

CRANFORD POLICE DEPARTMENT

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VISIT US ON THE INTERNET - www.cranfordnj.org/police-department

MATTHEW NAZZARO
CHIEF OF POLICE



APPLICATION FOR:

____ SOLICITOR ____ PEDDLER ____ ADVERTISER ____ EXEMPT

Date of Application: _____ Case #: _____

(Office Use Only)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Eyes: _____ Hair: _____

Age: ____ D.O.B. _____ Sex: ____ Height: _____ Weight: _____

S.S #: _____ Drivers License #: _____ State: _____

Employer: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Product Selling: _____

Vehicle: _____

Make Model Year License Plate State

Have you ever been arrested? ____ Yes ____ No **If Yes:**

Offense: _____ Date of Offense: _____

Disposition: _____ Are you on Probation or Parole? ____ Yes ____ No

I certify that the above information is true and correct. I understand that any false information or statements made by me will result in the denial of or revocation of the desired permit.

Signature

Date

_____ Permit Number	_____ Date Approved (Office Use Only)	_____ Approved By
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To Protect and Serve



CRANFORD POLICE DEPARTMENT

8 Springfield Avenue, Cranford, N.J. 07016 908-272-2222 / 908-709-7341 Fax

Matthew Nazzaro
Chief of Police

police@cranfordnj.org
www.cranfordnj.org/police-department

Solicitor / Peddler / Advertiser Permit Criminal History Records Check

You will need to complete a Request for Criminal History Record Information for a Noncriminal Justice Purpose (SBI 212A).

This request will be completed online by visiting the following address:

<https://www.njportal.com/njsp/criminalrecords/>

After selecting "Online Form 212A" you will be asked to enter an ORI number: **NJ0200300**

(This must be entered correctly or the Cranford Police Department will NOT receive your criminal history record check results.)

Follow the prompts to complete and submit the request.

Select "Local Ordinance (Peddler, Solicitor Permits, etc)" as the Reason for Request.

Enter a comment with a 2-3 word description of what you are applying for (i.e. Peddler or Solicitor Permit).

There is a \$20.00 charge payable by credit card at the time the online submittal is made.

Chapter 313. Peddling, Soliciting and Vending

[HISTORY: Adopted by the Township Committee of the Township of Cranford 8-15-1995 by Ord. No. 95-32^[1] (Ch. 168 of the 1992 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Christmas tree sales — See Ch. 177.

Donation clothing bins — See Ch. 200.

Garage sales and flea markets — See Ch. 229.

[1] *Editor's Note: This ordinance also repealed original Ch. 168, Peddling, Canvassing, Soliciting and Itinerant Vending, adopted 6-20-1995 by Ord. No. 95-27.*

Article I. General Provisions

§ 313-1. Definitions.

[Amended 9-9-2003 by Ord. No. 2003-29]

As used in this chapter, the following terms shall be defined as follows:

EXEMPT ORGANIZATION

A duly incorporated nonprofit charitable, religious, patriotic, political, advocacy or philanthropic organization.

[Amended 6-15-2004 by Ord. No. 2004-23]

EXEMPT SOLICITOR

A person acting for or on behalf of an exempt organization who proposes to go from house to house or place to place proselytizing, advocating or otherwise seeking support or to solicit donations or to sell or obtain orders for goods or services for the purpose of fund-raising for an exempt organization.

[Amended 6-15-2004 by Ord. No. 2004-23]

PEDDLER

A person, commonly referred to as a "peddler," "hawker" or "vendor," who goes from place to place or house to house bringing or carrying goods, wares, foods or merchandise for the purpose of selling and/or delivering the same to purchasers or a person who goes from place to place or house to house selling or proposing to sell services of any kind.

SOLICITOR

A person, commonly referred to as "solicitor" or "canvasser," who goes from house to house or from place to place selling goods by sample or services or by taking orders for future deliveries or performance, with or without accepting advance payment.

TRANSIENT MERCHANT

A person, commonly referred to as a "transient merchant" or "itinerant vendor," who engages in a merchandising business with the intent to close out or discontinue such business within one year from the date of commencement, including persons who for the purpose of carrying on such business hire, lease or occupy any building, structure or railroad car for the exhibition and sale of such goods, wares and merchandise, provided that this definition shall not include the sale of foods, vegetables and farm products, such as meat, poultry, butter and eggs.

§ 313-2. License required.

