licenses issued under the provisions of this ordinance shall expire on the 31st day of December in the year issued. Other than annual licenses shall expire on the date specified in the license, but not beyond the 31st day of December of the year of issuance. Upon the expiration of any license, the City Clerk may renew the license without the investigation required by §§ 76-3G and H and 76-4; provided that the licensee has paid the fee required by § 76-5 and complies with all other requirements of this ordinance.

§ 76-15. Violations and penalties.¹

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars (\$500.) or by imprisonment not to exceed ninety (90) days, or by both fine and imprisonment.

§ 76-16. Severability.

The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

§ 76-17. Inconsistent ordinances repealed.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

§ 76-18. When effective.

This ordinance shall take effect from and after its passage and publication as provided by law.

¹ Editor's Note: Amended at time of adoption of Code. See Ch. 1, § 1-6B(1).