

Introduced: 11/12/2019  
Public Hearing: 12/10/2019  
Adoption: 12/10/2019

**TOWNSHIP OF TEWKSBURY  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE NO. 18-2019**

**AN ORDINANCE AMENDING CHAPTER 5.16 OF THE CODE OF TEWKSBURY  
TOWNSHIP AND REGULATES TRANSIENT MERCHANTS, PEDDLERS,  
SOLICITORS, AND CANVASSERS AND NO SOLICITATION (NO KNOCK)  
PROVISIONS**

WHEREAS, Chapter 5.16 of the Township of Tewksbury regulates peddling and soliciting; and

WHEREAS, the Mayor and the Township Committee have determined that additional regulation is needed to prevent fraud, crime, and unethical and dishonest business practices; and

WHEREAS, the Mayor and the Township Committee have determined that regulation will promote the general welfare, safety and privacy rights of Township residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee that Chapter 5.16 is hereby amended.

**SECTION 1.** Chapter 5.16, Transient Merchants, Peddlers, Solicitors, and Canvassers of the Tewksbury Township Code is hereby amended and supplemented as follows:

5.16.010 - Purpose.

This chapter is adopted with the intent to regulate Peddling, Solicitation, and Canvassing, as well as related activities, within the Township of Tewksbury to enable the Township to effectively protect and maintain the health, safety, welfare, and privacy rights of the inhabitants of the Township. The purpose of the registration of individuals and organizations engaged in such door to door activity is to establish a record of the identity of such persons and also to prevent dishonest business practices, fraudulent solicitation of funds, and unwanted interruption by persons going from door to door soliciting and/or maintaining the privacy (right to be left alone) of residents.

The means to accomplish this purpose is to require an application to be submitted to the Clerk of Tewksbury Township by any person and/or organization peddling, canvassing, or soliciting any public or quasi-public place or traveling from place to place and house to house to sell goods by sample, take orders for future delivery, and/or sell services or take orders for the performance of future services or the delivery of merchandise.

The fees charged for the issuance of licenses shall not be considered revenue but shall be charged for the purpose of covering the expense of investigation and regulating the conduct of the licenses.

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#### 5.16.020 - Definitions.

"Canvasser" or "solicitor" means 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 purpose whatsoever.

"Carnival" means an amusement enterprise consisting of sideshows, vaudeville, games of chance, carousels, and any association for conducting such an enterprise.

"Circus" means a performance given by a traveling company on a vacant lot, within a tent, some other temporary enclosure, or in the open.

**“Commercial Solicitation” means the selling or taking of orders for and sale of goods, merchandise, wares, or services to be provided or delivered in the present time or in the future.**

"Hawker" or "peddler" means any person who goes from place to place by traveling on the streets, or from house to house, and carries with him goods, wares or merchandise of any description for the purpose of selling and delivering them to purchasers.

"Junk dealer" means a person who deals in buying and selling old iron or other metals, glass, paper, cordage or other waste or discarded material.

“Merchandise” means any goods, property, or services which the object of the sale and for which money has been exchanged in consideration for the agreement of the parties.

"Person" means any individual, firm, partnership, corporation, voluntary association, incorporated association and any principal or agent thereof.

“Solicitor” refers to a canvasser, hawker, or peddler and shall include any person who engages in the practice of going from place to place, house to house, door to door, or person to person and includes an employee or agent of another who travels by walking, driving, or other form of transportation.

"Transient merchant" means a person commonly referred to either as a transient merchant or itinerant vendor who engages temporarily in business in this municipality by occupying a room, building, tent, lot or other premises for the purpose of selling goods, wares and merchandise. "Transient merchant" shall also include any person who conducts any traveling or street show, carnival or circus and in connection therewith sells or displays for sale any goods, wares or merchandise.

"Transient merchant peddler" means a person who engages in business in the manner defined by the preceding paragraph and in pursuance thereof becomes a peddler or hawker, or hires a peddler or hawker, as hereinabove described.