[Amended 6-15-2004 by Ord. No. 2004-23]

Unless otherwise provided in this chapter, no person shall act as a peddler, solicitor or transient merchant without first obtaining a license and paying the fee therefor as provided in this chapter.

Article II. Peddlers and Solicitors

§ 313-3. Application for license.

- A. Any person seeking a license as a peddler or solicitor shall submit an application therefor to the Chief of Police or his designee.
- B. The following information shall be required of each applicant:
 - (1) Full name of applicant.
 - (2) Specific address for the last three years.
 - (3) Age, date of birth and physical description.
 - (4) Social security number and home telephone number.
 - (5) Driver's license number and marital status.
 - (6) Employer's name, address and telephone number.
 - (7) Product, merchandise or services to be sold or the purpose for which the application is being made.
 - (8) Vehicle or vehicles to be used; make, model, registration number and owner's name, address and telephone number; and the name, address and policy number of insurance company.
 - (9) Arrest/conviction record.
 - (10) A two-by-two-inch photograph of the applicant, for use on the license.^[1]
- C. A request for a criminal history record information search (SBI212) shall be conducted in a manner specified by the New Jersey State Police, State Bureau of Identification, for each applicant. The applicant shall pay the fee for this search in the amount and manner specified by the New Jersey State Police.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[Amended 4-21-2015 by Ord. No. 2015-16]

§ 313-4. Review of application; issuance of license.

Upon return of the criminal history record information, the Chief of Police or his designee shall review the application and information and shall determine whether to grant or deny the license. If the application is granted, a license shall issue upon the payment of the license fee specified in this chapter.

§ 313-5. Denial of license.

The Chief of Police shall deny a license to any person who:

- A. In the 10 years last past preceding the date of the application has been convicted of a crime or of any offense involving moral turpitude.
- B. Has submitted an application containing materially false statements.

- C. Has previously been subject to the revocation of a license under this chapter.

§ 313-6. Revocation of license.

The Chief of Police shall revoke the license of any licensee who fails or refuses to observe the rules, regulations and terms of this chapter. Upon receipt of any complaint regarding the conduct of a licensee, the Chief of Police may suspend the license and may revoke the license after giving the licensee an opportunity to be heard.

§ 313-7. Fees.

License fees under this chapter shall be as follows:

- A. Solicitor: \$25. The license shall expire 30 days after issue.
 - B. Peddler: \$125 per calendar year, including one vehicle. The fee shall not be prorated for parts of years. For additional vehicles, the fee shall be \$50 per vehicle.
 - C. Transient merchants: \$1,000 for a period of 180 days from the day of issuance.
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 313-8. Regulations for solicitors.

Persons granted licenses as solicitors shall obey the following regulations:

- A. The license, containing the licensee's photograph, shall be prominently displayed.
- B. Canvassing shall be confined to the hours of 9:00 a.m. to 9:00 p.m., Monday through Friday, 10:00 a.m. to 4:00 p.m. on Saturday, and no canvassing on Sundays or legal holidays.
- C. The licensee shall exhibit his license to any police officer or any other person upon request.
- D. The licensee shall conduct himself/herself in a polite and courteous manner.
- E. Upon expiration of the license or, prior thereto, upon cessation of his/her activity, the licensee shall surrender the license to the Chief of Police or his designee.
- F. "No soliciting" signs placed on the resident's property will be strictly adhered to by the canvasser/solicitor.

§ 313-9. Regulations for peddlers.

Persons granted licenses as peddlers shall obey the following regulations:

- A. The license, containing the licensee's photograph, shall be prominently displayed.
- B. Peddling shall be confined to the hours of 9:00 a.m. to 1/2 hour after sundown.
- C. No peddler shall stop or park his vehicle, for the purpose of conducting business, on a public street of the Township for a period of time exceeding 15 consecutive minutes or stop or park his vehicle for such purpose more than once within a distance of 200 feet.
- D. No peddler shall stop his vehicle or permit a vehicle to stand upon any public street for the purpose of conducting business within 200 yards of any entrance to a school building; provided, however, that the provision of this subsection shall not apply after 5:00 p.m. on any day or at any time on any day when school shall be closed.
- E. No peddler shall stop or park his vehicle for the purpose of conducting business nor shall any peddler conduct any business in any manner at any place within the boundaries of the Special Improvement District

Article III. Transient Merchants and Itinerant Vendors

§ 313-10. License required; term of license.

