

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2023-07

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, STATE OF NEW
JERSEY, AMENDING AND REPLACING ARTICLE II, CHAPTER 142
OF THE DENNIS TOWNSHIP CODE ENTITLED,
“PEDDLING & SOLICITING”**

WHEREAS, Township of Dennis, a township form of government, is governed by statutes, specifically N.J.S.A. 40A:63-1, *et seq.* that allow the Township Committee to pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

WHEREAS, Article II, Chapter 142 of the Revised General Ordinances of the Township of Dennis currently addresses peddling and soliciting within the confines the Township of Dennis;

WHEREAS, the Township Committee believes it desirable, and in the best interest of the Township and its citizens to expand the aforementioned Chapter to address the need for good order in peace within the Township;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey as follows:

Section 1. Article II, Chapter 142 of the Township of Dennis Municipal Code is repealed and replaced with the following:

Chapter 142. Peddling and Soliciting.

ARTICLE 1

§ 142-1. Definitions.

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

VENDOR — Any person who goes from house to house or from place-to-place offering or exposing food, merchandise, or services for present or future sale, or who engages in any of the foregoing activities from a location on the street or other public place. Included in the definition are persons who go from house to house or place to place collecting information or financial contributions or distributing literature.

WARES — Anything or any service sold or offered for present or future sale by a vendor, including, but not limited to, merchandise, goods, food, seasonal items, home repair and improvement services, landscaping, property maintenance, tree services, solar energy, or vegetation.

§ 142-2. Purpose.

The purpose of this chapter is to promote orderly business practices, protect public safety and health, prevent unfair business practices, promote the quiet enjoyment of public and private lands and prevent dishonest business practices by the regulation of conduct and the imposition of license fees.

§ 142-3. License required.

- A. It shall be unlawful for any vendor to do business within the Township without first obtaining a license from the Township.
- B. Except as provided in § 142-15, any person claiming an exemption from the license required by this chapter under state or federal law will not be allowed to do business in this Township unless, at least 14 calendar days before beginning business activity:
 - (1) They submit sufficient proof of their eligibility for exemption.
 - (2) They complete the application process as otherwise required by this chapter in order that they may be identified and regulated as allowed by law.
 - (3) They appear of good character as evidenced by a lack of criminal convictions for crimes of theft, fraud, burglary or the like.

§ 142-4. Application process.

Any person desiring a license pursuant to this chapter shall file with the Township Clerk or Administrator an application. The application shall be completed in triplicate and filed with the Township Clerk or Administrator at least 14 calendar days prior to the first day of the proposed activity. The applicant shall supply the following with the application for each person who will be engaged in peddling and soliciting in the Township municipal limits:

- A. A statement as to whether or not the applicant has been charged with or convicted of any crime or disorderly persons' offense or violation of any municipal ordinance other than a traffic violation, and the nature, dates and places of such offenses and the punishment or penalty assessed therefor.
- B. An original letter, addressed to the Township Clerk or Administrator, from the firm for which the applicant purports to work, authorizing the applicant to act as its representative.
- C. A list of all towns in New Jersey in which the applicant has conducted business in the last 12 months, setting forth the specific dates.
- D. A statement of whether the applicant has been refused or had revoked a similar license at any time.
- E. Copy of social security card.
- F. A current driver's license.
- G. A New Jersey sales tax certificate.
- H. Federal taxpayer identification number.
- I. A recent photograph of themselves to be kept with the Township Clerk or Administrator.
- J. Proof of insurance where insurance is required by this chapter.
- K. An instrument, in writing, nominating and appointing the Township Clerk or Administrator the applicant's true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of license. It shall also contain recitals to the effect that the applicant consents and agrees that service of any notice of 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 or any state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service.

- L. A copy of the criminal background history check dated within 30 days of the application date. The Township of Dennis does not obtain criminal background history checks. The applicant may obtain a criminal history record via a service sanctioned by the New Jersey State Police. A background history check must be submitted in sealed an envelope directly from the issuing agency or service. In lieu of a criminal background check, submit to the municipality a certification from the company's general counsel regarding criminal background check results from a recognized service.

§ 142-5. Investigation of applicant.

- A. The completed application shall be referred to the State Police who shall cause to be made such investigation of the applicant and its agents and employees as the State Police deems necessary to determine if the requirements of this article have been met and as may be needed for the protection of the public welfare.
- B. The applicant shall be fingerprinted as to determine if any grounds for denial exist. In lieu of being fingerprint, submit to the [Chief of Police] a certification from the company's general counsel regarding fingerprint and/or criminal background check results from a recognized service.
- C. The State Police shall endorse on such application his approval or disapproval, with his reason for the same, and return the application to the Township Clerk or Administrator, who shall notify the applicant.
- D. The Township Clerk or Administrator, upon the payment of the prescribed license fee, shall execute and deliver to the applicant his license.