"Traveling show" means any exhibition which moves from place to place, either within the township or from outside the township into the township and is open to the public.

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(Ord. dated 8/12/58 § 1)

## LICENSING PROCEDURES

### 5.16.030 - License required.

It is unlawful for any transient merchant, hawker, peddler, junk dealer, solicitor, canvasser, traveling show, circus, or carnival to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or publications, to solicit money or to conduct a performance within the township of Tewksbury without first applying for and securing a license as hereinafter provided.

### 5.16.040 - Exemptions.

The requirements of this chapter shall not be construed to apply to the following persons:

- A. Any person engaging in political campaigning shall be exempt from the requirement to obtain a permit.
- B. Any person who conducts a judicial sale under the authority of state or national laws is exempt.
- C. Any person selling at wholesale or bringing and selling within the township of Tewksbury the produce of his farm and any person to whom a license has been issued pursuant to an act of the legislature of New Jersey entitled "An Act to Authorize the Issuing of Licenses to Honorably Discharged Soldiers, Sailors and Marines for Hawking, Peddling and Vending of Merchandise within this State," and any person who is an exempt member of a volunteer fire department as defined by NJSA 45:24-9, shall not be required to pay the license fee prescribed in this chapter but shall be required, nevertheless, to make application for a license to be issued without cost on forms containing the information hereinafter required by Section 5.16.050.
- D. Any person conducting the activities in Section 5.16.020 of this chapter for a recognized religious or educational or charitable organization, volunteer fire company or first aid squad or other fraternal organization, provided, however, that the local chairman or other person in charge of solicitation for such organization in the township of Tewksbury shall make application for a license to be issued without cost on forms containing the information hereinafter required by Section 5.16.050 and all persons engaged in such solicitation shall carry identification cards issued by such local chairman or person in charge, obtainable from the township clerk, returnable to the township clerk, but nothing contained in this chapter shall permit any such person to engage in any business within these provisions without having first applied for and obtained the prescribed license.
- E. Any person engaged in the sale of or delivery of newspapers circulated in the state of New Jersey and qualified as legal newspapers within the meaning of New Jersey RS 35:1-1 et seq.

(Ord. 11-96 § 8; Ord. dated 10/9/63 §§ 1(b) and (c); Ord. dated 8/12/58 § 4)

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## LICENSING PROCEDURES

### 5.16.050 - License—Application.

Any person desiring a license shall file with the Township Clerk a complete application containing the following information:

For all licenses:

- A. Applicant's name, or assumed name or names, home and business address and local address, if any.
- B. Place or places of residence of the applicant for the preceding three (3) years.
- C. The physical description of the applicant, or representative of applicant filing the application, setting forth the applicant's age, citizenship, sex, race, height, weight, complexion, color of hair and eyes and any other distinguishing physical characteristics.
- D. The name, address, and principal or registered office in the state, if any, of the person, firm, organization or corporation for or through whom or under whose auspices the applicant is authorized to conduct such activity or a statement, if such be the case, that the applicant is engaged in such activity solely in his own behalf.
- E. A brief description of the type or types of articles or services to be sold or furnished and the purpose or purposes for which money is to be solicited.
- F. The length of time for which the license is desired, but shall not exceed one (1) year, and days and times the person or entity will be soliciting, canvassing, or peddling.
- G. A statement as to whether or not the applicant has been convicted of any crime, disorderly persons offense, misdemeanor, and/or violation of municipal ordinance. If applicant has been so convicted, the applicant must disclose the nature of the offense or offenses and the penalty or penalties imposed. Failure to disclose this information shall result in the denial of this application and revocation of the license if undisclosed facts are later discovered.
- H. If the applicant is not engaged in the proposed activity solely in his own behalf, there must be attached to the application a letter from the person, firm, organization or corporation for or through whom or under whose auspices the applicant seeks authorization to conduct such activity, together with sample copies of the order or receipt form or forms to be used by him in connection with such activity.
- I. Two identical photographs of applicant, of size of approximately two and one-half inches by two and one-half inches, showing reasonable likeness of applicant taken within ninety (90) days of filing of application.
- J. If a vehicle is to be used, a brief description of same together with its license number and state of issuance along with identification of the state and number of the driver's license.
- K. At their own expense, applicants must submit a Certified Criminal History Record from all states of residence during the past three (3) years.

