

THE CITY OF SUMMIT

NEW JERSEY

CITY HALL 512 SPRINGFIELD AVENUE SUMMIT, NJ 07901
www.cityofsummit.org

Enclosed please find the City of Summit Peddler / Solicitor License Application Packet. The Peddler License year is January to December. Fees are non-refundable and are not pro-rated for any portion of term requested.

All applicants, including those seeking renewals, **MUST** complete the **Online Submission for a Criminal History Background Check**. This process replaces the fingerprinting requirement. (Instructions on page 7)

In addition, you **MUST** complete the enclosed License Application form, submit the appropriate fee for the Peddling term you are requesting, check made payable to "City of Summit" along with all other required documentation listed on the attached "Peddler / Solicitor License Application & Requirements" checklist. (page 2)

Once you have filed the completed application and all required paperwork, certain Peddlers / Solicitors will need to have appropriate inspections. Please contact the department(s) listed below to schedule your inspection(s):

INSPECTION INFORMATION

TYPE	DEPARTMENT	REQUIRED	PHONE #
Food Vendor	Health	Yes	908-277-6464
Food Vendor	Fire	Yes – for Hot Food Vendors	908-277-1033
Fixed Location	Zoning	Yes	908-273-6407

Upon receipt of completed application, all required paperwork, appropriate inspection approvals and criminal history background check approvals, license, if approved, will be issued.

If you have any questions please contact the City Clerk's Office at 908-273-6400, 8:30am to 4:30pm, Monday thru Friday.

PEDDLER / SOLICITOR LICENSE APPLICATION & REQUIREMENTS

The following requirements must be submitted in order to process an application for a Peddler or Solicitor License. Applications missing any of the following required information **will not be processed** until complete.

1. Completed application.
2. Attach two 2" x 2" photographs taken 60 days immediately prior to the date of the application.
3. Copy of Valid Driver's License or current valid I.D.
4. Each new applicant and all renewal applicants must complete the electronic filing for Criminal History Record, instructions are enclosed in this packet.
5. Proof of current New Jersey Sales Tax Certificate of Authority, if applicable.
6. If a fixed or temporary location will be utilized, ONE (1) copy of detailed site plan not to exceed 11" x 17".
7. If a vehicle will be utilized, copy of valid registration and vehicle insurance card.
8. Business insurance — provide Certificate of Insurance showing coverage listed below and proof of payment for the time period that the license will be utilized for:
 - A. Comprehensive General Liability - \$1,000,000.00 (combined single limit each occurrence), and, if a vehicle is used;
 - B. Business Automobile Liability - one million (\$1,000,000.00) dollars (each accident), or if the license is granted to an entity that does not own any automobiles and uses employees that would use their own automobiles to conduct the business, then Employers Nonownership Automobile Liability would be acceptable for the Business Auto Insurance requirement; and,
 - C. Indemnification and hold harmless statement (see ordinance for terminology); and,
 - D. City of Summit named as "Certificate Holder" and included as additional insured with respect to losses arising solely from the licensed activity (see ordinance for terminology).
9. A non-refundable and non-proratable fee payable by check to "City of Summit" or cash (in person only) as follows:

Daily	door to door only	\$60/day
Weekly	(6 consecutive days, excluding Sundays)	\$125/week
Monthly		\$360/month
Yearly		\$600/year
10. If fixed location applies, an additional \$695 per location is required.
11. Once approved, the City will provide a license which each Solicitor / Peddler must display when conducting business in the City of Summit.

Please read the enclosed ordinance for all rules and regulations that may not be included in the information listed here.

For your information, the permitted hours to Peddle/Solicit are 9:00 a.m. to 9:00 p.m. Monday through Saturday. Sundays are prohibited for selling, soliciting and/or distributing activities.

Peddlers/Solicitors must notify the Police Department in writing on a weekly basis of the areas (street locations) that will be canvassed and advise of any changes to said plans. It is preferred that you notify the Police Department each day as to your anticipated location(s).

THE CITY OF SUMMIT

N E W J E R S E Y

CITY HALL 512 SPRINGFIELD AVENUE SUMMIT, NJ 07901
www.cityofsummit.org

PEDDLER / SOLICITOR LICENSE APPLICATION

(Please Print Clearly)

Type of Application: Daily \$60.00 Weekly \$125.00
 (Check all that apply) Monthly \$360.00 (6 consecutive days excluding Sundays)
 Annual \$600.00
 Fixed Location \$695.00 (annual only)

Address & Description of Fixed Location:

Date(s) being Requested: _____

Please check if you are exempt: Veteran; Lic # _____ Volunteer Fireman; Lic # _____