No transient merchant or itinerant vendor shall offer any goods, wares or merchandise for sale prior to paying the license fee set forth in this chapter to the Township Clerk and obtaining a license from the Township Clerk. The Township Clerk is hereby designated as the licensing official to receive applications and bonds from and to issue licenses to transient merchants and itinerant vendors. A license issued under this article shall remain in effect, in favor of the person to whom it is issued, for a period of 180 days from the date of issuance.

§ 313-11. Declaration.

All transient merchants or itinerant vendors shall, before offering for sale any personal property, make a declaration, under oath, to the Township Clerk of the number of days they propose to engage in such business, together with a specific statement as to the location of said personal property by street and number and whether on the premises from which it is to be sold or in warehouses or storage.

§ 313-12. Application for license; separate license for each location.

- A. All applications for licenses shall be sworn to and shall disclose:
 - (1) The name and residence address of the owner or person in whose interest such business is conducted.
 - (2) The average quantity and kind, as nearly as can be determined, and the value of the personal property intended to be sold or exposed for sale.
 - (3) The names and post office addresses of the persons from whom goods making up the stock were or are to be purchased. The Township Clerk, in arriving at the valuation, may require the submission of bills or invoices of such personal property.
- B. A separate license shall be obtained for each branch, establishment or separate place of business in which the occupation of the transient merchant or itinerant vendor is carried on, and each license shall authorize the licensee to carry on, pursue or conduct the business of a transient merchant or itinerant vendor only at the location indicated thereby.

§ 313-13. Bond required.

Before the license shall issue, the applicant shall execute and deliver to the licensing official of the municipality a good and sufficient bond with good and sufficient surety, to be approved by the Township Clerk, equal in amount to 25% of the value of the personal property shown in the declarations and disclosures required under this article, but in no event shall the bond be less than \$1,000. It shall remain in force for one year and be conditioned to indemnify and pay the municipality any penalties and costs incurred in the enforcement of any of the provisions of this article and to indemnify and reimburse any purchaser of personal property in a sum equal to at least the amount of any payment such purchaser may have been induced to make through the misrepresentation as to the kind, quality or value of the personal property, whether the misrepresentations were made by the owners or their servants, agents or employees, either at the time of making the sale or through any advertisement printed or circulated with reference to such personal property or part thereof.

§ 313-14. Appointment of Clerk as agent for services of process.

Before a license shall issue, the applicant shall file with the Municipal Clerk a power of attorney appointing the licensing official as his true and lawful agent with full power and authority to acknowledge service or notice of process for or on behalf of the applicant in respect to any matters connected with or arising out of the license and the bond given as required by this article or for the performance of the conditions of the bond or any breach thereof. It shall also contain recitals to the effect that the applicant consents and agrees that service of any notice or process may be made upon such agent and when so made shall be as valid as if personally served upon the applicant according to the laws of this state or any other state and waiving all claim or right of error by reason of such acknowledgment of service or manner of service.

§ 313-15. Exceptions for charitable, religious, historical and other societies.

Nothing in this article shall apply to or require the obtaining of a license by any charitable or religious society that shall conduct sales of personal property when the proceeds thereof shall be applied to the payment of the expenses thereof and to the charitable or religious object for which the society exists; nothing in this article shall apply to or require the obtaining of a license by any art, antique or historical society that shall conduct an exhibition and sale of art objects, pictures, paintings, prints, historical articles and furniture generally known and designated as "antiques" and "kindred objects"; and nothing in this article shall apply to or require the obtaining of a license by any agricultural show, fair or garden society selling or closing out certain of their exhibits, if such society was an incorporated association not for pecuniary profit of this state prior to March 26, 1935, or, if incorporated subsequent thereto, such society shall have a bona fide membership of at least 100 persons.

§ 313-16. Compliance with statutory provisions required.

Every person conducting any activity falling under the provisions of this article or N.J.S.A. 45:24-1 et seq. shall comply with all of the provisions of N.J.S.A. 45:24-1 et seq.

§ 313-17. Violations and penalties.

Any transient merchant or itinerant vendor who fails to comply with the requirements of this article or any part thereof or makes a false or fraudulent representation in any statement required by this article to be filed by him or falsely represents by advertising or otherwise that such personal property is in whole or in part damaged goods saved from fire or makes any false statement as to the previous history or character of such personal property shall be subject to a fine of not less than \$25 nor more than \$200 or imprisoned for a period not exceeding 90 days, or both.^[1]

[1] *Editor's Note: Original Art. IV, Exempt Organizations, which immediately followed this section, was repealed 6-15-2004 by Ord. No. 2004-23.*

Article IV. Special Provisions

§ 313-18. Licenses not transferable.

