

PEDDLING AND SOLICITING

Chapter 190

PEDDLING AND SOLICITING

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**[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge as indicated in article histories. Amendments noted where applicable.]**

GENERAL REFERENCES

General penalty — See Ch. 1, Art. II.  
Board of Health — See Ch. 37.  
Auctions and auctioneers — See Ch. 100.  
Garage sales — See Ch. 154.  
Licensing — See Ch. 168.

ARTICLE I

**Itinerant Vendors, Peddlers and Merchants**  
**[Adopted 12-26-1975 by Ord. No. 700 as Section 4-2**  
**of Chapter IV of the 1975 Revised General**  
**Ordinances of the Borough of Wood-Ridge]**

**§ 190-1. Definitions.**

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

ITINERANT MERCHANT — Any person who engages in the selling of wares, merchandise or services from place to place, meeting and dealing with people where he finds them and not maintaining a permanent place of business, nor having a definite place of sale, within the confines of the borough, equipped to sell the goods, wares, merchandise or to perform the services intended to be performed.

(Cont'd on page 19003)

ITINERANT PEDDLING — The going about of a merchant from place to place, meeting and dealing with his customers where he finds them.

ITINERANT VENDOR — Any person who engages in temporary or transit merchandising business and not maintaining a permanent place of business within the confines of the borough.

**§ 190-2. License required.**

No person shall carry on a business of itinerant vendors, itinerant peddling or itinerant merchants in the borough without first having procured a license from the borough to do so or without complying with any and all of the provisions of this Article.

**§ 190-3. Application for license.**

All applications for licenses under this Article shall be made to the Chief of Police, who shall issue the license upon satisfactory completion of the investigation required by § 168-3 and upon payment of the required fee. In addition to the information required by § 168-2, the applicant shall furnish a photograph and submit to fingerprinting when so requested by the Police Department.

**§ 190-4. Term of license. [Amended 10-20-1986 by Ord. No. 86-16]**

The license shall remain in full force and effect for a period of ninety (90) days from its date of issuance.

**§ 190-5. License fee. [Amended 12-19-1983 by Ord. No. 22-83; 10-20-1986 by Ord. No. 86-16]**

The sum of fifty dollars (\$50.) shall be paid by the applicant for each and every individual to be licensed under this Article.

Each firm or corporation shall be required to obtain an individual license for each person engaged in itinerant mercantile business in the borough. No refund shall be made on any license fee on account of cessation of business after the license shall have been issued. The Mayor and Council reserve the right to waive the fee.

**§ 190-6. Exceptions to provisions.**

A. This Article shall not be construed to include:

- (1) The delivery of milk, eggs, bread, newspapers or such other necessary and perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one (1) week.
- (2) Any person who sells goods, wares or merchandise or renders services wholly for the benefit of charitable, religious, philanthropic or educational purposes and who derives no profit, either directly or indirectly, from such business.

B. Any veteran or exempt volunteer fireman who holds a special license issued pursuant to N.J.S.A. 45:24-9 shall be exempt from the license fee herein but shall be required to comply with all other applicable sections of this Article.<sup>1</sup>

**§ 190-7. Conduct of business.**

A. Every person licensed under this Article shall confine the itinerant vending, peddling or hawking of goods, wares or merchandise to daylight hours and shall not conduct the licensed business in an unlawful manner or in such a manner as to constitute a breach of the peace or a

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<sup>1</sup> Editor's Note: Original Subsection 4-2.7, Bond Required, and Subsection 4-2.8, Chief of Police as Agent, which immediately followed this section, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. III.

menace to the health, safety or general welfare of the public.

- B. No itinerant vendor or peddler shall have exclusive right to any location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this subsection, the judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- C. The equipment used or employed by peddlers of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and be subject to the inspection of the Board of Health or its authorized agents. Any violation found and not immediately corrected shall be grounds for revocation of the license.

**§ 190-8. Violations and penalties. [Added 10-20-1986 by Ord. No. 86-16]**

Any violation of the provisions of this Article shall be punishable as provided in Chapter 1, General Provisions, Article II.

**ARTICLE II**

**Solicitors and Canvassers**

**[Adopted 12-26-1975 by Ord. No. 700 as Section 4-3 of Chapter IV of the 1975 Revised General Ordinances of the Borough of Wood-Ridge]**

**§ 190-9. Definitions. [Amended 11-19-1984 by Ord. No. 84-18]**

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

SOLICITOR — A person, also known as a “canvasser,” whether resident of the borough or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the sale, with or without accepting in advance payment for the goods. The term “solicitor” shall also include any person who may be taking a poll or survey from house to house or on the streets or distributing advertisements or handbills. The term “solicitor” shall also include any person, organization, club, association or agency attempting to solicit funds for their respective group from house to house or on the public streets within the Borough of Wood-Ridge.