CONTACT INFORMATION

NAME: _____

HOME ADDRESS: _____

WORK PHONE: _____ CELL: _____

EMAIL: _____

PERSONAL INFORMATION

DATE OF BIRTH: _____ SSN: _____

PLACE OF BIRTH: _____

<u>HAIR COLOR</u>	<u>EYE COLOR</u>	<u>HEIGHT</u>	<u>WEIGHT</u>	<u>SEX</u>

DRIVER'S LICENSE NO.: _____

STATE IN WHICH LICENSE WAS ISSUED: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIME YES _____ NO _____

IF YES, REPORT DATE(S) LOCATION(S) OF THE OFFENSE(S) AND DETAILED NATURE OF THE OFFENSE(S) (attach an additional sheet if necessary) _____

ORGANIZATION / EMPLOYER INFORMATION (If applicant is a corporation, give name, address, phone # of registered agents)

ORGANIZATION NAME: _____

ADDRESS: _____

BUSINESS PHONE: _____ FAX: _____

CONTACT NAME: _____ PHONE: _____

ADDITIONAL INFORMATION

SALES TAX I.D. OR TAX EXEMPT #: _____

VEHICLE INFORMATION

<u>LICENSE PLATE #</u>	<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>COLOR</u>

PRODUCT INFORMATION

TYPE OF GOODS TO BE SOLD: _____

HOW GOODS WILL BE DELIVERED: _____

WHERE GOODS ARE MANUFACTURED / PRODUCED

NAME: _____

ADDRESS: _____

PHONE: _____ FAX: _____

LIST TWO BUSINESS REFERENCES

NAME: _____

STREET ADDRESS: _____

CITY / STATE / ZIP _____

PHONE (required): _____

RELATIONSHIP: _____ YEARS KNOWN: _____

NAME: _____

STREET ADDRESS: _____

CITY / STATE / ZIP _____

PHONE (required): _____

RELATIONSHIP: _____ YEARS KNOWN: _____

STATEMENT

1. I hereby acknowledge that the provisions of the City of Summit Peddler/Solicitor Ordinance Section 4-5 are understood and that, if I violate any of the provisions, I am subject to appropriate penalties and/or license revocation.
2. I hereby certify that all the above information and statements made are true. I am aware that if any of the statements or information are wrongfully represented, I am subject to appropriate penalties and/or license revocation.

(Signature of Applicant)

Date

(Signature of Applicant)

Date

TO WHOM IT MAY CONCERN

I, _____, hereby authorize any individual company, person or institution with whom I have been associated, to furnish the Detective Bureau of the Summit Police Department with any information concerning my ability and character which they have on record or otherwise, and I do hereby release the individual, company, or institution and all individuals connected therewith from any or all actions, suits, claims, damages and liability arising out of the furnishing of such information.

(Signature of Applicant)

Date

(Signature of Applicant)

Date

INSURANCE CERTIFICATE REQUIREMENTS

(Must be provided on Insurance Certificate)

- a. "The certificate holder, City of Summit, is included as an additional insured as respects losses arising solely from the operation of the licensed peddling activity."
- b. The City of Summit shall be provided with 30 days written Notice of Cancellation.

HOLD HARMLESS CLAUSE

(may be provided by signature of authorized company representative on this document or provided on insurance certificate)

- c. (Licensee name) _____ shall indemnify and hold harmless the City of Summit and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of or from the performance of its work, providing that such claims damages, losses or expenses (1) are attributable to bodily injury, sickness, disease or death, or, to injury to or destruction of tangible property, including the loss of use resulting therefrom and (2) are caused in full or in part by any negligent acts or omission of the licensee or any one directly or indirectly employed by the licensee regardless of whether or not it is caused in part by a party indemnified hereunder.

Signature of Licensee

Date

Sworn and subscribed to
before me this _____
day of _____, 20_____.



THE CITY OF SUMMIT POLICE DEPARTMENT



512 SPRINGFIELD AVENUE • SUMMIT • NEW JERSEY 07901

PHONE: 908-273-0051 FAX: 908-273-8002

STEVEN ZAGORSKI
CHIEF OF POLICE

CRIMINAL HISTORY RECORD ELECTRONIC FILING INSTRUCTIONS

- 1) Log onto the website <https://www.njportal.com/njsp/criminalrecords>.
- 2) Click on the **ONLINE FORM 212A** link, a highlighted block located on the lower left side of the page.
- 3) Enter the ORI Number of **NJ0201800**.
- 4) Enter the required information, following the prompts for demographics and payment information.