All licenses issued under this chapter shall give authority to the licensee only and shall not be transferable from person to person.

§ 313-19. Waiver for special events.

The provisions of this chapter may be waived for special events authorized by resolution of the Township Committee.

§ 313-20. Sales tax certificate of authority required.

No license shall be issued under this chapter to any solicitor, peddler, transient merchant or any vendor of any kind of tangible personal property, other than property exempted from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2, having no fixed place of business in the Township of Cranford under the authority of N.J.S.A. 40:52-1c, without the submission of a copy of a valid certificate of authority issued to the vendor pursuant to N.J.S.A. 54:32B-15 empowering the vendor to collect sales tax.

§ 313-21. Exceptions.

- A. This chapter shall not apply to any person in the delivery of goods, wares or merchandise in the regular course of business to the premises of persons ordering or who are entitled to receive the same.
- B. This chapter shall not apply to any public utility, as defined in N.J.S.A. 48:2-1, or to any employee of such public utility.
- C. No person holding a license to hawk, peddle or vend any goods, wares or merchandise or solicit trade issued by the Union County Clerk, in accordance with N.J.S.A. 45:24-9 (pertaining to honorably discharged veterans and exempt firefighters), shall be required to obtain a separate license for the same purpose under this chapter. The holder of such license shall otherwise obey the provisions of this chapter and shall be subject to the penalties provided by law for violation of the same.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- D. A person acting as an exempt solicitor as defined in this chapter is not required to obtain a license or pay a fee.

[Added 9-9-2003 by Ord. No. 2003-29; amended 6-15-2004 by Ord. No. 2004-23^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 313-22. Regulations for exempt solicitors.

[Added 6-15-2004 by Ord. No. 2004-23]

Exempt solicitors shall be subject to the following regulations:

- A. Exempt solicitors shall conduct themselves in a polite and courteous manner and shall immediately leave the premises of any resident who so requests.
- B. Exempt solicitors shall not approach any residence on which the resident has displayed a "no soliciting" sign.
- C. Canvassing shall be confined to the hours of 9:00 a.m. to 9:00 p.m.

Article V. Distributors of Advertising Material

§ 313-23. Applicability.

- A. Distributor of advertising. One who goes from house to house selling goods or taking orders for future delivery, where there will be personal gain, shall be considered a canvasser/solicitor and shall apply for a license under Article I of this chapter.
- B. Distributor of advertising material. A person who is desirous of placing advertisements/flyers on the windshields of motor vehicles that are parked in municipal parking lots shall fall under the confines of this article.

§ 313-24. Permission required to distribute.

The applicant desiring to place advertisements on motor vehicles in municipal parking lots must first receive permission from the Chief of Police or his designee.

§ 313-25. Application for permission.

The applicant shall complete a form showing his name, age, date of birth, address, telephone number, place of employment and reason for placing the advertisement.

§ 313-26. Responsibility for litter.

The applicant shall be solely responsible for advertising materials placed on motor vehicles. If the parking lot is subsequently littered with advertisements placed by the applicant, the applicant shall be in violation of this article and subject to punishment. A separate offense shall be deemed committed for each parking lot littered.

Article VI. Enforcement

§ 313-27. Violations and penalties.

Except as otherwise provided in this chapter, any person who violates any provision of this chapter, including filing a false application, shall, upon conviction thereof, be punished as provided in Chapter 1, Article I, of this Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Article VII. Solicitation on Roadways

[Added 11-12-2007 by Ord. No. 2007-36; amended 11-12-2012 by Ord. No. 2012-30]

§ 313-28. Permit required; exceptions.

No person shall tender or offer for sale goods or merchandise of any kind, engage in other commercial activity, or solicit contributions for any cause on any portion of any interstate, state, county or local roadway within the Township of Cranford, including the right-of-way and rest areas thereupon, unless such person has obtained a permit from the Township prior to such activity. Permits shall be limited to nonprofit entities and shall not be issued for more than 30 days cumulatively in any calendar year. Nothing in this section shall be construed to inhibit the operation of commercial traffic, the rendering of emergency services to vehicles or travelers on said roadways, or the installation and use of public telephones at locations of rights-of-way approved by the State Department of Transportation and/or the Township of Cranford, as may be appropriate. This section does not regulate such activities on private property or on other nonroadway areas. No permits shall be issued under this section for any activities within 200 feet of the intersection of Centennial Avenue and Raritan Road.