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1. For New Jersey resident applicants, a request for a New Jersey Criminal History Record (Solicitor's License Background) must be obtained by going to the State authorized vendor.
2. Applicants that have resided outside of New Jersey for the past three (3) years must:
  - a. Contact the appropriate authority in the State(s) where they have resided to request their thorough and complete Certified Criminal History Record be sent to the **Tewksbury Township Police Department, 167 Old Turnpike Road, Califon, NJ 07830; or**
  - b. Arrange to be fingerprinted and submit the fingerprints to the FBI for the purpose of obtaining a thorough and complete Criminal History Background Record. The results of the background check must be sent to the Tewksbury Township Police Department.

**Applicants who fail to obtain a Certified Criminal History Background Record shall not be deemed complete and shall form the basis for the denial of a license under this Ordinance.**

- L. To renew a solicitor's license, the applicant must file a new application and submit a new Certified Criminal History Background Record Check(s).
- M. A list of all municipalities in which the applicant has conducted solicitation, canvassing or peddling within the last year.
- N. Proof of current New Jersey Sales Tax Identification number, a New Jersey Tax Clearance Certificate, and registration for collection and remittance of the New Jersey Sales Tax. In the case of those engage in servicing sales or products, a letter must be provided from the manufacturer, dealer, or employer authorizing the applicant to act as his representative.

An application will be deemed complete when all information has been provided. Any skipped questions or blank answers shall be grounds for denial. If the answer is not-applicable N/A or none, these answers must be supplied.

Within five (5) days, not including any Saturday, Sunday or legal holiday, the Township Clerk shall notify the applicant whether or not the application is deemed complete or provide a list of deficiencies.

#### **TEWKSBURY TOWNSHIP POLICE CHIEF REVIEW**

Once deemed complete by the Township Clerk, the application will be referred to the Tewksbury Township Police Chief, hereafter referred to as "Police Chief" who will investigate the applicant's background to ascertain if the applicant has been convicted of a crime relating to fraud, deception, theft, or assault and is not subject to any outstanding criminal warrants or indictments. The tools for this investigation shall be Certified Criminal History Record from all states of residence of the applicant for the past three (3) years. (See 5.16.050 - License—Application, Item K.)

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The Tewksbury Township Police Department is authorized by the applicant for access to the Criminal History Record information file through the State Bureau of Investigation. The criminal history check shall be kept confidential.

The Police Chief shall also investigate the company for which the applicant will be soliciting and confirm that there have been no reports of fraud or other criminal purpose **connected with the** solicited merchandise or services. The company's business reputation and allegations of any unethical business practices will be evaluated.

The approval or rejection shall be endorsed on the application by the Police Chief or his/her designee within ten (10) days. The determination by the Chief of Police to deny an application shall be based upon the following findings:

1. Unreported conviction of any crime, disorderly persons offense, misdemeanor, and/or violation of municipal ordinance.
2. Conviction of a crime regarding theft, fraud, assault, sexual offenses, or any crime that could adversely impact solicitation activities pursuant to N.J.S.A. 2A:168A-1 and assessment of these factors:
  - a. nature of solicitation activities;
  - b. nature and seriousness of the crime;
  - c. circumstances under which the crime occurred;
  - d. date of the crime and age of person when crime was committed;
  - e. whether the crime was an isolated or repeat incident;
  - f. social conditions, which might have contributed to the crime; and
  - g. evidence of rehabilitation.
3. Prior violation of a peddling or soliciting ordinance.

The Police Chief shall recommend that the license be granted in the absence of any of the findings listed above as 1-3.

