

BOROUGH OF DUNELLEN

NEW JERSEY



PEDDLERS LICENSE APPLICATION

- A. Name of Applicant _____
Description: Age ____ Weight ____ Height ____ Hair Color ____ Sex ____
Place of Birth _____ Date of Birth _____
Social Security Number _____
- B. Permanate Home Address _____ Telephone No. _____
Local Address _____
Name & Address of Nearest Relative _____
- C. Description of merchandise or services to be sold _____

- D. Name of Employer _____
Address _____
- E. Period license desired _____
- F. Description of vehicle to be used Make ____ Year ____ Model ____ License # ____
- G. Manufacturer of articles to be sold _____
Location or storage point of such articles _____
Will delivery be made from car? Yes ____ No ____
Will orders be taken for futher delivery? _____
- H. Photograph (Showing head & shoulders, taken within 60 days) Size 2" x 2")
(Do not attach permanently)
- I. Fingerprints Left Thumb Right Thumb
- J. Two business references in Middlesex County:
- | Name | Address | Phone Number |
|-------|---------|--------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
- K. Have you been convicted of crime, misdemeanor or violation of any Municipal Ordinance?
Yes ____ No ____
If answer in the affirmative state briefly nature of offense and penalties imposed.

Sworn to before me:

Date

Notary Public

Signature of Applicant

NOTE: After fingerprinting and completion of application, return to Borough Clerk with photo.

Chapter 211

PEDDLING AND SOLICITING

- § 211-1. Definitions.
- § 211-2. License classifications.
- § 211-3. Purpose.
- § 211-4. License required.
- § 211-5. Exemptions.
- § 211-6. Application for license.
- § 211-7. Establishing character of business; bond.
- § 211-8. Granting of license.
- § 211-9. Recording and reporting licenses.
- § 211-10. Availability of license.
- § 211-11. Fees.
- § 211-12. Revocation or suspension.
- § 211-13. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Borough of Dunellen 6-5-1933. Amendments noted where applicable.]

GENERAL REFERENCES

Flea markets — See Ch. 163.

§ 211-1. Definitions.

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

NEW MERCHANT — A person who engages in business in this municipality, irrespective of the permanent or temporary nature of said business, by occupying premises for the sale of merchandise during and not longer than one year subsequent to the opening of said premises.

NON-PROFIT-MAKING VENDOR — A person who sells goods, the proceeds of which are devoted exclusively to the purposes of a philanthropic, charitable or religious society on whose behalf he acts as an agent without pay.

PEDDLER — A person, commonly referred to either as a "peddler" or "hawker," who goes from place to place by traveling on the streets or from house to house and carries with him goods, wares and merchandise for the purpose of selling and delivering them to consumers.

PERSON — An individual, firm, partnership, corporation, voluntary association, incorporated association and the principal or agent thereof.

SOLICITOR — A person selling goods by sample or taking orders for future delivery, with or without accepting an advance payment for the goods.

TRANSIENT MERCHANT — A transient merchant or itinerant vendor who engages in merchandising business in this municipality with the intent to close out or discontinue such business within a period of one year from the date of commencement and who occupies a room, building, tent, lot or other premises for the purpose of selling goods, wares and merchandise.

TRANSIENT MERCHANT PEDDLER — A person who engages in business in the manner defined in the definition of "transient merchant," and, in pursuance thereto, becomes a peddler or hires a peddler as defined in the definition of "peddler."

§ 211-2. License classifications.

A. The following shall constitute the license classifications:

- (1) Peddler.
- (2) Transient merchant.
- (3) Transient merchant peddler.
- (4) Solicitor.
- (5) Non-profit-making vendor.
- (6) New merchant.

B. A separate license shall be issued for each class, respectively, under the terms hereinafter set forth.

§ 211-3. Purpose.¹

The purpose of this chapter is to prevent unfair competition and dishonest business practices by the regulation of the conduct of the fourth, fifth and sixth classes of vendors, as specified in § 211-1, and by the imposition of license fees upon the first, second and third classes. Licenses shall be issued without the payment of fees to solicitors, non-profit-making vendors and new merchants, which are classes four, five and six, respectively.

§ 211-4. License required.

It shall be unlawful for any peddler, transient merchant, transient merchant peddler, solicitor, non-profit-making vendor and new merchant to sell or dispose of or to offer to sell or dispose of any goods, wares or merchandise within the Borough of Dunellen without first obtaining a license and paying the

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

license fee hereinafter prescribed for the first, second or third class of license.

§ 211-5. Exemptions.

The requirements of this chapter, as to the payment of a license fee, shall be held not to include the following persons, who are expressly exempt from paying such fees:

- A. Any person selling fruits, vegetables and farm products grown by himself, with or without the help of others.
- B. Any person honorably discharged from the military, naval or marine forces of the United States.
- C. Any blind person who is a resident of this municipality.
- D. Any person who conducts a sale pursuant to statute or court order.
- E. Any person who is an exempt member of a volunteer fire department as defined by New Jersey Public Laws, 1911, Ch. 133 (N.J.S.A. 45:24-9 et seq.).

§ 211-6. Application for license.

Any person desiring a license shall file with the Municipal Clerk an application blank. Separate blanks shall be provided for each of the six classes of licenses. The blanks shall contain the following information:

- A. For all license classes:
 - (1) The name of the applicant.
 - (2) The permanent home residence of the applicant.
 - (3) The name and address of the firm represented and the names and addresses of the person from whom the goods making up the stock were or are to be purchased.