§ 142-6. Fees.

- A. Each application shall be accompanied by payment of \$25.00 to cover the administrative cost of the application.
- B. Upon granting of a license, the licensee shall prepay the sum of \$10.00 for each day the licensee intends to do business in the Township. Each license shall state its effective dates and the dates upon which they shall be permitted to do business.

§ 142-7. Non-transferability of license; hours of operation.

- A. Each license issued shall only authorize the person named in such license to engage in business. Such licenses shall not be transferable from the person to whom issued to any other person.
- B. All licenses shall specifically limit activities and operations of the person holding the same to the hours between 9:00 a.m. and 9:00 p.m. on any day of the week; provided, however, that the activities and operations of a person holding a vendor's license for the sale of ice cream or similar frozen desserts shall be limited to between the hours of 9:00 a.m. and sunset.

§ 142-8. Form of license; keeping of copies.

- A. All licenses shall be issued on forms approved by the Township Committee. They shall be consecutively numbered.
- B. Copies of all licenses shall be kept in the office of the Township Clerk or Administrator and the State Police.

§ 142-9. Display of license.

Every person holding a license under this chapter shall be required to carry and conspicuously display their license while soliciting within the Township.

§ 142-10. Annual renewal of license.

Any person or organization subject to this chapter shall complete a new application for a license after 12 months have passed since the date the last application was approved.

§ 142-11. Revocation or suspension of license; hearing notice.

- A. Licenses issued under this chapter may be temporarily suspended on verbal notice by the Township Clerk or Administrator or any law enforcement officer, and permanently revoked by the Municipal Court Judge after reasonable notice and hearing, for any of the following causes:
- (1) Misrepresentation or false statement contained in the application for the license.
 - (2) Misrepresentation or false statement made in the course of carrying on activities regulated herein.
 - (3) Conviction of any crime involving moral turpitude.
 - (4) Conducting business in violation of any provision of this chapter.
 - (5) Violation of any state statute or Township ordinance while soliciting within the Township.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth the grounds of complaint and the time and place of hearing. Such notice shall be served upon the licensee or mailed, postage prepaid, to the licensee at the addresses given by the licensee in making application herein, at least five days prior to the date set for hearing.

§ 142-12. Appeal of denial of license.

Any person aggrieved by the action of the State Police or the Township Clerk or Administrator in the denial of an application for a license shall have the right of appeal to the Township Committee. Such appeal shall be taken by filing with the Township Clerk or Administrator, within 14 calendar days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal; and notice of such hearing shall be given to the appellant in the same manner as provided herein for notice of hearing on revocation. The decision and order of the Township Committee on such appeal shall be final and conclusive.

§ 142-13. Safety, business practices and quiet enjoyment requirements.

- A. Except as otherwise provided by specific exception in this chapter, persons subject to this chapter, including persons claiming an exemption from the requirements of municipal licensing, shall not:
- (1) Solicit, conduct business with or sell to persons in motor vehicles.
 - (2) Station, place, set up or maintain wares or equipment in such a way as would restrict, obstruct, interfere with or impede the pedestrian's right-of-way; restrict, obstruct, or interfere with the use or enjoyment of the abutting property; create or become a nuisance; increase traffic congestion or cause or increase traffic delay or hazards; cause or create or constitute a danger to life, health, or property; or sell food, drinks, ice cream or confections of any kind for immediate consumption unless such person has available for public use a litter receptacle, which must be attached to the person's cart or vehicle, which shall be clearly marked and maintained for patron use, nor shall any person leave any

location without first picking up, removing and disposing of any trash or refuse remaining from their product or service.