(Ord. dated 10/9/63 §§ 1(d) and (e); Ord. dated 8/12/58 § 5)

**5.16.060 - License—Approval or Denial of Issuance.**

- A. Any person who has been denied or refused a license hereunder by the Township Clerk shall have the right to appeal such denial or refusal to the Tewksbury Township Committee by requesting in writing, within ten (10) days after such denial or refusal, a hearing which shall be set for the next regularly scheduled meeting. Notice of time and place for said hearing shall be in writing, addressed to said appellant at address appearing on application no less than five (5) days before the date set for said hearing at the Township Committee's regular meeting. At the conclusion of the hearing, the Township Committee shall affirm or reverse said denial or refusal. If the decision is overruled, the Township Clerk shall immediately issue the license.
- B. For all license classes, the license shall not authorize any person, except the designated person named in said license, to engage in business thereunder. Said license shall not be transferable from the person to whom issued, to any other person. A separate license must be obtained by a licensed transient merchant for each branch or separate place of business in which his

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business is conducted and such license shall authorize the person to conduct business only at the location which is indicated therein.

(Ord. dated 10/9/63 § 1(f); Ord. dated 8/12/58 § 6)

5.16.070 - Licenses—Recording and reporting.

- A. All licenses shall be issued on forms drawn in accordance with this chapter. They shall be consecutively numbered. The license shall contain blank spaces for writing in the name, the class of license granted, the location of the business, the amount of fee paid, the date of expiration of license, photograph of person licensed, and make and license number of vehicle, if any, and signature of licensee.
- B. There shall be kept in the office of the Township Clerk the necessary books for recording the time the application for license is received, showing its class, whether it is a new license or a renewal, name of licensee, regular number of blank form, when the application was verified by and issued by the township clerk, the amount of fees received therefor, the date when the license was issued, and its date of expiration and photograph of applicant and/or licensee.
- C. All fees collected shall be paid to the Township Treasurer, who, in turn, shall pay to the Township Clerk the sum of **twenty-five dollars (\$25)** for each license issued for which a fee is collected, as compensation for services hereunder. Said payments shall be made quarterly.

(Ord. dated 10/9/63 §§ 1(g) and (h); Ord. dated 8/12/58 § 7)

5.16.080 - License in possession.

- A. The Township Clerk shall issue to each licensee at the time of delivery of his/her license an identification card badge, which is required to be clearly visible while engaged in the business or solicitation licensed. Licensees must produce the license or identification card badge at the request of any person demanding same. If the identification card badge becomes damaged or obscured, the solicitor shall return it to the Township Clerk who will issue a replacement.
- B. The identification card badge can only be used by the person to whom the solicitation license has been issued and cannot be transferred to any other person. The identification card must be surrendered to the Township Clerk at the time the license expires.

(Ord. dated 10/9/63 §§ 1(i) and (j); Ord. dated 8/12/58 § 8)

5.16.090 - License fee.

The fee for each license shall be **twenty-five dollars (\$25)** payable on filing application therefor. This charge is determined to be the reasonable cost of investigating the character and record of the applicant and is not returnable.

Each license shall terminate at the close of December 31st of the year in which it is issued or such earlier date as may be stated by licensee in his application.

(Ord. 13-2004 § 1; Ord. dated 10/9/63 § 1(k); Ord. dated 8/12/58 § 9)

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5.16.100 - License—Revocation and suspension.

Any license issued hereunder shall be suspended by the Township Clerk for any infraction or violation of the terms of the license or of any Township ordinance, state or federal statute or misstatement or other falsification in applying for a license. The suspension shall become effective by formal service thereof or by the mailing of a notice to the address appearing upon said application and shall state that an opportunity for a hearing will be given at a time certain, within **sixteen (16)** days from date of notice, before the Township Committee, which upon finding of such an infraction or violation or misstatement or other falsification, may revoke the license, and in event of failure of licensee to appear, the license shall automatically be revoked and cancelled.

(Ord. dated 10/9/63 § 1(1); Ord. dated 8/12/58 § 10)

5.16.110 - Violation—Penalty.

