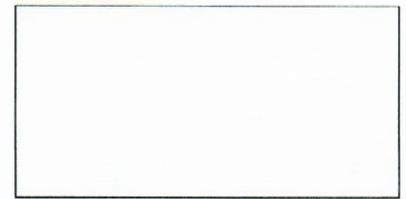


BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY



**APPLICATION FOR PEDDLERS AND SOLICITORS**

**INDIVIDUAL APPLICANT INFORMATION:**

Solicitor Individual Name: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
(Current Local Address  
if different from above) \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_

**CORPORATION, LIMITED LIABILITY COMPANY, OR TRADE NAME:**

Business Name: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Business Telephone No.: \_\_\_\_\_  
Description of Business: \_\_\_\_\_  
Date of Incorporation: \_\_\_\_\_  
Place of Incorporation: \_\_\_\_\_  
County of Trade Name designation filed: \_\_\_\_\_  
Description of Activity or Goods to be sold: \_\_\_\_\_  
Method of Delivery: (drive, walk, etc.) \_\_\_\_\_  
List specific dates to Peddle or Solicit: *(Attach separate sheet if needed.) \*\*If you don't know all the dates at time of application, you must notify the police with additional dates.*

Route Planned to solicit:  Haskell  Wanaque  Both

**Vehicle Description:**

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ License Plate #: \_\_\_\_\_

Name, address and phone number of two New Jersey references who will certify as to the good character and business responsibility of the applicant.

1) \_\_\_\_\_

2) \_\_\_\_\_

A list of all municipalities in which applicant has conducted solicitations, canvassing or peddling within the last year: (If more than six, please attach a list)

1) \_\_\_\_\_ 4) \_\_\_\_\_

2) \_\_\_\_\_ 5) \_\_\_\_\_

3) \_\_\_\_\_ 6) \_\_\_\_\_

If Applicable:

Proof of a current NJ Sales Tax Number.

A New Jersey Tax Clearance Certificate.

A registration for collection and remittance of NJ State Sales Tax.

Letter from the manufacturer, dealer or employer authorizing the applicant to act as his representative.

Hours of Solicitation: 8:00 AM – 9:00 PM Monday through Saturday.

The Wanaque Borough Police Department must be notified of the dates, hours and names of people soliciting. Identification Badges must be worn. When submitting completed application, please bring in two color copies of driver's license and 2 two-inch-square recent photograph of applicant.

<b>Office Use Only:</b>	<b>FEE: \$100.00 PER PERSON</b> (Submitted upon approval): _____
	<b>FEE: \$5 per ID Badge</b> (we supply): _____
	<b>LICENSE NUMBER ISSUED:</b> _____
	<b>DATE ISSUED:</b> _____
<b>(License expires the end of the calendar year issued)</b>	

Have you ever been convicted of a crime, disorderly persons offense, misdemeanor, or violation of municipal ordinance?  Yes  No

If yes, please explain the nature of the offense and the penalty imposed therefore.  
I have submitted all required documentation:

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date

Approved  Not Approved

Reason Denied:  
\_\_\_\_\_

ARTICLE I  
**Peddlers, Canvassers and Solicitors**  
**[Adopted 10-15-2018 by Ord. No. 7-0-18<sup>1</sup>]**

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1. Editor's Note: This ordinance also repealed former Ch. 87, Peddlers and Solicitors, comprising Art. I, Ordinary Peddlers and Solicitors, adopted 4-8-1959, as amended; Art. II, Ice Cream Vendors, adopted 6-15-1955, as amended; and Art. III, Seasonal Merchandise, adopted 11-16-1987 by Ord. No. 12-86-87.

**§ 87-1. Statement of purpose; exemption from permit requirements.**

- A. This chapter is adopted with the intent to regulate peddling, soliciting, and canvassing, as well as related activities, within the Borough of Wanaque by means of person-to-person contact or by placing unsolicited material on real property and the registration of individuals and organizations engaged in such activity and is hereby deemed to be necessary so that the identity of persons going from door to door soliciting within the municipality may be established; so that general regulations may be more effectively enforced for the protection and maintenance of the health, safety, and welfare of the inhabitants of the Borough of Wanaque, and to prevent dishonest business practices and fraudulent solicitation of funds.
- B. Exemptions. Exemptions from permit requirements only:
  - (1) Any person or entity 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 or entities ordering or entitled to receive them;
  - (2) Any person engaged in political campaigning.

