

HAWKERS AND PEDDLERS

Chapter 53

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- § 53-1. License required.
- § 53-2. Definitions.
- § 53-3. Application for license.
- § 53-4. Investigation of applicant; issuance or denial of license.
- § 53-5. When food handler's license required.
- § 53-6. License fees.
- § 53-7. Badges.
- § 53-8. Exhibition of license; nontransferability.
- § 53-9. Enforcement of ordinance by police.
- § 53-10. Reports of convictions; records to be kept.
- § 53-11. Revocation of license; hearing.
- § 53-12. Appeals to Common Council.
- § 53-13. Restrictions.
- § 53-14. Responsibility of agents; exemptions.
- § 53-15. Expiration and renewal of licenses.
- § 53-16. Violations and penalties.
- § 53-17. Severability.
- § 53-18. Inconsistent ordinances repealed.
- § 53-19. When effective.

[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 5-24-1965. Amendments noted where applicable.]

## GENERAL REFERENCES

Junk dealers — See Ch. 58.

Solicitors and canvassers — See Ch. 76.

**§ 53-1. License required.**

It shall be unlawful for any hawker or peddler, as defined in § 53-2 of this ordinance, to engage in such business within the corporate limits of Gloucester City without first obtaining a license therefor as provided herein.

**§ 53-2. Definitions.**

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

**PERSON** — As used herein, includes 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.

**HAWKERS and PEDDLERS** — As used herein, includes, but is not limited to, any person, whether a resident of the 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, and who carries with him goods, wares, merchandise or personal property of any nature whatsoever for the purpose of selling and delivering them to consumers.

**§ 53-3. 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 the 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 a 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 fingerprinting 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.
- 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.

**§ 53-4. Investigation of applicant; issuance or denial of license.**

- 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 actions as he may deem necessary for the 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 parts 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.

**§ 53-5. When food handler's license required.**

Applicants for a license who sell foodstuffs, including ice cream and farm produce, shall also be required to obtain and produce a food handler's license from the Board of Health<sup>1</sup> before the issuance of a license.

**§ 53-6. Fees.**

- A. At the time of filing the application, a fee of \$25 shall be paid to the City Clerk to cover the cost of processing the application and the cost of investigating the facts as stated therein. [Amended 5-6-1993 by Ord. No. 14-1993]
- B. 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 peddle or hawk. [Amended 1-4-1996 by Ord. No. 1-1996; 1-2-1997 by Ord. No. 34-1996]
- C. No license fee shall be required of one selling products of the farm or orchard actually produced by the seller; but any such seller must comply with all the other requirements of this ordinance.

<sup>1</sup> Editor's Note: As to the Board of Health, see Ch. 4, Administrative Code, Art. VIII. See also Ch. 101, Retail Food Establishment Code.

**§ 53-7. 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 hawking or peddling, 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.

**§ 53-8. 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.

**§ 53-9. Enforcement of ordinance by police.**

It shall be the duty of each police officer of the City of Gloucester City to require any person seen hawking or peddling 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.

(Cont'd on page 5307)

**§ 53-10. 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 violation on his record of the license.

**§ 53-11. Revocation of license; hearing.**

## A. Procedure.

- (1) 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:
  - (a) Fraud, misrepresentation or false statement contained in the application for license.
  - (b) Fraud, misrepresentation or false statement made in the course of carrying on his business as a licensee under this ordinance.
  - (c) Any violation of this ordinance.
  - (d) Conviction of any crime or misdemeanor involving moral turpitude.
  - (e) Conducting business as a licensee under this ordinance in an 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.
- (2) 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 the 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.)