FILING INFORMATION SCREEN

Firearms Applicants

- *SBI Number*
Enter your state issued SBI # located on your Firearms Identification Card.
- *Reason for Filing Request*
Select the option for NJS 2C:58-3 Purchase of Firearms

All Other Applicants

- *Reason for Filing Request*
Select the option for Local Ordinance
- *Description for Filing Request*
Type in the correlating statute/ordinance number:

Application Type	Ordinance No.
Raffle License	NJSA 5:8:53
Peddler License	4-5.5.d, e, f
Liquor License	NJAC 13:2-7.7
Taxi/Limo Driver	4-26.2.e.2
Tow Operator	4-9.4.b., c

- 5) Review the Privacy Act of 1974 statement and acknowledge by checking the box as indicated.
- 6) Upon completion of the form, you will receive an email confirmation and receipt that will include a confirmation number.
- 7) Your request will be forwarded to the Summit Police Department for review, approval and submission to the New Jersey State Police for processing.
- 8) Please contact the Summit Police Department at the below listed number to advise us of your submission.
Firearms Applicants – Please contact the Detective Bureau at 908-277-9473
Liquor License Applicants - Please contact the Detective Bureau at 908-277-9473
All Other Applicants - Please contact the Police Records Unit at 908-277-9396 / 9394

Please keep the following pages (8 –19) for your records

Revised 7/9/2019

4-5 LICENSING OF PEDDLERS AND SOLICITORS.

Prior Ordinance history: Ord. No. 2123, Ord. No. 2132, Ord. No. 2142, Ord. No. 2163, Ord. No. 02-2553, Ord. No. 05-2684, Ord. No. 06-2740, Ord. No. 10-2895.

4-5.1 Purpose.

It is desirous to regulate peddling and soliciting within the City in order to ease existing problems associated with street and sidewalk congestion, to protect the rights of property owners and residents of the City and otherwise promote and protect public health, safety and welfare.

In order to effectively implement such regulation of peddling and soliciting, it is necessary to establish definitions, guidelines and procedures.

(Ord. No. 13-3009)

4-5.2 Definitions.

As used in this section:

Charitable organization shall mean any benevolent, philanthropic, patriotic, political, religious, not-for-profit, nonprofit, educational, civic, fraternal, social service, veteran, senior citizens' associations, officially recognized volunteer fire, police, first aid or rescue squad organizations, environmental or eleemosynary group, association or corporation which have been granted tax exempt status by the Internal Revenue Service that solicits and collects contributions for charitable purposes.

Charitable purpose shall mean any charitable, benevolent, philanthropic, patriotic, religious, not-for-profit, nonprofit, educational, civic, fraternal, social service, veteran, senior citizens, associations, officially recognized volunteer fire, police, first aid or rescue squad organizations, environmental or eleemosynary purpose.

Charitable solicitation shall mean the request, other than by means of United States mail, directly or indirectly, of money, credit, property, financial assistance or other thing of value whether or not a purchase or exchange of merchandise is involved, on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable purpose as defined herein or desiring to solicit, or having solicited in its name from other than its active membership contributions or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise within the City for a charitable purpose as defined herein.

City shall mean the City of Summit.

Contribution shall mean the promise or grant of any money or property of any kind or value.

Food shall mean any perishable or nonperishable consumable foodstuff or beverage merchandise.

Merchandise shall mean all goods, clothing, jewelry, wares, food, fruit, vegetables, farm products, magazines, periodicals and all kinds of articles of personal property for domestic use, including product samples. Orders of contracts for a service, home improvement or alteration and market and opinion surveys or polls are, for the purposes of this section deemed "merchandise."

Mobile food vendor shall mean and include a peddler or solicitor who transports prepared food, food-stuffs to be prepared or cooked prior to sale and beverages for sale in the City by vehicle or pushcart, such food or beverage to be sold to individual patrons while the vehicle is stopped or parked.

Peddler or solicitor shall mean each individual peddler, hawker, vendor, canvasser or solicitor and shall include any person traveling by foot, wagon, motor truck, motor vehicle or any other type of conveyance carrying, conveying or transporting merchandise or food, taking or attempting to take orders for sale of merchandise or food, or for services to be furnished or performed in the future whether or not such individual has, carries or exposes for sale a sample of the merchandise or food or service, or making sales and delivering such merchandise or food or service to purchasers, and whether or not he is collecting advance payments on such sales. A mobile food vendor shall be a peddler or solicitor. Wholesaler salesmen calling on retail merchants are specifically excluded from the definition of "peddler" or "solicitor."

Person shall mean and include the singular and the plural and any person, firm or corporation, association, club, partnership, society or any other organization performing the peddling or soliciting activity.

Vehicle shall mean and include wagons, carts, trailers, motor trucks, motor vehicles, service dispensers or other types of conveyance.

Veteran shall mean a person in an individual capacity, not part of a company, partnership or corporation, qualifying under N.J.S.A. 45:24-9 and 10 and not include anyone other than the qualifying individual.

