

BOROUGH OF KINNELON SOLICITING REGISTRATION FORM

DATE _____

Name of Applicant _____

Home Address _____

Social Security # _____ SEX _____ AGE _____

Driver's License # _____ Veteran? Yes _____ No _____

State Where Driver's License Issued _____

Birthdate _____ Birth Place _____

Name of Employer _____

Employer's Address _____

Employer's Telephone # _____

Purpose of This Registration _____

Approximate Dates and Hours of Soliciting _____

Address of Your Residence While Working in Kinnelon:

PLEASE ATTACH ANY DISCRIPTIVE LITERATURE REGARDING YOUR WORK TO THIS APPLICATION.

Certificate of Authority to Collect Sales Tax must be attached to this application.

Do Not Write Below This Line

BOROUGH OF KINNELON

RULES AND REGULATIONS FOR OBTAINING A SOLICITING PERMIT

1. Fill out the attached application and return to the Borough Clerk's Office.
2. A copy of your driver's license is required by the Police.
3. A 2 x 2 (two by two inch) clear picture is needed.
4. The fee for a permit granted for the calendar year expiring on December 31 shall be twenty dollars (\$20.). A permit granted for one (1) day shall be five (\$5.00).
5. No solicitor, canvasser, hawker or peddler shall solicit, canvass, hawk or peddle before 9:00 a.m. or after 5:00 p.m. on any day

The Police Department is given a copy of the completed application in order to conduct a background search of each applicant. This may take 48 hours or more.

As of February 1, 1994, the State of New Jersey passed the amendment below stating you must have a Sales Tax Certificate before a soliciting permit is issued.

To: All County & Municipal Clerks/Administrators
FROM: Alan B. Granetz, Executive Director – MFA
REFERENCE: Chapter 274 Laws of New Jersey 1993 (Senate Bill #1165). Signed into law by Governor Florio November 24, 1993...new amendments to the collection of sales tax by transient merchants.

Dear Administrator:

These new amendments require transient merchants...i.e. those not have a fixed place of business... to register with the State of New Jersey **15 days** BEFORE commencing business, AND **requires local municipalities** to obtain a COPY OF THE **CERTIFICATE OF AUTHORITY TO COLLECT SALES TAX BEFORE** issuing a local peddlers license.

Therefore, please attach a copy of your Certificate of Authority to Collect Sales Tax to this application.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS**

Chapter 151, PEDDLERS AND SOLICITORS

[HISTORY: Adopted by the Mayor and Council of the Borough of Kinnelon 3-20-1980 by Ord. No. 3-80 (Ch. 61 of the 1972 Code). Amendments noted where applicable.]

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-1.
Definitions.**

§ 151-1. Definitions.

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

CANVASSER or SOLICITOR -- A person who goes from place to place, house to house or person to person selling or taking orders for or offering to sell or take orders for goods, wares, merchandise or any article for future delivery or for services to be performed in the future or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery or for the solicitation of money for any purposes whatsoever.

NON-PROFIT-MAKING VENDOR -- A person who solicits for a nonprofit organization.

PEDDLER or HAWKER -- A person who goes from house to house, on foot or with a conveyance, carrying with him goods, wares or merchandise for the purpose of selling and delivering to customers.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-2.
Permit required.**

§ 151-2. Permit required.

Subject to the provisions of N.J.S.A. 45:24-9 et seq. with respect to hawking, peddling and vending by veterans and exempt volunteer firemen, no person shall engage in the business of solicitor, canvasser, hawker or peddler within the Borough without first obtaining a permit therefor as hereinafter provided.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-3.
Application for permit.**

§ 151-3. Application for permit.

- A. An application for a permit shall be filed with and on forms provided by the Borough Clerk.
- B. Every application shall be verified under oath and shall contain the following information:
 - (1) Name and description of the applicant.
 - (2) Address (legal and local).
 - (3) License number of vehicle or vehicles to be used.
 - (4) A brief description of the nature of the business and the goods or services to be sold or solicited.
 - (5) The length of time for which the right to do business is desired and the particular day, if only one day is requested.
 - (6) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- C. The applicant shall provide a passport-sized photograph of himself, showing head and shoulders, which shall be attached to the permit.
- D. Applications by firms or corporations shall indicate the names and residences of each salesman or solicitor who will sell, canvass or solicit under the permit, if issued.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-4.
Investigation by Chief of Police; report.**

§ 151-4. Investigation by Chief of Police; report.

- A. Upon receipt of such application the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public.
- B. Upon completion of the investigation, the Chief of Police shall make a written report to the

Borough Clerk with such recommendations regarding approval or disapproval as may be appropriate.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-5.
Issuance of permit; grounds for denial.**

§ 151-5. Issuance of permit; grounds for denial.

