

Chapter 93. Peddling and Soliciting

[HISTORY: Adopted by the Mayor and Council of the Borough of Barrington as indicated in article histories. Amendments noted where applicable.]

Article I. Door-to-Door Solicitation

[Adopted 3-6-1969 by Ord. No. 234 (Ch. 16, Art. 2, § 6, of the 1969 Code)]

§ 93-1. Registration and license required.

- A. No person shall solicit or act as a solicitor from door to door within this Borough without first registering with the Police Department of the Borough of Barrington the following information for all classes of licenses:
- (1) The name, address and telephone number of the applicant.
 - (2) The number of arrests or convictions of the applicant and the nature of said offenses.
 - (3) The name, address and telephone number and the principal place of business of the applicant's employer.
 - (4) If the employer is not situate in New Jersey, a statement that the employer is authorized to do business within this state.
 - (5) Two business references.
 - (6) A statement of the type of goods peddled or solicited.
 - (7) To the application must be attached the following:
 - (a) A letter from the employer of the applicant, authorizing him to act for said employer in accordance with the purpose of this application.
 - (b) In the case of solicitors, two copies of the agreements, proposals, promissory notes or contracts to be offered in carrying out their business.
 - (8) The names of at least two reliable property owners of the County of Camden, New Jersey, who will certify as to the applicant's good character and business responsibility or, in lieu of the names of such 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.
[Added 4-11-2006 by Ord. No. 843; amended 10-9-2018 by Ord. No. 1098]
- B. No such registration certificate shall be issued to any person who has not complied with any law of the State of New Jersey or ordinance of this Borough regulating soliciting, canvassing or itinerant vendors of merchandise.

§ 93-2. Exemptions.

[Added 4-8-1983 by Ord. No. 455]

The following persons or organizations are exempt from the payment of a fee and, in the discretion of the Mayor and Council, the registration procedures, upon compliance with all other provisions of this article and submission of applicable identification and documents to support the claim to exemption:

- A. 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.
- B. Any person honorably discharged from the military services of the United States, possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 24-10.
- C. Any person who is an exempt fireman of a volunteer Fire Department as defined in N.J.S.A. 45:24-9 and 24-10, possessing a license in conformity with said law.
- D. Any public utility or its employees, which said 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.
- E. Any person selling fruits and farm products grown by himself, with or without the help of others.
- F. Any person engaged in the delivery of goods, wares or merchandise or other articles or things, in the regular course of business, to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.

- G. Any school, political or civic organization, benevolent society, service club or organization not for profit which is located in or has a substantial membership from the Borough.

§ 93-3. Definitions.

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

SOLICITOR

Includes itinerant vendors of merchandise who shall go from door to door or from house to house in this Borough selling, causing to be sold, offering for sale or causing to be offered for sale or taking orders for present or future delivery of merchandise of any description whatsoever, and shall include persons going from door to door for the purpose of obtaining alms, orders or subscriptions or making canvasses or surveys or other solicitations.

§ 93-4. Fees.

[Amended 4-11-2006 by Ord. No. 843; 4-12-2016 by Ord. No. 1050; 10-9-2018 by Ord. No. 1098]

Every peddler or solicitor shall deposit with the Borough Clerk a license fee in the sum of \$150 per permit, plus a fee of \$10 to cover the cost of producing a photo ID badge. Thereafter, the peddler or solicitor shall be issued an identification badge or button for use while peddling or soliciting in the Borough of Barrington. All permits shall be valid for a period of six months and shall expire six months after the date issued.

§ 93-5. Times for soliciting.

[Amended 10-9-2018 by Ord. No. 1098]

- A. No one shall be permitted to peddle or solicit before 9:00 a.m. on any weekday.
- B. No one shall be permitted to peddle or solicit after 9:00 p.m. on any weekday.
- C. No one shall be permitted to peddle or solicit on any Sunday.

§ 93-6. Establishment, display and distribution of a Do Not Knock Registry.

[Amended 10-9-2018 by Ord. No. 1098]

- A. The Police Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Police Clerk that peddling, soliciting, canvassing, hawking and door-to-door sales enterprising as set forth in this article are not permitted on the premises (hereinafter referred to as the "Do Not Knock Registry"). Notification shall be by completion of a form available at the Police Department office during normal business hours.
- B. Any owner and/or occupant who has requested enlistment on the Do Not Knock Registry, pursuant to this section herein, shall be able to obtain from the Police Department office a sticker for display at his/her/its premises indicating enlistment on the Do Not Knock Registry.
- C. Owners and/or occupants who are placed on the Do Not Knock Registry at their request shall remain on the Do Not Knock Registry until such time as they advise the Police Clerk, in writing, that they wish to be removed from the list.
- D. The Police Clerk shall distribute the current Do Not Knock Registry to a licensee under this article at the time of issuance of a license to peddle, solicit, canvas, hawk or otherwise door-to-door sell pursuant to the provisions of this article. The Do Not Knock Registry provided to licensees shall only include the physical address of the enlisted premises. The licensee shall not peddle, solicit, canvas, hawk or conduct door-to-door sales at any premises identified on the then current Do Not Knock Registry.

§ 93-7. Revocation of license.