(Ord. No. 13-3009)

4-5.3 License Required.

a. It shall be unlawful for any peddler or solicitor, as defined in subsection 4-5.2, to engage in such activity within the City without first obtaining a license as provided herein.

b. Individual and separate licenses shall be required for each separate person.

c. Residents displaying signs, no larger than one (1) square foot, on their entrance door stating: "No Solicitation," "No Salesmen," or "Do Not Disturb" or words of similar import shall not be solicited.

(Ord. No. 13-3009)

4-5.4 Application for License.

All applicants shall pay the license fee required by subsection 4-5.6, if applicable, and file with the City Clerk a sworn written application on forms to be furnished by the City Clerk which shall give the following information:

a. The name and a description of the applicant, including date of birth, driver's license number and Social Security or tax identification number.

b. The permanent home address and full local address, if any, of the applicant. If the applicant is a corporation, the name and address of its registered agent.

c. The name and address of employer, firm or person represented, together with credentials establishing the exact relationship.

d. A brief statement of the nature of the business and a description of the merchandise or service to be sold or distributed.

- e. If the licensed activity is to be carried on at a fixed location, the address and description of the premises.
- f. The length of time for which the license is required.
- g. If a vehicle is to be used, a description of the vehicle and its license number.
- h. The days of the week and the hours of the day during which the licensed activity will be conducted.
- i. The place where the merchandise to be sold or offered for sale is manufactured or produced, the place where such merchandise is located at the time such application is filed and the proposed method of delivery.
- j. A photograph of the applicant taken sixty (60) days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two by two (2" x 2") inches.
- k. A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than traffic offenses, the nature of the offense and the punishment and/or penalty imposed.

- l. When a license is issued in accordance with subsection 4-5.14d., no other license may operate within five hundred (500) yards of the perimeter of the event.

(Ord. No. 13-3009)

4-5.5 Investigation; Denial or Issuance of License.

- a. Upon receipt of the application, the City Clerk shall transmit the same:
 - 1. For food or mobile food vendors to the Health Officer, Chief of Police, and Fire Official.
 - 2. For merchandise other than food or mobile food vendors to the Chief of Police.
 - 3. For all fixed location vendors to the Zoning Officer.
- b. The Health Officer shall cause such necessary and appropriate inspections to be made as he deems necessary for the protection of the public welfare. If, as a result of each investigation, the health conditions of the applicant's business are found to be in noncompliance with applicable health code provisions or requirements or otherwise unsatisfactory, the Health Officer shall endorse on the application his disapproval and the City Clerk shall notify the applicant that his application is disapproved. In determining whether the health conditions of the applicant's business are satisfactory, the applicant shall successfully complete a food inspection course provided by the Board of Health and shall further submit proof satisfactory to the Health Officer of access to toilet facilities within the City.
- c. If, as a result of such investigation, the health conditions of the applicant's business are found to be satisfactory, the Health Officer shall endorse his approval on the application.
- d. If, upon review of the application, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval, and the City Clerk shall notify the applicant that his application is disapproved. Any determination by the Chief of Police that an application is unsatisfactory shall be based upon one (1) or more of the following findings with respect to the applicant:

1. Conviction of a crime relating adversely to the occupation of peddling or soliciting, which shall be determined in accordance with the provisions of N.J.S.A. 2A:168A-2 and set forth in a written explanation provided to the applicant based upon consideration of the following factors or any other factors:

- (a) The nature and duties of the business for which a license is sought;
- (b) The nature and seriousness of the crime;
- (c) Circumstances under which the crime occurred;
- (d) The date of the crime;
- (e) The age of the person when the crime was committed;
- (f) Whether the crime was an isolated or repeated incident;
- (g) Social conditions which may have contributed to the crime; and
- (h) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs or the recommendation of persons who have or have had the applicant under their supervision.

2. Prior violation of a peddling or soliciting ordinance.

3. Previous fraudulent acts or conduct.

4. Record of breaches of soliciting contracts.

5. Misrepresentation or false statement contained in the application for the license.

e. If, upon review of application, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse approval on the application.

f. The Fire Official shall cause such necessary inspections to be made as he may deem necessary with regard to the State Uniform Fire Code. If, as a result of each investigation, the conditions of the applicant's business are found to be in noncompliance with applicable State Uniform Fire Code provisions or requirements or otherwise unsatisfactory, the Fire Official shall endorse on the application disapproval and the City Clerk shall notify the applicant that the application is disapproved.

g. If, as a result of such inspection, the peddling or soliciting activity fire safety conditions are found to be in conformance with the State Uniform Fire Code, the Fire Official shall endorse approval on the application.