- (4) Three business references.
 - (5) The place or places of residence of the applicant for the preceding three years.
 - (6) The length of time for which the license is desired.
 - (7) A description of the wares to be offered for sale.
 - (8) The number either of arrests or convictions for misdemeanors or crimes and the nature of the offenses for which the applicant was arrested or convicted.
 - (9) To the application must be appended a letter from the firm for which the applicant purports to work, authorizing the applicant to act as its representative.
- B. For transient merchant licenses. In addition to the foregoing items, the application shall show:
- (1) A sworn statement of the true invoice of the amount, average quality or kind and the value of the goods to be offered for sale.
 - (2) A statement of the location of such goods by street or number and whether on the premises from which it is sold or in a warehouse.
 - (3) To the application must be appended, in the discretion of the Municipal Clerk, the bills or invoices for purchase of such goods.
- C. For transient merchant peddler licenses. In addition to the foregoing information, the application must show:
- (1) The names and addresses of each peddler acting for said merchant.
 - (2) Three personal references for each peddler.
 - (3) For each peddler, the number either of arrests or convictions for misdemeanors or crimes and the

nature of the offenses for which the peddler was arrested or convicted.

§ 211-7. Establishing character of business; bond.

- A. For the three classes of licenses of stationary vendors (viz: transient merchants, transient merchant peddlers and new merchants) the issuing officer is directed to establish the character of the business by eliciting a declaration of the intention of all new businessmen as to whether they intend to remain within the municipality temporarily or for longer than a period of one year, and by requiring the filing of a bond in an amount equal to 25% of the value of the applicant's stock. In no event shall the bond be less than \$1,000, provided that new merchants shall not be required to file a bond in an amount in excess of 10% of the value of the applicant's stock.
- B. The bond shall be declared forfeited upon conclusive proof of falsification in the application for a license; the willful violation of an ordinance or a state or federal law in the conduction of said business; or the removal from the municipality within a year after the opening of the business premises without payment of the license fee or fees required of transient merchants or merchant peddlers. The bond of every merchant continuously conducting a vending business for more than one year shall be surrendered, and no further license shall be required of him under this chapter.

§ 211-8. Granting of license.

- A. Following the filing of the application, the Chief of Police shall verify the information in respect to the moral character of the applicant and shall signify his approval or rejection on the reverse side of the form. The Municipal Clerk shall verify the financial information, approving or rejecting the application on its reverse side. Upon verification of the application and payment of the

prescribed fee, the license therewith shall be issued by the Municipal Clerk.

- B. The license issued for all license classes 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 peddler for every agent or employee working for him. A separate license must be obtained by a licensed transient merchant for each branch or separate place of business in which his business is conducted. Each license shall authorize the person to conduct business only at the location which is indicated therein.

§ 211-9. Recording and reporting licenses.

- A. All licenses shall be issued on forms drawn in accordance with this chapter. They shall be printed in book form with corresponding stubs and shall be consecutively numbered. The licenses shall contain suitable blank spaces for writing in the name, the class of license granted, the location of the business and the amount of the fee paid.
- B. There shall be kept in the office of the Municipal Clerk the necessary books for recording the time the application for a license is received, showing its class, whether it is new or a renewal, the name of licensee, the regular number of the blank form, when the application was approved by the Chief of Police and the Municipal Clerk, the amount of the fee received therefor and the date when the license was issued.
- C. The Municipal Clerk shall file a report monthly with the Council, showing the number of licenses granted, by classes, and the amounts of fees received therefor. Each report shall state the number and class of licenses suspended or revoked and the reasons for such suspension or revocation. The monthly report shall be cumulative during the course of the year so that each report

summarizes the action of all the preceding months of the current year.

§ 211-10. Availability of license.

Every person holding a license under this chapter shall have said license with him or at his business premises while engaged in the business licensed. He must produce the license at the request of any official of the Borough of Dunellen.

§ 211-11. Fees.

- A. License fees shall be \$10 per day, provided that certain local organizations and charitable institutions may be exempt from this upon application to the Mayor and Council and resolution of said body duly adopted to permit such exemption. The total annual fee shall be \$100.
- B. Every yearly peddler's license shall terminate at the close of August 31 of the year in which it is issued; provided, however, that nothing herein shall be construed to terminate any peddler's license heretofore issued, but all peddler's licenses heretofore issued shall remain in force and effect until the termination thereof according to the terms under which the same have been previously issued.
- C. Transient merchants. A sum of \$100 for a license which shall continue in favor of the person to whom it is issued for the period of 180 days from the date the same is issued.
- D. Transient merchant peddlers. The amount prescribed by Subsection C of this section and, in addition thereto, the amount prescribed by Subsection A for each peddler in his employment. The license shall continue in effect 180 days.

§ 211-12. Revocation or suspension.

A license may be revoked by the Council by reason of the violation of the terms of the license, the violation of any

§ 211-12

PEDDLING AND SOLICITING

§ 211-13

municipal ordinance or state or federal statute in the conducting of said business or falsification in applying for a license. The licensed person must be granted a hearing by the Council upon his request. A license may be suspended for not more than two weeks by the issuing officer without a hearing.

§ 211-13. Violations and penalties.²

Any person required by this chapter to procure a license who violates its terms shall be subject to a fine of not more than \$500 or may be imprisoned for a period not exceeding 90 days, or both.

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).