- (3) Leave wares unattended at any time or store, place or leave the same overnight on any sidewalk or public way of the Township.
 - (4) Station, place, set up or maintain wares closer than 20 feet from the curblin e or end of pavement of intersection streets.
 - (5) Place wares in such a way as would reduce the unobstructed pedestrian right-of-way on a sidewalk.
 - (6) Engage in business within 20 feet of any location where the curb has been depressed to facilitate pedestrian or vehicle movement.
 - (7) Engage in business on any sidewalk or along any street within 100 feet of any fire hydrant, crosswalk or bus stop, or within 25 feet of any driveway.
 - (8) Place wares in front of the display windows or signs of fixed-location businesses, nor shall they be within 20 feet from the entrance door to a fixed-location business.
 - (9) Operate in such a manner as to restrict the continued maintenance of a clear passageway for vehicles or pedestrians.
 - (10) Engage in business within 200 feet of the grounds of any school between 1/2 hour prior to the start of the school day and 1/2 hour after dismissal at the end of the school day.
 - (11) Engage in business within 200 feet of the grounds of any church, synagogue or other house of worship between 1/2 hour prior to the start of the service and 1/2 hour after dismissal at the end of the service.
 - (12) Use or operate any audio or visual device for the purpose of attracting attention, entertaining the public, or self-entertainment.
 - (13) Sell from any one site or area for a period of more than four hours, including time for setup and breakdown of a vending unit. After four hours, the vending unit or vendor must move to a new location at least 300 feet away from where he was doing business or cease doing business. No vendor may return to the same location in any calendar day. No vendor shall place any object, sign, or person nor take any action designed to reserve a location for their use. Any such object may be removed and kept as evidence of a violation by any person, who shall promptly surrender it to the police.
 - (14) Place wares other than one vending unit, whether it be a cart, single table no larger than 96 inches long by 48 inches wide by 72 inches high, or display unit similar to a table which shall occupy a space no larger than 32 square feet. The Township Clerk or Administrator may grant an exception to size limits with the advice and consent of the Chief of Police in the case of the sale of certain holiday items sold for limited times during the year.
 - (15) Engage in business within 300 feet of any fixed place of business selling substantially similar merchandise. A food vendor shall not operate within 300 feet of a restaurant.
- B. A vending unit is a selling or display unit, with or without wheels, intended to serve as a transportable structure for facilitating the display, sale and transportation of merchandise. All equipment installed in any part of the vending unit or articles carried by the unit shall be secured in order to prevent movement during transit and prevent detachment in the event of a collision or overturn.
- C. In the event that food or beverage is sold by any licensee, a certificate of health compliance issued by the Cape May County Department of Health to the licensee shall be conspicuously displayed on the vending unit. Selling food and beverage shall be prohibited in the Township of Dennis without such a certificate of health compliance. Furthermore, any vendor selling food shall provide proof of an insurance policy issued

by an insurance company licensed to do business in the State of New Jersey protecting the vendor and the Township from all claims or damages to property and bodily injury, including death, which may arise from operations under or in connection with the vending. Such insurance shall name as an additional insured the Township of Dennis and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' written notice to the Township. The minimum amount of the insurance to be maintained is \$500,000.

§ 142-14. Conduct of licensees.

Every person to whom a license is issued under the terms of this chapter shall be governed by the following rules and regulations:

- A. All circulars, samples, or other advertisements shall be delivered in person to the recipient or left in a secure place located on the recipient's dwelling premises.
- B. No person shall enter or attempt to enter the dwelling of any resident without an express invitation from an occupant of the dwelling.
- C. No person shall conduct themselves in such a manner as to become objectionable to or annoy any occupant of any dwelling. Signs posted by property owners stating "no soliciting" or similar thereto shall be obeyed.

§ 142-15. No Knock Registry

- A. For the purpose of protecting residents from criminal activities and safeguarding their privacy, there is hereby established a no-knock registry of properties where canvassing and soliciting are prohibited. The no-knock registry shall be maintained by the Township Clerk.
- B. The Township Clerk shall prepare a list of addresses of those premises whose owners or occupants have notified the Clerk that canvassing or soliciting are not permitted on their premises. Notification shall be by the completion of a form, available online and at the Township Clerk's office during normal business hours. The premises shall remain on the no-knock registry unless the owners or occupants notify the Township Clerk in writing that they wish the property to be removed from the no-knock registry. The Township Clerk shall update the list monthly, or soon thereafter as needed. The inclusion of a premises on the no-knock registry shall be deemed a revocation of any privilege or license to enter or attempt to enter the property.
- C. Owners or occupants who have requested to be listed on the no-knock registry pursuant to Subsection A herein, may procure from the Clerk's office a notice for display on the premises indicating the enlistment on the no-knock registry. The notice shall indicate which solicitors may contact residents and shall read substantially as follows:

"These premises are listed on the Township of Dennis' no-knock registry (Township Code 142-15). You may not enter or attempt to enter these premises for the purpose of canvassing or soliciting, which includes offering to purchase real estate on behalf of any person or organization. Charitable, political, religious organizations are exempt from this law. Violation of Township of Dennis Code 142-15 may result in a fine of up to \$1,000 and/or up to 14 days of community service."

- D. The first notice shall be provided free of charge and may be picked up in person during regular business hours. If a replacement notice is required, the individual may pick up the replacement notice at the Clerk's office for a fee of \$5.00, which shall be payable to the Township Clerk. A fee of an additional \$1.00 per notice will be applied for any individual who desires to have a notice mailed to him or her, payable to the Township Clerk. Pursuant to N.J.S.A. 2C:18-3, "any owner or occupant who has listed his or her premises

on this no-knock registry shall be deemed to have revoked any express or implied legal privilege or license to enter or attempt to enter the premises."