**§ 53-12. 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 § 53-11 of this ordinance for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

**§ 53-13. 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.
- C. Prohibition of fixed-location sales. **[Amended 11-7-1991 by Ord. No. 17-1991]**
  - (1) No peddler shall sell or offer for sale to the general public any merchandise, beverage or food products from a fixed location.
  - (2) A peddler shall be deemed to sell or offer for sale from a fixed location if such peddler remains at a fixed location for a period of time of fifteen (15) minutes or longer, unless extended as provided below.
  - (3) The fifteen-minute time limitation is extended beyond fifteen (15) minutes for each period of time that customers or prospective customers are being served by the peddler wherein the customers or prospective customers are:

- (a) Examining, viewing, handling, testing, pricing, returning, etc., the merchandise.
  - (b) Seeking information from the peddler.
  - (c) Making a purchase or sale.
  - (d) Waiting to be attended by the peddler.
- (4) The fifteen-minute time limitation is further extended for such time following a sale or purchase that the peddler may need to replace or replenish merchandise, to perform that which is necessary to clean or organize the cart, merchandise, etc., to secure the proceeds of the sale, to file copies of receipts and for other such acts that occur following a sale of merchandise. However, the total time allotted for acts following a sale under this subsection shall not exceed ten (10) minutes.
- (5) At the expiration of the fifteen (15) minutes plus the extended period as provided above, the peddler must move from such location to a location at least twenty-five (25) feet away. Such peddler cannot return to within twenty-five (25) feet of such location for a period of at least one (1) hour. No peddler has the right to any particular location on the public streets and sidewalks.

**D. [Added 11-7-1991 by Ord. No. 17-1991] Prohibited conduct.**  
No peddler shall:

- (1) Engage in the business of peddling unless his cart is mounted on at least two (2) wheels, which wheels are of a diameter of not less than eight (8) inches.
- (2) Station, place, set up or maintain his cart or allow it to remain on any sidewalk, if to do so would place him closer than thirty (30) feet to any other peddler who is selling on the sidewalk if not separated by a public street.
- (3) Station, place, set up or maintain his cart on the sidewalk or allow it to remain there, except at the curblin for the purpose of selling goods, wares or merchandise therefrom.

- (4) Solicit or conduct business with or sell to persons in motor vehicles.
- (5) Station, place, set up or maintain his cart or allow it to remain on any sidewalk in such a way as would substantially restrict, obstruct, interfere with or impede the pedestrian's right-of-way, substantially restrict, obstruct, interfere with or impede the ingress or egress from the abutting property, create or become a nuisance, increase traffic congestion, cause or increase traffic delay or hazards or cause or create or constitute a danger to life, health or property; nor shall any peddler sell food, drinks, ice cream or confections of any kind for immediate consumption unless he has been issued a license for food distribution by the City Board of Health and he has available, for public use, his own litter receptacle, which must be attached to his cart or vehicle and which shall be clearly marked and maintained for his patronage's use; nor shall any peddler leave any location without first picking up, removing and disposing of any trash or refuse remaining from sales made by him.
- (6) Use any cart which, fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, his employee or attendants.
- (7) Use, set up, attach, place or permit the use of any table, crate, carton, rack, device or structure of any kind to increase the selling or display capacity of his cart.
- (8) Leave any cart unattended at any time or store, place or lease the same overnight on any sidewalk or public way of the city.
- (9) Station, place, set up or maintain his cart or his goods, wares or merchandise or allow them to remain on any part of the sidewalk for sale or display or be sold, if to do so would place the seller or his goods, wares or merchandise closer than twenty-five (25) feet to intersecting streets or sidewalks.

