

CITY OF BEVERLY



PEDDLER'S, VENDOR'S OR SOLICITOR'S LICENSE APPLICATION

PURSUANT TO BEVERLY CTY ORDINANCE CHAPTER VI - LICENSING - GENERAL

1. NAME OF APPLICANT: FILL IN THE EXACT LEGAL NAME AND ADDRESS OF THE PERSON OR ENTITY TO WHICH THE PERMIT IS PROPOSED TO BE ISSUED (the APPLICANT); INDIVIDUAL, SOLE PROPRIETORSHIP, CORPORATION, PARTNERSHIP, JOINT VENTURE OR D.B.A. WITH MORE THAN ONE (1) MEMBER.

2. FOR EACH ENTITY AND/OR INDIVIDUAL LISTED IN ANSWER TO QUESTION #1 ABOVE, SET FORTH THE COMPLETE LEGAL ADDRESS AND TELEPHONE NUMBER. FOR A CORPORATION OR PARTNERSHIP, SUCH ADDRESS WILL BE THE PRINCIPLE OFFICE OF THE BUSINESS, FOR AN INDIVIDUAL, SUCH ADDRESS WILL BE THE PERSON'S CURRENT, PERMANENT HOME. POST OFFICE BOX NUMBERS ARE NOT ACCEPTABLE.

ADDRESS

TEL. NUMBER

3. IS A PROFESSIONAL LICENSE NECESSARY? PROVIDE PROOF AND/OR COPY.

YES _____ NO _____

4. IS BOND NECESSARY? PROVIDE PROOF AND/OR COPY.

YES _____ NO _____

5. IS THE APPLICANT A VETERAN OR MEMBER OF A FRATERNAL ORGANIZATION?

YES _____ NO _____

6. THE APPLICANT A NOT-FOR-PROFIT ORGANIZATION QUALIFIED UNDER §501 (C)(3) OF THE INTERNAL REVENUE CODE?

YES _____ NO _____

IF SO, ATTACH RECOGNITION LETTER FROM INTERNAL REVENUE SERVICE.

IS APPLICANT A CHURCH, SYNAGOGUE OR OTHER RELIGIOUS ORGANIZATION?

YES _____

NO _____

7. HAVE YOU OR YOUR BUSINESS HAVE ANY PAST VIOLATIONS OF THE BEVERLY CITY PEDDLER'S, VENDOR'S OR SOLICITOR'S LICENSE, OR HAVE YOU OR YOUR BUSINESS EVER HAD A LICENSE OF ANY TYPE REVOKED BY THE CITY OF BEVERLY OR ANY OTHER MUNICIPALITY IN THE STATE OF NEW JERSEY?

YES _____

NO _____

8. EXACT ADDRESS, WITH BLOCK AND LOT, OF THE BUSINESS OR OPERATION.

9. HOW MANY YEARS AT THE ABOVE ADDRESS? _____

IF FEWER THAN THREE YEARS, LIST PREVIOUS ADDRESS AND TELEPHONE NUMBER

ADDRESS _____

TELEPHONE _____

10. DESCRIPTION OF PROPOSED PLAN OF OPERATION.

SET FORTH A DETAILED DESCRIPTION OF YOUR SPECIFIC PROPOSED PLAN OF OPERATIONS TO BE USED IN MERCHANDISING THE PRODUCTS OR SERVICES. SEE CHAPTER VI OF THE CODE OF THE CITY OF BEVERLY FOR LISTINGS OF ALLOWABLE PRACTICES AND RESTRICTIONS.

YOU MAY NOT DEVIATE FROM THE ABOVE STATED PROPOSED PLAN OF OPERATION WITHOUT A SUBMISSION AND APPROVAL OF A NEW APPLICATION.