h. The Zoning Officer shall review the application to determine if the peddling or soliciting activity and proposed fixed location is in conformance with the Development Regulations Ordinance. If, as a result of each review, the peddling or soliciting activity and fixed location of the applicant's business is found to be in noncompliance with applicable Development Regulations Ordinance provisions or requirements or otherwise unsatisfactory, the Zoning Officer shall endorse on the application disapproval and the City Clerk shall notify the applicant that the application is disapproved.

i. If, as a result of such review, the peddling or soliciting activity and fixed location are found to be in conformance with the Development Regulations Ordinance, the Zoning Officer shall endorse approval on the application.

j. If the Health Officer, Chief of Police, Fire Official and Zoning Officer, as applicable, shall each have endorsed his approval on the application, the City Clerk shall deliver to the applicant his license. Applications shall be processed no later than two weeks from submission to the City. The City Clerk shall keep a record of all licenses and all complaints received, if any, concerning each license.

k. The license issued hereunder shall contain the signature of the issuing officer and shall show:

1. The name, address and photograph of the licensee.
2. The class of license issued.
3. The kind of merchandise or services to be sold or distributed thereunder.
4. The date of issue.
5. The length of time the license shall be operative.

6. The license number and other identifying description of any vehicle used in the peddling or soliciting activity licensed.

l. A license may be issued on a weekly, monthly, yearly or daily basis.

m. No license shall be assigned or transferred.

(Ord. No. 13-3009)

4-5.6 License Fees.

The nonrefundable fee to be paid by each applicant at the time of submitting an application for a license shall be as follows:

- a. For a weekly license: one hundred (\$125.00) dollars per week. For the purposes of this section, a "week" shall constitute any six (6) consecutive days, excluding Sundays. (Ord. No. 19-3196, 23-3304)
- b. For a monthly license: Three hundred (\$360.00) dollars per month. (Ord. No. 19-3196, 23-3304)
- c. For a yearly license: five hundred (\$600.00) dollars per year. (Ord. No. 19-3196, 23-3304)
- d. With respect to a peddler or solicitor conducting its business door-to-door, two hundred fifty (\$60.00) dollars per day for a daily license. (Ord. No. 19-3196, 23-3304)
- e. For use of the fixed locations described in subsection 4-5.8b. five hundred seventy-eight (\$695.00) dollars per year for each location. (Ord. No. 19-3196, 23-3304)

4-5.7 Regulations Governing Operations.

a. Every holder of a peddler's or solicitor's license issued by the City Clerk under the authority of this section or by the Register of the County of Union under the authority of N.J.S.A. 45:24-9 (Veteran or Exempt Fireman of a Volunteer Fire Department) shall be required to carry the license with him while engaged in the business or activity licensed within the corporate limits of the City. When the licensed activity is conducted at a fixed location or from a vehicle, the license shall be prominently displayed at the location or on the vehicle. Each vehicle used shall display a license tag bearing the words "Sales License for the Year 20 ____." In all other cases, the licensee shall have the license in his possession at all times and shall display it upon the request of any citizen or official of the City.

b. Every such licensee shall restrict his selling activity within the City to the hours between 9:00 a.m., prevailing time, and 9:00 p.m. on Mondays through Saturdays and shall notify the Police Officer on duty at least once in every week in which he plans to conduct the activity, before commencing his selling,

soliciting or distributing activity. Such notification shall include a written statement of the general area of the City in which the licensee intends to conduct the activity and a schedule of dates and times when the activity shall be conducted. The licensee shall notify in writing the Police Officer on duty of any change in the area or time of solicitation, should such changes be made during the week. No selling, soliciting or distributing activity shall be conducted on Sundays by licensees. (Ord. No. 19-3196)

c. Every such licensee shall carry and maintain in force insurance covering its operations written by an insurance company licensed to do business in the State of New Jersey and rated "A-" or better by A.M. Best Rating, providing the following minimum coverage and language:

1. Comprehensive General Liability - one million (\$1,000,000.00) dollars per occurrence, two million (\$2,000,000.00 annual aggregate. (Ord. No. 19-3196)

2. Business Automobile Liability - one million (\$1,000,000.00) dollars (each accident), or if the license is granted to an entity that does not own any automobiles and uses employees that would use their own automobiles to conduct the business, then Employers Hired – Non Owned Automobile Liability would be acceptable for the Business Auto Insurance requirement. (Ord. No. 19-3196)

3. The following wording shall appear on the Insurance Certificate:

"The certificate holder (City of Summit) is included as an additional insured as respects losses arising solely from the operation of the licensed peddling activity."