- (10) Station, place, set up or maintain his cart or allow it to remain on any sidewalk, if to do so would reduce the unobstructed pedestrian right-of-way to less than six (6) feet.
- (11) Engage in the business of peddling within ten (10) feet of any location where the curb has been depressed to facilitate pedestrian or vehicle movement.
- (12) Engage in the business of peddling on any sidewalk or along any street within ten (10) feet of any fire hydrant, crosswalk or driveway or bus stop.
- (13) Station, place, set up or maintain his cart or goods against display windows of fixed location businesses, nor shall he 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.
- (14) Violate any traffic parking law, ordinance or regulation or operate in such a manner as to restrict the continued maintenance of a clear passage way for vehicles.
- (15) Station, place, set up or maintain his cart within two hundred (200) feet of the grounds of any school between one-half (1/2) hour prior to the start of the school day and one-half (1/2) hour after dismissal at the end of the school day.
- (16) Station, place, set up or maintain his cart within two hundred (200) feet of the grounds of any church, synagogue or other house of worship while the same is in session.
- (17) Use or operate any loudspeaker, public address system, sound amplifier, horn, bell, radio, record player, tape player, compact disc (CD) player, musical instrument or any similar device used to attract the attention of the public.
- (18) Stack items to be sold upon any sidewalk or street; all material and/or merchandise must be located solely on one (1) vending unit.

E. **[Added 11-7-1991 by Ord. No. 17-1991]** Safety requirements. All vending units, whether in motor vehicles or not, in or from which food is prepared or sold, shall comply with the following requirements:

- (1) All equipment installed in any part of the vending unit shall be secured in order to prevent movement during transit and prevent detachment in the event of a collision or overturn.
- (2) All utensils shall be stored in order to prevent their being hurled about in the event of a sudden stop, collision or overturn; a safety knife-holder shall be provided to avoid loose storage of knives.
- (3) Compressors, auxiliary engines, generators, batteries, battery chargers, gas-fueled after heaters and similar equipment shall be installed so as to be accessible only from the outside of the units.

F. Charitable/civic nonprofit festivals and other related activities. **[Added 11-7-1991 by Ord. No. 17-1991]**

- (1) From time to time charitable festivals and other such nonprofit or civic organized activities are conducted within the commercial district of the City of Gloucester City.
- (2) Whenever the City of Gloucester City gives permission for such charitable festivals and/or other such charitable organized activities to occur within the commercial district, the following restrictions shall apply:
  - (a) Charitable organizations and/or nonprofit organizations and their agents, servants and/or employees are permitted to peddle, solicit, canvass and/or sell merchandise during such charitable festival or such other organized charitable activity upon the public sidewalks and other public property within the commercial district of the City of Gloucester City.

- (b) The various shops and stores within the commercial district may display their merchandise on the sidewalk directly in front of their stores or shops and may make sales from such location, during the charitable festival or other organized charitable activity.
  - (c) No other peddler, solicitor, canvasser, person and/or entity shall be permitted to peddle, solicit, canvass, sell or offer for sale any merchandise during such charitable festival or other organized charitable activity.
- (3) A "charitable festival or organized charitable/civic activity" is defined to be one (1) or more nonprofit organizations and/or nonprofit entities conducting an organized endeavor wherein merchandise may be sold, entertainment may be provided, celebration may be conducted, etc., all for the purpose of raising moneys for charitable/civil purposes.

**§ 53-14. 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 and obtain a badge pursuant to § 53-7, and he shall comply with the other regulatory provisions of this ordinance.

D. No part of this ordinance, except § 53-13, shall apply to any nonprofit organization, incorporated or unincorporated, or to any member of any such organization, provided that 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.

**§ 53-15. Expiration and renewal of licenses.**

- A. All annual licenses issued under the provisions of this ordinance shall expire on the 31st day of December in the year when 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.
- B. Upon the expiration of any license, the City Clerk may renew the license without the investigation required by §§ 53-3G and H and 53-4, provided that the licensee has paid the fee required by § 53-6B and complies with all other requirements of this ordinance.

**§ 53-16. Violations and penalties. [Amended 12-5-1974<sup>1</sup>]**

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 both such fine and imprisonment.

**§ 53-17. 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

<sup>1</sup> Editor's Note: See Ch. 1, § 1-6B(1).

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.

**§ 53-18. Inconsistent ordinances repealed.**

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

**§ 53-19. When effective.**

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