Any person required by this chapter to secure a license, who violates its terms, or who violates any of the provisions of this chapter shall, upon conviction thereof, forfeit and pay a fine of not exceeding one hundred dollars (\$100.00) at the discretion of the magistrate before whom such person is convicted of such violation. Any offender who shall fail or refuse to pay any fine imposed hereunder may be imprisoned in the county jail for such term as the magistrate in his discretion may determine, not exceeding thirty (30) days. For a second and any subsequent offense, the convicted person shall forfeit and pay a fine not exceeding two hundred dollars (\$200.00) or in lieu thereof be imprisoned in the county jail for a term not exceeding sixty (60) days at the discretion of the magistrate.

(Ord. dated 10/9/63 § 1(m); Ord. dated 8/12/58 § 11)

5.16.120 - Hours of solicitation, prohibited conduct.

- A. Unless specifically having been invited to a dwelling by an occupant or having previously made an appointment, the hours during which a licensee may be active in the township are from 9:00 a.m. to 9:00 p.m. Monday through Saturday. No solicitation may be conducted on Sundays or any federal or state holiday.
- B. No solicitor, or any person working on his behalf, shall shout, make any outcry, blow a horn or whistle, ring a bell, or use any sound device, including any loud-speaking radio or sound amplifying system, upon any of the streets, avenues, alleys, parks or other public places of the township, or upon any private premises of the township where sound of sufficient volume is emitted or produced therefrom to be capable to be plainly heard upon the streets, avenues, alleys, parks or other places, for the purpose of attracting attention to the location or person permitted pursuant to this section.

(Ord. 13-2008 § 1; Ord. 13-2004 § 2)

**§15.16.130 – NO SOLICIATION (DO NOT KNOCK):** Entering on posted property prohibited.

No solicitor or peddler shall enter onto any property on which is located a sign or signs Visible near the entrance to the business or residence that states “NO SOLICITORS,” “NO



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SOLICITING,” “DO NOT KNOCK” and/or “NO TRESPASSING” or carrying a similar message forbidding the entry of any persons onto the property. Notice shall also include verbal communication that the individual does not wish to be solicited at any time.

**§15.16.140. PREPARATION AND UPDATING OF A NON-SOLICIATION LIST (DO NOT KNOCK LIST):** Collection, preparation and maintenance of a non-solicitation list.

- A. Collection, preparation and maintenance of a non-solicitation list. The Office of the Township Clerk shall collect, prepare and maintain a list of addresses of those premises where the owners and/or occupants have notified the Township Clerk that soliciting and peddling shall not be permitted on their premises. To be included on the non-solicitation list, residents shall complete a form. With the adoption of this Ordinance, the Township Clerk shall mail the form to all residential property owners or occupants. Furthermore, the form shall be available in the Municipal Clerk’s Office during normal business hours, Mondays through Fridays, from 8:30 a.m. to 4:00 p.m., except legal holidays.
- B. The Township Clerk shall submit the non-solicitation list to the Police Chief on a quarterly basis, which non-solicitation listing shall be distributed to applicants seeking a license to solicit or peddle pursuant to the provisions of this Ordinance. The licensee will be prohibited from soliciting or peddling at any address on the non-solicitation list.

On or about January 1, April 1, July 1 and October 1 of each year, the Township Clerk shall update the list and then forward it to the Police Chief.

**§15.16.150. ENFORCEMENT OF THE NO SOLICIATION (DO NOT KNOCK) PROHIBITION**

Any solicitor or peddler violating the provisions of §15.16.130, described above shall be punishable under 5.16.110 (Penalty) and subject to revocation and suspension of the license under 5.16.100.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

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RECORD OF TEWKSBURY TOWNSHIP COMMITTEE VOTE

I hereby certify that the above ordinance was adopted at a meeting of the Township Committee held on December 10, 2019.

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Jennifer Ader  
Acting Municipal Clerk

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William Voyce  
Mayor