- A. Prior to issuing any permit, the Borough Clerk shall consider all of the information supplied in and with the application as well as the police report.
- B. No permit shall be denied on the grounds that the applicant has a criminal record unless the Clerk determines that the conviction relates adversely to door-to-door soliciting. In making such determination, the following factors shall be considered.
 - (1) Nature of door-to-door solicitation.
 - (2) Nature and seriousness of the crime.
 - (3) Circumstances under which the crime occurred.
 - (4) Date of the crime.
 - (5) Age of the person when the crime was committed.
 - (6) Whether it was an isolated or repeated incident.
 - (7) Social conditions that may have contributed to the crime.
 - (8) Evidence of rehabilitation.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-6.
Permit cards.**

§ 151-6. Permit cards.

- A. Permits issued shall be evidenced by a card or cards to be supplied to such permittee and which shall contain the following:
 - (1) Permit number.

- (2) Passport-sized photograph (supplied by applicant).
 - (3) Term of permit.
 - (4) Signature of permittee.
- B. The permit card shall be prominently exhibited and displayed by the permittee at all times while engaged in the business for which the permit was issued.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-7.
Fees.**

§ 151-7. Fees.

- A. The fee for a permit granted for the calendar year expiring on December 31 shall be \$20. A permit granted for one day shall be \$5.
- B. The fees, as above set, are to cover the administrative costs of this chapter.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-8.
Conduct of permittee.**

§ 151-8. Conduct of permittee.

No solicitor, canvasser, hawker or peddler shall:

- A. Solicit, canvass, hawk or peddle before 9:00 a.m. or after 5:00 p.m. on any day or at any time on Sunday, except for the approved charitable purposes hereinafter set forth in § 151-9; except, however, that ice cream vendors shall be permitted to sell on Borough streets during permitted hours on Sunday, but shall not be permitted to solicit from door to door on that day.
- B. Call attention to his business or to his merchandise by crying out, by blowing a horn, by ringing a bell other than a doorbell at a house or by any loud or unusual noise.^{EN(1)}

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-9.
Exemptions.**

§ 151-9. Exemptions.

- A. Any person, organization, society or association of a charitable, religious, patriotic, philanthropic or community nature desiring to solicit or have solicited in its name money, property or financial assistance shall be exempt from §§ 151-4 to 151-7 and 151-8A, provided that they register with the Borough Clerk and provide the following information:
- (1) The purpose or cause for which solicitation is being made.
 - (2) The names and addresses of the officers of the organization.
 - (3) The name, address, date of birth, sex, race, height, weight, color of hair, color of eyes and social security number of each agent or representative who will solicit, canvass or distribute literature within the Borough.
- B. Each such agent or representative shall also provide a recent photograph of himself, approximately two inches by two inches in size, showing his head and shoulders only.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-10.
Non-profit-making vendors.**

§ 151-10. Non-profit-making vendors.

- A. Each non-profit-making vendor shall carry an identification card which shall be issued by the Clerk, and the vendor shall display the same upon request.
- B. No non-profit-making vendor, other than those as are listed in § 151-9, Exemptions, shall solicit before 9:00 a.m. or after 5:00 p.m. on any day of the week. [Amended 8-15-1985 by Ord. No. 8-85]

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-11.
Clerk to determine classification; appeal.**

§ 151-11. Clerk to determine classification; appeal.

- A. In passing on applications for permits, the Clerk shall have the power to determine if a particular organization or activity falls within the provisions of § 151-9. The Clerk shall have the power to exempt others from the provisions of §§ 151-4 to 151-7 inclusive, when

enforcement of said sections would create substantial hardship on the applicant.

- B. Persons or organizations aggrieved by the decision of the Clerk with respect to this provision or his refusal to issue a permit for any reason shall have the right to appeal to the Council, which may either reverse or affirm said decision.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-12.
Revocation of permit; hearing.**

§ 151-12. Revocation of permit; hearing.

A permit may be revoked by the Council by reason of the violation of the terms of the permit, the violation of any Borough ordinance or state or federal statute or falsification in applying for a permit. Upon the revocation of such permit, such person shall be entitled to a notice and hearing before the Council, if requested within five days of revocation.

**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY, v10 Ordinance / PART II
GENERAL LEGISLATION / Chapter 151, PEDDLERS AND SOLICITORS / § 151-13.
Violations and penalties. [Amended 7-21-1988 by Ord. No. 12-88; 6-21-1990 by
Ord. No. 4-90]**

**§ 151-13. Violations and penalties. [Amended 7-21-1988 by Ord. No. 12-88; 6-21-1990 by
Ord. No. 4-90]**

Any person, firm or corporation violating this chapter shall be subject, upon conviction, to one or more of the following at the discretion of the court: a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed 90 days or community service not to exceed 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.