4. The City and its agents and employees shall be indemnified and held harmless from and against all claims and demands, losses and expenses, and the like arising from the permission granted. The following wording shall either appear on Insurance Certificate or the applicant shall provide this statement as a separate signed notarized Agreement:

"The Certificate holder is included as an additional insured as respects losses arising solely from the (licensed activity). The (licensee) shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including, but not limited to, attorney fees, arising out of or from the performance of their work, providing that such claims, damages, losses or expenses (1) are attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, and (2) are caused in full or in part by any negligent acts or omission of the (licensee), or any one directly or indirectly employed by them regardless of whether or not it is caused in part by a party indemnified hereunder."

d. All licensed peddlers and solicitors must obey all State and local parking laws, rules and regulations.

e. Vehicles moved or parked on public streets in connection with a peddler's or solicitor's operation must comply with all State, local and motor vehicle laws.

f. No signs or other displays or apparatus are to be erected or displayed without the approval of the Fire Official and Zoning Officer, except for signs on vehicles that stipulate prices on merchandise offered.

g. Mobile food vendors must provide for the disposal of garbage and recycling cans and/or bottles. Mobile food vendors are not to use public receptacles for garbage or recyclables attributable to that peddler's operation.

h. Peddlers and solicitors are prohibited from serving drivers or passengers of vehicles and are only allowed to serve pedestrian customers.

i. Peddlers and solicitors are prohibited from the use of temporary public utility hookups without prior approval of the Construction Code Official.

j. No peddler or solicitor, nor any person in their behalf, shall shout, cry out, blow a horn, ring a bell or use any sound device, including any loudspeaking radio or sound amplifying system upon any of the streets, alleys, parks or other public or private places in the City to call attention to his business or to his merchandise.

k. The vehicle used by a peddler or solicitor shall contain all merchandise and equipment with the exception of one (1) chair for the exclusive use of the peddler or solicitor. Such vehicle shall not exceed eight (8') feet in width and twenty-two (22') feet in length.

1. Except for maintenance or service necessitated by emergency, no maintenance or service shall be furnished or performed by peddlers or solicitors on any vehicle as defined in subsection 4-5.2 licensed pursuant to this section.

(Ord. No. 13-3009)

4-5.8 Geographic Limitations.

a. *General.*

1. Peddlers or solicitors shall not stop or park any vehicle on privately owned property for the purpose of conducting a sale without having first filed a written authorization for the same from the property owner with the licensing authority. No peddler or solicitor shall conduct or attempt to conduct his business on any residence or on any privately owned property on which is posted a sign expressly prohibiting such activity.

2. A peddler or solicitor must not inhibit pedestrian or vehicular traffic.

3. Peddlers or solicitors shall not stop or park any vehicle in such a manner as to block any advertisement, display or entrance to an existing store.

4. Peddlers and solicitors shall not stop or park any vehicle in an alleyway or walkway and shall not stop or park any vehicle in such a manner as to block entrance to the alleyways or walkways.

5. Peddlers or solicitors shall not park any vehicle in such a manner as to block any municipal sign, public receptacle for garbage, public bench or other public amenity.

6. Peddlers and solicitors must have their intended location approved by the Police Department and Zoning Officer prior to setting up operations. The Traffic Safety Officer shall examine the site to determine if public safety is adversely affected by the location.

7. Peddlers and solicitors, unless approved for a fixed location as defined in subsection 4-5.8.b, shall be permitted to remain in one location for up to one hour, after which the peddler or solicitor must move at least five hundred (500) feet therefrom.

b. *Central Business District.*

1. There is hereby established solely for the purposes of this section in implementing the regulation of peddling and soliciting a Central Business District ("CBD") within the area bounded as follows:

Beginning at the intersection of the northerly side of DeForest Avenue and the westerly side of Norwood Avenue and continuing south along the westerly side of Norwood Avenue extended to the northerly side of the railroad; thence, east along the northerly side of the railroad to the westerly side

of Maple Street; thence, south along the westerly side of Maple Street to its intersection with the northerly side of Broad Street; thence, returning north along the easterly side of Maple Street to its intersection with the northerly side of the railroad; thence, east along the northerly side of the railroad to the easterly side of Summit Avenue; thence, north along the easterly side of Summit Avenue to its intersection with the southerly side of Springfield Avenue; thence, east along the southerly side of Springfield Avenue to its intersection with the westerly side of Glenwood Place; thence, south along the westerly side of Glenwood Place to its terminus; thence, north along the easterly side of Glenwood Place to its intersection with the southerly side of Springfield Avenue; thence, east along the southerly side of Springfield Avenue to its intersection with the westerly side of Waldron Avenue; thence, west along the northerly side of Springfield Avenue to its intersection with the easterly side of Summit Avenue; thence, north along the easterly side of Summit Avenue to its intersection with the northerly side of DeForest Avenue; thence, west along the northerly side of DeForest Avenue to its intersection with the westerly side of Norwood Avenue and the point and place of beginning.