**§ 190-10. License required.**

It shall be unlawful for any solicitor or canvasser to engage in such business within the borough without first obtaining a license therefor.

**§ 190-11. Exceptions to provisions.**

This Article shall not apply to any person who is soliciting upon property owned or leased by the solicitor; delivering newspapers, advertising circulars or goods in the regular course of business or the collection of payments therefor; distributing handbills or literature on behalf of a candidate for public office; or who is lawfully exempt by state law or federal law from the licensing requirements herein.

**§ 190-12. Application for license.**

The application for a solicitor's license shall be made to the Chief of Police and, in addition to the information required by § 168-2, shall indicate the place where the goods or property propose to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery.

**§ 190-13. License fee; term of license. [Amended 12-19-1983 by Ord. No. 22-83; 10-20-1986 by Ord. No. 86-16]**

The Chief of Police shall issue a solicitor's license upon payment of a license fee of \$50. The license shall be valid for 30 consecutive days from its date of issuance. The Mayor and Council reserve the right to waive the fee.

**§ 190-14. (Reserved)<sup>1</sup>**

**§ 190-15. Age restrictions. [Added 11-19-1984 by Ord. No. 84-18]**

No house-to-house solicitation shall be carried on with the aid of any person under the age of 18 years old, unless said minor is accompanied and supervised by an adult. No street solicitation (approaching vehicles stopped in traffic to request donations) shall be carried on by any person under 18 years of age.

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<sup>1</sup> Editor's Note: Former § 190-14, Hours of conduct of business, was repealed 7-19-1993 by Ord. No. 93-12.

**§ 190-16. Violations and penalties. [Added 10-20-1986 by Ord. No. 86-16]**

Any violation of the provisions of this article shall be punishable as provided in Chapter 1, General Provisions, Article II.

**ARTICLE III**

**Charitable Organizations**

**[Adopted 11-14-2000 by Ord. No. 2000-26]**

**§ 190-17. Scope.**

- A. Charitable organizations, as defined in N.J.S.A. 45:17A-20, shall be permitted to solicit contributions in the right-of-way of a local road located in the Borough of Wood-Ridge, except those determined to be inappropriate by the Police Chief of the Borough of Wood-Ridge. Solicitation shall be permitted only at signalized intersections or when the existing traffic control device causes temporary interruption in the flow of normal traffic, such as at the opening of a movable bridge.
- B. To solicit contributions in the right-of-way, the charitable organization shall have approval in advance from the Borough of Wood-Ridge in accordance with the provisions of this ordinance. Such authorization shall not permit the charitable solicitation on any county highway or intersection thereof without the approval of the County Board of Chosen Freeholders. Such authorization shall not permit the charitable solicitation on any state highway or intersection thereof without the approval of the Department of Transportation.
- C. To obtain approval from the Borough of Wood-Ridge, the charitable organization shall obtain a "charitable solicitation permit" from the Borough Clerk and/or Police Chief and/or his designee, subject to the terms and conditions specified herein.

**§ 190-18. Definitions.**

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

**BOROUGH** — The Borough of Wood-Ridge.

**CHARITABLE ORGANIZATION:**

- A. Any person determined by the Federal Internal Revenue Service to be a tax exempt organization pursuant to section 501(c) (3) of the Internal Revenue Code of 1986, 26 U.S.C. Section 501(c) (3); or
- B. Any person who is, or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare, public health or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal which has a tendency to suggest there is a charitable purpose to any such solicitation.

**CHARITABLE PURPOSE:**

- A. Any purpose described in Section 501(c) (3) of the Internal Revenue Code of 1986, 26 U.S.C. Section 501(c) (3); or
- B. Any benevolent, philanthropic, humane, social welfare, public health or other eleemosynary objective, or an objective that benefits law enforcement personnel, firefighters or other persons who protect the public safety.

**CHARITABLE SOLICITATION PERMIT** — A permit issued by the Borough of Wood-Ridge pursuant to this article.

DEPARTMENT — The New Jersey Department of Transportation.

FREEWAY — A multilane, divided highway having a minimum of two lanes in each direction and limited access.

HIGHWAY — A public right-of-way, whether open or improved or not, including all existing factors of improvements.

RIGHT-OF-WAY — A borough roadway property and property rights, including easements, owned and controlled by the Borough of Wood-Ridge.

SHOULDER — The portion of the roadway that lies between the edge of the traveled way and curbline, excluding auxiliary lanes.

STATE HIGHWAY — A road owned, taken over, controlled, built, maintained or otherwise under the jurisdiction of the Department of Transportation.