**§ 87-2. Permit required for commercial soliciting and canvassing; definitions.**

- A. No person shall peddle, canvass or solicit any public or quasi-public place or call from house to house in the Borough or sell goods by sample or take orders for future delivery or sell services or take orders for the performance of services, whether or not they receive advance payments of goods, unless they shall first apply and receive a written permit from the Clerk of the Borough of Wanaque and fully comply with the provisions herein.
- B. Definition. As used in this chapter, the following terms shall have the meanings indicated:

CANVASSING — The practice from going to house to house, residence to residence or business to business for the purpose of distribution of literature, pamphlets, handbills, and the like for the purposes of distributing information or seeking support for a cause, specifically including but not limited to political campaigning, circulation of a petition, and seeking contributions for a cause.

PEDDLING, CANVASSING, AND SOLICITING — Any person travelling, either by foot or by any other type of conveyance, from place to place, house to house, residence to residence, or from street to street, taking or attempting to provide or take orders to provide in the future for the sale of any goods or services, wares, and merchandise, or personal property of any nature whatsoever for present or future delivery or for services to be furnished presently or performed in the future, including direct sales and taking orders for future deliveries, whether or not such individual is carrying or exposing for sale a sample of the subject of such sale or future order, or whether they are collecting advance payment on such sale or not. The language of this definition shall not include wholesale sale persons who periodically call upon retail merchants. Except the following shall be exempt from the provisions of this chapter; organizations such as, but not limited to, school or educational clubs or organizations, scouting organizations, athletic programs, church, parish or religious organizations, civic clubs and organizations.

**§ 87-3. License required.**

No person, organization or entity shall engage in peddling, canvassing or soliciting without obtaining a license therefor from the Borough of Wanaque. The procedure for obtaining the license shall be set forth hereinafter.

**§ 87-4. Licensing procedure.**

- A. The applicant shall submit to the Clerk of the Borough of Wanaque a completed peddling, canvassing, soliciting and sworn application, in writing, which shall provide the following information:
- (1) The applicant's full name, place, date of birth, and social security number if an individual or if a corporation, limited-liability company, or business using a trade name, the date and place of incorporation, or formation, county of trade name designation filed and certificate of authority to conduct business on behalf of the entity;
  - (2) The applicant's permanent home address and full local address;
  - (3) Description of the nature of the business and goods sold or sought to be sold;

- (4) The length of time for which the right to peddle, canvass or solicit is desired, which in no circumstance shall exceed one year;
  - (5) A description of any vehicle to be used, and its license plate number;
  - (6) The route planned to be taken by the person or entity and a corresponding list of days the person or entity will be soliciting;
  - (7) A statement as to whether or not the applicant has ever been convicted of a crime, disorderly persons offense, misdemeanor, or violation of municipal ordinance, the nature of the offense and the penalty imposed therefor;
  - (8) A two-inch-square recent photograph of the applicant;
  - (9) The name and address of two New Jersey residents as references who will certify as to the good character and business responsibility of the applicant;
  - (10) A list of all municipalities in which the applicant has conducted solicitations, canvassing or peddling within the last year;
  - (11) If applicable, proof of a current New Jersey sales tax identification number, a New Jersey tax clearance certificate, and registration for collection and remittance of New Jersey State sales tax and in the case of those engaged in servicing sales or products a letter from the manufacturer, dealer or employer authorizing the applicant to act as his representative.
- B. Each application shall be referred to the Wanaque Police Department, which shall, within a reasonable period of time, institute such investigation of the applicant, its business, reputation, and past practices, as it deems necessary for the protection of the public good. No license shall be issued until the application shall be approved by the Clerk of the Borough of Wanaque. The approval or rejection shall be endorsed on the application by the Chief of Police or his designee.
- C. Nontransferability.
- (1) A license issued shall not be transferable from person to person or entity to entity to whom it may be issued. A separate license must be obtained for each person and for a

person or business, and for any agent or employee working with them. If the Borough Clerk denies the applicant for a license, they shall set forth, in writing, the reasons therefor, which such writing shall be submitted to the applicant.

- (2) If the applicant is dissatisfied with the decision of the Borough Clerk, they may appeal that decision to the governing body of the Borough of Wanaque by requesting a hearing, in writing, to the Wanaque Borough Clerk. Said hearing shall be scheduled by the governing body and shall be conducted within 30 days of the receipt of such request. After the hearing, the governing body shall either affirm or overrule the decision of the Wanaque Police Department. If the decision is affirmed, no license shall be issued. If the decision is overruled, the Wanaque Borough Clerk shall immediately cause the license to be issued.