2. No more than a total of four (4) licenses shall be issued to peddlers or solicitors for the fixed locations described in the following paragraph b.3 in any calendar year within the CBD. In the event there are more than four (4) persons whose applications for licenses have been endorsed by the Health Officer, Chief of Police, Fire Official and Zoning Officer as provided in subsection 4-5.5, licenses will be issued on a first-come first-approved basis.

3. Peddling or soliciting within the CBD shall be restricted to the following four (4) fixed locations:

- (a) Northwest corner of Park and Shop Lot #1, DeForest Avenue between Woodland Avenue and Maple Street;
- (b) West side of Park and Shop Lot #2, north of the pedestrian walkway, DeForest Avenue between Maple Street and Beechwood Road; and
- (c) Northeast corner of Park and Shop Lot #3, within the no parking area curbline adjacent to, without blocking, the pedestrian walkways, DeForest Avenue between Beechwood Road and Summit Avenue.
- (d) West side of Summit Avenue, one hundred ninety (190') feet south of the southerly curbline of Broad Street, immediately prior to the first metered parking space.

4. The vehicle used by a peddler or solicitor approved for a fixed location described in subsection 4-5.8b.3 shall contain all merchandise and equipment with the exception of one (1) chair for the exclusive use of the peddler or solicitor. Such vehicle shall not exceed six (6') feet in width and twelve (12') feet in length.

5. Peddler vehicles other than the licensed peddler vehicle approved for a fixed location described in subsection 4-5.8b.3 will be subject to all existing parking ordinances and regulations for downtown employees as defined in subsection 7-25.4.

(Ord. No. 13-3009)

4-5.9 License Not Transferable.

Licenses shall not be transferable. (Ord. No. 13-3009)

4-5.10 Enforcement.

It shall be the duty of any Police Officer of the City to enforce provisions of this section and to require any person seen peddling or soliciting, who is not known by such officer to be duly licensed, to produce his peddler's or solicitor's license. Where applicable, the Health Department, Fire Official and Zoning Officer shall assist the Police Department in enforcing the provisions of this section. (Ord. No. 13-3009)

4-5.11 Records.

The City Clerk shall maintain a record of all peddler licenses issued under the provisions of this section and shall record therein all convictions for violations of this section and other pertinent circumstances and incidents reported to the Chief of Police, Health Department, Fire Official, Zoning Officer and City Clerk's Office. (Ord. No. 13-3009)

4-5.12 Revocation of Licenses.

a. Licenses issued after the investigation provided for under this section may be revoked by the City Clerk after reasonable notice and hearing, for any of the following causes:

1. Fraud or misrepresentation in any application for a permit or license.
2. Fraud, misrepresentation or other dishonesty in the conduct of the licensed activity.
3. Violation of any of the provisions contained in this section governing peddling and soliciting.
4. Conviction of any crime of offense relating adversely to the occupation of peddling or soliciting as determined according to the procedure and based upon the considerations set forth in subsection 4-5.5e.1.
5. Conducting the business of licensed activity, whether by licensee himself or his agents or employees, in any lawful manner or in any manner that constitutes a breach of the peace or a menace to the public health, safety or general welfare.

b. Notice of hearing for a 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 personally upon the licensee or mailed, postage prepaid, to the licensee at the address given by the licensee in making application under subsection 4-5.4 herein, at least five (5) days prior to the date for the hearing.

(Ord. No. 13-3009)

4-5.13 Appeals.

Any person aggrieved by any action of the City Clerk, Zoning Officer, Fire Official, Health Officer or Chief of Police, in the denial or revocation of a license, shall have the right to appeal to the City Administrator. The appeal shall be taken by filing with the City Clerk, within thirty (30) days after the notice of the action complained of has been served personally upon the licensee or mailed, postage prepaid, to the licensee at the address given by the licensee in making application under subsection 4-5.4, a written statement setting forth fully the grounds for appeal. The City Clerk shall set a time and place of hearing for the appeal, at which time the Administrator shall conduct a hearing and affirm, modify or reverse the action appealed from.

An appeal may be made to the Common Council of the City by any person aggrieved by a decision of the City Administrator. Such appeal shall be taken by filing with the City Clerk within twenty (20) days

after notice of the decision has been made, a written statement setting forth fully the grounds of the appeal, along with a fee of one hundred five (\$180.00) dollars. The City Clerk shall set a time and place of hearing for the appeal, at which time the Common Council of the City shall conduct a hearing and affirm, modify or reverse the decision appealed from.