Any such registration certificate so issued may be revoked by the Police Department for violation of this article or any other ordinance of the Borough regulating solicitors, canvassers or itinerant vendors of merchandise or for any false information given in said application.

§ 93-8. Violations and penalties.

[Amended 4-8-1983 by Ord. No. 455]

Any person violating any of the provisions of this article shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article III.

Article II. Solicitation on Roadways

[Adopted 7-14-1998 by Ord. No. 710]

§ 93-9. Solicitation on roadways prohibited; charitable organizations excepted.

Except for charitable organizations duly permitted in accordance with this article and other applicable law, no person shall stand in or beside any public road or right-of-way to stop, impede, hinder or delay the progress of a vehicle, or to otherwise interact with the occupants of any vehicle on any public road or right-of-way, for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited.

§ 93-10. Application for permit.

All charitable organizations as defined in N.J.S.A. 45:17A-20 who desire to solicit contributions in roadways situate in the Borough of Barrington shall file an application for a permit with the Borough Clerk on a form supplied by said Clerk specifying the following information:

- A. Name and tax identification number of the applicant organization.
- B. Address of the applicant organization.
- C. Telephone number of the applicant organization.
- D. Contact person for the applicant organization, including name, address and day and evening phone number.
- E. Specific location or locations of proposed charitable solicitation.
- F. Dates and times of proposed charitable solicitation.
- G. If said request pertains to a location or locations on any county highway or intersection of a county highway, said application shall include a copy of an authorization from the Camden County Board of Chosen Freeholders to permit said charitable solicitation.
- H. Identify the manner in which the motorist solicitation will be conducted and the procedures to be used to ensure the safety of the members of the public who will be traveling the roadways situate in the Borough of Barrington.
- I. Such other information as may be required or is otherwise deemed necessary by the Borough Clerk in order to process the application.

§ 93-11. Council approval.

[Amended 4-8-2003 by Ord. No. 772]

- A. Upon the filing of a complete application in accordance with the provisions of this article, the Borough Clerk shall forward a copy of the application to the Chief of Police and to the Superintendent of the Public Works Department. The Chief of Police and Superintendent of the Public Works Department shall review the application and shall provide the Borough Clerk with any recommendations regarding the same.
- B. Upon review and approval by Borough Council, the Borough Clerk shall issue a permit to allow the event including as a condition of the permit any recommendations made by the Chief of Police, Superintendent of the Public Works Department and/or the Borough Council. The permit shall also be subject to any conditions imposed by law. In cases where the event requires county or state approval, the permit issued hereunder shall be conditional, subject to approval by the county and/or state.

§ 93-12. General conditions.

All approved charitable solicitations shall be conducted in accordance with N.J.S.A. 39:4-60 and the regulations promulgated thereunder (presently codified at N.J.A.C. 16:40-1.1 et seq.) and including the following:

- A. Solicitation shall be subject to the specific terms and conditions of each permit granted. Such permit shall be in possession of the solicitor during all times of solicitation and shall be available for inspection by the Police Department and/or other officials upon request.
- B. No person shall solicit charitable contributions on a state highway or intersection thereof without approval from the New Jersey Department of Transportation (NJDOT), via the issuance of a charitable solicitation permit. Such permit shall be in the possession of the solicitor during all times of solicitation and be available for inspection by local, county and state police enforcement personnel.
- C. Solicitation shall not stop traffic or impede the flow of traffic. Traffic shall already be stopped before solicitation may occur and shall cease while traffic is moving. Use of flagmen shall be prohibited.
- D. The solicitor shall not install any traffic control devices.
- E. Parking of vehicles shall comply with applicable traffic regulations.
- F. Signage shall be in accordance with NJDOT regulations (presently codified at N.J.A.C. 16:40-6.1).
- G. All solicitors shall wear safety vests that are in accordance with NJDOT standards.
- H. Solicitation shall only be permitted during daylight hours.
- I. Each person soliciting charitable contributions on behalf of the charitable organization shall be at least 18 years old.
- J. Solicitors shall not drink alcohol beverages, use drugs or be under the influence of drugs or alcohol when soliciting. Solicitors shall not harass the public.

- K. Solicitation shall be permitted in the right-of-way, but is encouraged to be off the traveled way.
- L. The charitable organization shall be responsible for cleaning up any debris resulting from the solicitation activity, including trash or debris in the right-of-way.
- M. The Police Department shall be responsible for supervising solicitation activity and enforcing the terms of the solicitation permits (both local and the NJDOT permit if applicable). The Police Department may suspend solicitation operations at any time if the permit is violated or if, in the police officer's sole discretion, traffic is being impeded or delayed or the public safety is at risk.
- N. The Borough shall not be liable in any civil action for damages for property damage or personal injury resulting from any accident arising out of or in the course of solicitations.
- O. No more than two permits per calendar year shall be issued to a charitable organization for solicitation under this article.
[Added 4-8-2003 by Ord. No. 772]
- P. No more than one permit per calendar month shall be issued to any charitable organization for solicitation under this article, except that two permits may be issued during the calendar month of April to any charitable organization(s) for solicitation under this article.
[Added 4-8-2003 by Ord. No. 772]