- E. The Township Clerk shall distribute the current Township no-knock registry to a licensed canvasser or solicitor at the time of issuance of a license.
- F. Although the most current list of registrants on the Township no-knock registry shall be provided by the Township Clerk, it is the responsibility of the canvasser or solicitor to have the most up-to-date list prior to engaging in any canvassing or soliciting.
- G. The Township shall post a no-knock registry application on the Township webpage and distribute to other media outlets as designated by the Township. The Township shall provide copies of the application to the public and undertake reasonable efforts in education and distribution, in order to further public awareness of the no-knock registry.
- H. This section does not preclude an owner or occupant from filing any other appropriate complaint with the Municipal Prosecutor, including a complaint for trespass.

§ 142-16. Exempt persons, organizations, and activities.

- A. Registered organizations.
 - (1) Any nonprofit religious, charitable, educational, civic or veterans organization, volunteer first-

aid organization, fire company, environmental, volunteer community improvement groups, or political organization organized and located in the Township desiring to solicit or have solicited in its name money, donations of money or property or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited at any place or places within the Township for charitable, religious, patriotic, or philanthropic purpose, shall be permitted to conduct such business in the Township without a license upon the filing of a sworn application, in writing, to the Township Clerk or Administrator, which shall give the following information and documentation:

- (a) Name and address of organization.
 - (b) Nature and location of planned activity.
 - (c) Period during which solicitation or sale is to be carried on.
 - (d) Name, address and telephone number of the person(s) who is (are) the designated contact person(s) for the organization.
 - (e) Names, addresses, dates of birth and social security numbers of all persons who are not Township residents who will conduct solicitations or sales.
 - (f) A copy of the criminal background history check for each individual designated in Subsection A(1)(e) above, dated within 30 days of the application date. The Township of Dennis does not obtain criminal background history checks. The applicant may obtain a criminal history record via a service sanctioned by the New Jersey State Police.
- (2) An organization that is registered with the Township of Dennis as designated in Subsection A(1) above may submit all vendors being used by such organization under a single application on an annual basis.
 - (3) Charitable solicitation of motorists (“coin drops”) must also adhere to the provisions of Chapter 78 of the Township Ordinances.

B. Special exemption

- (1) The Township Committee, by resolution, may exempt from compliance with any part or parts of this chapter any person or organization. Any person or organization seeking an exemption must make a written request to the Township Clerk or Administrator at least 30 calendar days before the start of the activity for which the exemption is sought. The Township Committee may place conditions or restrictions on the granting of an exemption.
- (2) Criteria for exemption. The following are criteria to be applied when considering whether an exemption will be granted:
 - (a) The charitable nature of the organization.

- (b) The number of participants who are Township residents, eliminating or minimizing the need for identifying information.
- (c) The reputation of the individual or organization in the community.
- (d) The financial or human resource burden of compliance with any provision of this chapter when weighed against the benefit to the Township.
- (e) Whether the activity will result in or lead to a benefit to the Township residents such as lower taxes, increased public services, betterment of the community or other public benefit.
- (f) The need to regulate the activity to address safety, health or other concerns.

C. Specific exemptions.

- (1) Seasonal ice cream trucks delivering ice cream products to developments and mobile food trucks operating within the Township of Dennis may be provided extended permit periods and reduced fees.
- (2) Criteria for exemption from fees. Section 142-6, Fees, Subsection B, shall be exempted as applied to ice cream trucks delivering to developments and mobile food trucks within the Township of Dennis so as to grant a yearly license with the requirement that the licensee shall prepay the sum of \$100 for the year he/she intends to do business in the Township. Each license shall state its effective dates and the dates upon which they shall be permitted to do business. The application process set forth in § 40-4, licensing provisions and other processes, conditions and requirements of this chapter shall remain in effect as to these exempted categories as well as any other local, County, State, and/or Federal Statutes and Regulations that apply to these types of businesses the need to regulate the activity to address safety, health or other concerns.

§ 142-17. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine in an amount not less than \$300 nor more than \$500; upon a second violation, a fine in an amount not less than \$500 nor more than \$800; and upon a third or subsequent violation, a fine in an amount not less than \$800 nor more than \$1,000; and/or a period of community service not to exceed 14 calendar days. Whenever such person shall have been officially notified or by service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by fine amounts or penalties previously described in this section. Any offense: in addition to the above, a permanent revocation of any license issued under the within chapter.

Section 2. Prior Chapter 142, entitled “Peddling and Soliciting” and all other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall take effect within twenty (20) days of final passage and publication, as provided by law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas VanArtsdalen, III, Committee Member

Matthew Cox, Committee Member

Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on September 12, 2023. Publication will be held on September 19, 2023 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 10, 2023 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

Jacqueline B. Justice, RMC/Clerk