(Ord. No. 13-3009, 23-3304)

4-5.14 Exceptions.

a. Any veteran or exempt fireman of a volunteer fire department holding a special license issued pursuant to N.J.S.A. 45:24-9 and 45:24-10 shall be exempt from procuring a license or paying the fee as provided herein, but shall be required to comply with all other applicable sections of this section and shall be required to register with the City Clerk and obtain a permit which will be issued by the City Clerk upon proper identification and exhibition of such State license.

b. For Summit based youth organizations or Summit chapters of State or national youth organizations, applications shall be completed by person(s) over the age of eighteen (18) as a representative of the youth organization. Applicant(s) and all participants of the youth organization under the age of eighteen (18) shall be required to comply with all other applicable subsections of this section to obtain a license, but shall be exempt from:

1. Paying the fee.

2. Submission of photographs.

3. Approval of the Health Officer, Chief of Police, and Fire Official if selling merchandise or non-perishable prepackaged food products.

c. The requirements of this section shall not apply to the following:

1. Any public utility or its employees, where the public utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that such employees shall display the identification badge or card issued by their employer.

2. Any person engaged in the delivery of merchandise or other articles or things in the regular course of business to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.

d. The requirements of this section shall not apply on days and at locations when City events are scheduled, including the activities of the Summit Fourth of July and Celebration Committee, Inc., events sponsored by the City and/or Department of Community Programs, or events approved pursuant to Section 12-1, Rules and Regulations for Use of Public Property, following the procedure established in subsection 12-1.2.b.2, and such other days and locations as may be specified from time to time by the Common Council.

(Ord. No. 13-3009; Ord. No. 13-3035)

4-5.15 Charitable Solicitation.

a. Any charitable organization, as defined in subsection 4-5.2, desiring to solicit, or having solicited in its name from other than its active membership contributions or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise within the City for a charitable purpose shall be exempt from the provisions of subsections 4-5.3 through 4-5.14, 4-5.16 and 4-5.17 of this section provided that a sworn application is filed with the Chief of Police or his designee, which shall give the following information:

1. The name and purpose of the cause for which the charitable solicitation is sought.
2. The name and permanent address of the charitable organization.
3. The period during which charitable solicitation is to be carried on together with a schedule of the dates, times, method of charitable solicitation, and specific areas of the City in which the activity will be conducted.
4. The name and address of each agent or representative who will conduct charitable solicitations and the length of time that the agent or representative has been employed or affiliated with such organization, society, association or corporation.
5. The name, address and copy of a valid driver's license or other form of identification of designated representative to be responsible for the supervision of charitable solicitation.
6. A statement of the effect that if a permit is issued, it will not be used or represented in any way as an endorsement of the proposed charitable solicitation by the City of Summit or its agents.
7. Such other information as may be reasonably required by the Chief of Police, or his designee in order to determine the character and purpose of such charitable solicitation.

b. Upon being satisfied that the application is complete and the charitable solicitation is for a project free from fraud, the organization is a qualified charitable organization as defined in this section, all statements on the application are true, and that the charitable solicitation will solely benefit the charitable purpose named in the application, the Chief of Police, or designee, will notify the applicant in writing of approval identifying the organization, date of issuance, date/s of charitable solicitation, and name of issuing officer. Such permit shall not be transferrable.

c. Each organization to whom a permit has been issued shall furnish proper credentials to its charitable solicitors which shall state the name of the organization, date/s of charitable solicitation, name and address of the charitable solicitor and be submitted to the officer in charge at the Police Department, who will stamp such credentials if found to be consistent with the original application. All charitable solicitors shall have in their possession and present such credentials at the time of charitable solicitation to all persons being solicited and any police officer of the City when requested.

d. Residents displaying signs, no larger than one (1) square foot, on their entrance door stating: "No Solicitation," "No Salesman," or "Do Not Disturb" or words of similar import shall not be solicited.

e. The Chief of Police, or his designee, shall maintain a record of all charitable solicitation permits issued under the provisions of this section and shall record therein all convictions for violations of this section and other pertinent circumstances and incidents.

f. When a license is issued in accordance with subsection 4-5.14d., no charitable solicitation may operate within five hundred (500) yards of the perimeter of the event.

(Ord. No. 13-3009)

4-5.16 Special Events.

Whenever City, school, or organizational events are granted permission to use public property pursuant to Section 12-1 et seq., those holding valid peddlers licenses shall be given the right of first refusal to peddle at events. (Ord. No. 13-3009)

4-5.17 Violations and Penalties.

Any person violating any of the provisions of this section shall, upon conviction thereof, be liable to the penalty established in Chapter I, Section 1-5. (Ord. No. 13-3009)