11. DESCRIPTION OF GOODS OR SERVICES TO BE OFFERED.

SET FORTH A DETAILED DESCRIPTION OF THE TYPE, NAME, AND BRAND OF ALL GOODS, WARES, COMMODITIES OR SERVICES TO BE OFFERED FOR SALE, TOGETHER WITH SHOWING THE AMOUNT, QUALITY AND VALUE OF ALL ITEMS TO BE MARKETING. NOTE THAT YOUR PERMIT IS ONLY GOOD FOR SUCH ITEMS AS YOU FULLY DESCRIBE ON THIS APPLICATION FORM. YOU MAY ATTACH A DETAILED LIST OR PROVIDE A LIST IN A COMPATIBLE DATABASE FORMAT, SO THAT ALL ITEMS MAY BE CLEARLY VIEWED.

12. MERCHANDISE IS DELIVERED TO SITE OR CUSTOMERS BY:

MAIL _____ PERSONAL DELIVERY _____ FREIGHT _____

MOTOR VEHICLE _____ OTHER _____

VEHICLE LICENSE NUMBER _____

MODEL / MAKE _____

YEAR _____ COLOR _____

PROOF OF LIABILITY INSURANCE:

ATTACH COPY OF INSURANCE POLICY.

INSURER _____

POLICY NUMBER _____

13. IF THE APPLICATION HAS MORE THAN ONE EMPLOYEE, INDEPENDENT CONTRACTOR OR AUTHORIZED REPRESENTATIVES WHO WILL WORK IN THE CITY OF BEVERLY, MUST ATTACH A COPY OF THEIR CURRENT PHOTO IDENTIFICATION. IS IDENTIFICATION FOR EACH EMPLOYEE ATTACHED?

YES _____ NO _____

14. NAME AND ADDRESS OF AUTHORIZED AGENT WHO IS RESPONSIBLE FOR SUPERVISION OF ALL EMPLOYEES WHILE WORKING IN THE CITY OF BEVERLY.

NAME _____

ADDRESS _____

15. DOES APPLICANT HAVE AN APPROVED BEVERLY CITY ZONING APPLICATION? DOES APPLICANT HAVE APPROVED VARIANCE OR SITE PLAN APPLICATIONS FROM THE PLANNING BOARD OF ADJUSTMENT OF THE CITY OF BEVERLY? ARE COPIES OF THE APPROVED APPLICATIONS AND RESOLUTION ATTESTING TO SUCH ATTACHED?

YES _____ NO _____

16. PRIOR CONVICTIONS

SET FORTH ALL FELONIES AND MISDEMEANORS WITH WHICH APPLICANT HAS BEEN CONVICTED WITHIN THE LAST TEN YEARS, INCLUDING A DESCRIPTION OF THE ORIGINAL CHARGES, DATE CHARGED AND THE NAME AND ADDRESS OF THE COURT WHERE SUCH CHARGE WAS BROUGHT AND THE DISPOSITION OF EACH CHARGE. CHECK BOX AS APPLICABLE:

(a) () THERE HAVE BEEN NO SUCH CHARGES

(b) () THE CHARGES WERE AS FOLLOWS (INCLUDE CONVICTION, DATE, NATURE OF OFFENSE, PENALTY IMPOSED, AND THE NAME OF THE COURT)

FEE: \$100.00

Applicant's Signature

DATE

Application Fee Received: Date: _____ Check # _____
By: _____

For Beverly City Official Use Only:

Review for Completion:

Sign-off

Date

Clerk's Office

Police Department

Other

CITY OF BEVERLY

ORDINANCE No. 2014-2

**AN ORDINANCE OF THE CITY OF BEVERLY, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY AMENDING CHAPTER VI, SECTION 6-1 ENTITLED
SOLICITORS AND PEDDLERS**

WHEREAS, the City Council of the City of Beverly ("City") endeavors to keep its ordinances revised and up to date consistent with current law and court decisions; and

WHEREAS, Section 6-1 of Chapter VI entitled "Solicitors and Peddlers" of the Code of the City of Beverly is in need of such revision and updating; and

WHEREAS, the City has reviewed the opinion of its legal counsel with respect to the current status of the law in this area;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the City Council of the City of Beverly, County of Burlington and State of New Jersey as follows:

Section One. Sections 6-1.1 through 6-1.10 are amended to read:

§6-1.1. Definitions.