D. Revocation of license; appeal:

- (1) The license granted may be revoked at any time by the Borough Clerk if:
  - (a) Any section of this chapter is violated;
  - (b) The holder of such license is convicted of any crime or found to have been convicted of any crime;
  - (c) The holder of such license conducts themselves so as to create a public disturbance or nuisance;
  - (d) The holder of such license is guilty of fraudulent acts;
  - (e) The holder of such license has or established a record of continual breaches of solicited contracts;
  - (f) The holder of such license conducts business in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace of the health, safety or general welfare of the public;
  - (g) The holder of such license is found to be guilty of fraud, misrepresentation, or false statements in the license application or in its business practices.
- (2) The holder of any license to be revoked shall be notified, in writing, by the Wanaque Borough Clerk of the revocation and the reasons therefor. If the holder of any license is revoked or dissatisfied with the decision, they may appeal the decision to the governing body by requesting a hearing, in writing,

delivered to the Wanaque Borough Clerk. Such requests must be filed within 14 days of denial. The governing body shall either affirm revocation by the Wanaque Chief of Police or his designee.

**§ 87-5. Display of license and identification tag; annual license fee; expiration of license.**

- A. Every person authorized under this chapter and holding a license shall be required to carry the license and identification tag issued to him and produce it upon request of any solicited resident of the Borough. They shall attach to their outer garment an identification tag or card with their name and license number plainly inscribed thereon. Such tag or card shall be supplied by the Borough of Wanaque at a cost of \$5 for each card issued.
- B. The fee for the issuance of a license shall be in the amount of \$100 per person or entity.
- C. The license hereunder shall expire at the end of the calendar year in which issued.

**§ 87-6. Hours of solicitation.**

No person or entity shall engage in canvassing, soliciting or distributing between the hours of 9:00 p.m. and 8:00 a.m., prevailing time, and only main door entrances shall be used in effecting such peddling, canvassing, soliciting or distributing, which shall be allowed every day with the exception of Sunday and legal holidays.

**§ 87-7. Exemptions.**

The requirements of this chapter shall not apply for the following:

- A. Any person honorably discharged in the military service of the United States, possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 45:24-10; however, such person or entity shall obtain an identification card from the Wanaque Borough Clerk, which card shall be provided without charge;
- B. 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 have previously ordered the same or are entitled to receive the same by reason of prior agreement;

- C. Any public utility or its employees or said public utility is subject to regulation by the New Jersey Board of Regulatory Commissioners.

**§ 87-8. Distribution of literature in public place.**

This chapter shall not apply to anyone distributing literature, handbills, pamphlets and the like from person to person in any public form or public area. Nothing in this chapter shall be construed to have any effect upon enforcement by the police of traffic laws or other laws in the event that there is a violation thereof.

**§ 87-9. Entering on posted property prohibited.**

Nothing herein shall be construed so as to afford solicitors, canvassers or peddlers the right to enter into any property on which is located a sign or signs stating "No Solicitors" or carrying a similar message forbidding the entry of any persons onto the property.

**§ 87-10. Record.**

There shall be kept in the office of the Wanaque Borough Clerk the necessary books for recording the time, the application for license received, the name and address of the licensee and application form, and whether or not the application was approved, the date the license was issued or rejected. The Borough of Wanaque Clerk shall file periodic reports with the governing body showing the number of licenses granted no less than once per year.

**§ 87-11. Violations and penalties.**

Any person or entities violating the provisions of this chapter shall be subject to a fine not exceeding \$1,000 and/or may be incarcerated for a period not exceeding 90 days and/or be subject to a period of community service not exceeding 30 days, and the license so issued shall be revoked.

**§ 87-12. Repealer.**

Any ordinance inconsistent with this chapter shall be repealed, but only to the extent of such inconsistencies.

**§ 87-13. Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional, or invalid, such decision shall not affect the remaining portions of this chapter.

**§ 87-14. When effective.**

This chapter shall take effect upon final adoption, approval and publication according to law.

**§ 87-15. Business entity required documents.**

Any corporation, limited-liability company, individual or other business entity, including those operating under a trade name, shall supply with its application a current New Jersey tax certificate, proof of current authority to operate as such, and a New Jersey clearance certificate.