As used in this Chapter, the following terms shall have the meaning indicated:

"Do Not Solicit List": means a list of persons residing in the City who do not wish to be solicited for any purpose which list shall be maintained by the City Administrator or his designee as authorized by this Chapter.

"No Solicitors Sign": means a sign as authorized by this Chapter placed or mounted in plain view near the primary entrance or walkway to that entrance of a residence.

"Peddler": means any person traveling from place-to-place or house-to-house carrying, conveying or transporting articles of value, offering and exposing same for sale or making sales

and delivering articles of value, or a person who solicits in-person orders and arranges for or makes deliveries of merchandise or services. The term "Peddler" includes the terms "Hawker", "Huckster", "Transient Merchant" and "Salesman".

"Person": means an individual, partnership, joint venture, limited liability company, society, club, association, corporation, unincorporated group or other entity including any officers, employees, agents, servants, factors or other representative of the same.

"Soliciting" means proceeding from door-to-door or house-to-house in the City selling, causing to be sold, offering for sale, causing to be offered for sale, or taking orders for present or future delivery of any merchandise or service of any description. This term shall include the going from door-to-door or house-to-house for the purpose of obtaining alms, donations, orders or subscriptions or the making of canvasses or surveys or other solicitations without limitation including opinion polls and the like.

"Solicitor": means any person or itinerant vendor of merchandise proceeding from door-to-door or house-to-house in the City selling, causing to be sold, offering for sale, causing to be offered for sale, or taking orders for present or future delivery of any merchandise or service of any description. This term shall include persons or vendors going from door-to-door or house-to-house for the purpose of obtaining alms, donations, orders or subscriptions or the making of canvasses or surveys or other solicitations without limitation including opinion polls and the like.

§6-1.2. Notice and Permit Required; Do Not Solicit List.

- A. No person, except as provided in this Chapter, shall canvass, solicit, sell, or distribute merchandise or services without first having reported to the Beverly City Clerk's Office and received a permit and a copy of the current Do Not Solicit List.

- B. Solicitors and Peddlers shall provide to the Beverly City Clerk's Office (hereafter the City Clerk), in advance of any solicitation, notice of the intent to solicit, the identity of the person or organization represented, the address of the person or organization represented together with contact information, a list of the names of persons conducting the solicitation, and the dates and places of the proposed solicitation.
- C. The City Clerk shall provide all solicitors with a copy of the current Do Not Solicit List and, upon payment of the fee for the same as set forth in this Chapter or elsewhere in this Code, provide a permit to each Solicitor or Peddler. Permits shall be valid for a period of six months from the date of issue.

§6-1.3. Maintenance of Do Not Solicit List.

- A. The City Administrator or his designee shall maintain a list of homeowners and residents who have indicated in writing their desire not to have any Solicitors or Peddlers appear at their door at any time. The Administrator shall provide a notice to residents and homeowners of the opportunity to be placed on the Do Not Solicit List through the City web site and periodic notices by other means deemed appropriate by him to provide a reasonable opportunity for residents and homeowners to be placed on the list.
- B. The list shall contain the names and addresses of all homeowners or residents who do not wish to have any Solicitors or Peddlers appear at their door at any time.
- C. The list shall be dated as of the time it is prepared and updated not less than once every three (3) years thereafter. Those whose names are on the list shall be notified of the need to indicate their desire to remain on the list. Those persons who do not

indicate that they wish to remain on the list shall be purged from the Do Not Solicit List.

- D. The Administrator shall cause to be provided the current Do Not Solicit List to the City Clerk for him to distribute to Solicitors and Peddlers in accordance with the provisions of §6-1.2C, above.

§6-1.4. No Solicitors or Peddlers Sign.

Every resident or homeowner in the City shall have the right to place a sign with the words “No Solicitors”, “No Soliciting”, “ No Peddlers”, “No Peddling” or words of similar effect near the primary entrance to their place of residence provided the same is no larger than four inches by ten inches in size. Such signs shall contain no integral illumination and shall not be of fluorescent or reflective material or color.

§6-1.5. No visitation at posted properties or properties on Do Not Solicit List.

No person, whether or not they have received a permit as provided in this Chapter, shall visit or call upon any residence for the purpose of soliciting or peddling whose address appears on the Do Not Solicit List or who has posted a No Solicitors sign.

§6-1.6. Required information to be carried by solicitors.

All Solicitors and Peddlers shall carry on their person at all times (i) the permit issued by the City, (ii) a copy of the Do Not Solicit List, (iii) identification and contact information of the person or organization conducting the solicitation, and (iv) personal identification. Each of these items that are required to be carried shall be exhibited to the person or persons being solicited and/or a Beverly City official upon request.

§6-1.7. Limitation on hours of solicitation.

No person shall conduct any soliciting between the hours of 9:00 p.m. and 9:00 a.m.

from Sunday night through Saturday night. No person shall conduct any soliciting between the hours of 9:00 p.m. the previous evening until 11:00 a.m. on any Sunday or state or federal holiday.

§6-1.8. Fee for permit.

The fee for a permit issued pursuant to this Chapter shall be that set forth in Chapter 22 of this Code as the same may be from time to time amended.

§6-1.9. Revocation or suspension of permit; Violations; Penalties.

- A. Any permit issued pursuant to this Chapter may be suspended or revoked by the City Administrator for violations of this Chapter such as, but not limited to, failing to obtain a permit, soliciting persons on the Do Not Solicit List, soliciting persons who have posted a "No Solicitors" sign, providing false or misleading information on the permit application, or violating any City Ordinance or federal or state statute, rule or regulation. Suspension or revocation by the Administrator shall be accomplished by service of a written notice on the offending party certified mail or personal delivery. Such notice shall contain sufficient detail as to the nature of the offense to provide the offender with an opportunity to defend the charge and shall fix a date and time for a hearing before the Administrator with five days of the date of service. Any such suspension or revocation shall be in addition to and not in lieu of other penalties prescribed for violations of this ordinance.
- B. As authorized by *N.J.S.A. 40:49-5*, any person violating the terms of this Chapter shall, upon conviction, be subject to the following fine or other penalty: (i) a fine of not less than \$100.00 nor more than \$2,000.00; (ii) a period of community service not exceeding 90 days; (iii) imprisonment in the county jail for a period of not

exceeding 90 days; or (iv) any combination of the foregoing.

§6-1.10. Permit conditions.

All permits issued pursuant to this Chapter shall contain the following conditions in addition to those set forth above: (a) The permit holder shall not solicit sales or peddle merchandise or services to pedestrians or persons in stopped or moving vehicles; (b) The permit holder shall not solicit sales or peddle merchandise or services on City property including parks and recreation facilities; (c) The permit holder shall not enter onto the property of or solicit any person at property that appears on the Do Not Solicit List or on which a "No Solicitors" or similar sign appears; and (d) The permit holder shall provide a written receipt or order acknowledgment setting forth the merchandise or service ordered and the cost of same to every person placing an order or purchasing merchandise or service from the permit holder.

Section Two. Section 6.1.11 "Deliveries" shall remain unchanged as presently codified.

BE IT FURTHER ORDAINED that any prior Ordinances which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following final passage and publication as required by law.

BEVERLY CITY COUNCIL

I certify that the foregoing ordinance was introduced at a regular meeting of City Council held on 1/29/2014, 2014 at City Hall and adopted after public hearing at a regular meeting of City Council on 2/11, 2014.



Donna Snyder, RMC, CMR, CPM, City Clerk