TRAVELED WAY — The portion of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

**§ 190-19. General provisions and restrictions.**

- A. No person shall solicit charitable contributions on a borough roadway or intersection without approval from the Borough of Wood-Ridge via the issuance of a charitable solicitation permit. Such permit shall be in possession of the solicitor during all times of solicitation and be available for inspection by local, county and state police enforcement personnel.
- B. Charitable solicitation permits shall be granted only to charitable organizations soliciting for charitable purposes.

- C. Each person soliciting charitable contributions on behalf of the charitable organization shall be at least 18 years old.
- D. Solicitation shall be subject to the specific terms and conditions of each permit granted.
- E. Solicitation shall be permitted on a borough right-of-way, but is encouraged to be off the traveled way.
- F. Solicitation shall not stop traffic or impede the flow of traffic. Traffic shall already be stopped before solicitation may occur and shall cease while traffic is moving. Use of flagmen shall be prohibited.
- G. The charitable organization shall be responsible for cleaning up any debris from the right-of-way.
- H. Solicitation shall only be permitted during daylight hours.
- I. State, county, local police or the Department of Transportation may suspend solicitation operations at any time if any condition of the permit is violated, or if, in the police officer's or the borough's sole discretion, traffic is being impeded or delayed or the public safety is at risk.
- J. Solicitors shall not drink alcoholic beverages, use drugs or be under the influence of drugs or alcohol when soliciting. Solicitors shall not harass the public.
- K. The Borough of Wood-Ridge shall not be liable in any civil action for damages for property damage or personal injury resulting from a motor vehicle accident arising out of or in the course of solicitations for the purpose of soliciting contributions, conducted by a charitable organization as defined pursuant to N.J.S.A. 45:17A-20.

**§ 190-20. Applications.**

- A. Source of permits. Requests for permits shall be referred to the Police Chief of the Borough of Wood-Ridge and/or his designee.
- B. Application requirements.
- (1) An applicant shall complete the proper application form and submit same to the Police Chief and/or his designee.
  - (2) An application shall not be considered to have been submitted, and processing of a permit application shall not begin, unless and until the proper fee for the application has been submitted and the application is complete.
  - (3) All applications shall be reviewed and either approved or denied within 45 days of their submission in complete form; however, the borough will make its best efforts to process charitable solicitation permits in less time. The time for borough review may be extended with the written consent of the applicant.
  - (4) The charitable solicitation permit shall be signed by the Police Chief or his designee in order that said permit be properly validated. The Borough of Wood-Ridge has consulted with the Police Chief and/or his designee and with respect to same asserts that the Police Chief and/or his designee shall be responsible for supervising the solicitation and enforcement of the terms of the charitable solicitation permit.
  - (5) If the charitable solicitation is proposed at the intersection of a state highway and a county route, the application form shall also be accompanied by written approval from the County Board of Chosen Freeholders.
  - (6) If the charitable solicitation is on the border of two or more municipalities and/or counties, municipal

ordinances and county freeholder approvals from each municipality and each county shall accompany the application. The county freeholder approvals shall only be required if the conditions set forth in Subsection B(5) above are met.

- (7) The application form, municipal ordinance(s) and county approval(s) shall specify the location, date(s), duration and time(s) of proposed charitable solicitation. One application form may cover multiple dates during the same calendar year. Seasonal applications are encouraged by the Borough of Wood-Ridge.

**§ 190-21. Safety criteria.**

- A. All solicitors shall wear safety vests that are in accordance with NJDOT standards.
- B. Parking of vehicles shall comply with applicable traffic regulations. The borough recommends off-site parking.
- C. The borough recommends coin tosses using blankets located off the traveled way as the safest method of solicitation.
- D. The solicitor shall not install any traffic control devices.

**§ 190-22. Signage requirements.**

- A. Signs advertising the roadway solicitation are permitted, but they must be of a temporary construction and breakaway to the extent possible.
- B. Signs shall be a maximum of 16 square feet.
- C. Signage shall be in accordance with the temporary signage standards contained in the Manual on Uniform Traffic Control Devices, 1988 or superseding issue, available through the Superintendent of Documents,

United States Government Printing Office, Washington  
D.C. 20402.

- D. At least two warning signs shall be placed as follows:
- (1) "CHARITABLE SOLICITATION 500 FEET AHEAD."
  - (2) Second sign following identifying the name of the organization soliciting.
- E. Signs shall not be permitted in the traveled way or in medians less than eight feet in width.
- F. All signs warning, noticing or advertising a solicitation shall be removed immediately following the solicitation event.

**§ 190-23. Special permit conditions.**

The Borough of Wood-Ridge may impose special conditions on any charitable solicitation permit to preserve and protect the public safety and the free flow of traffic on its roadways.

**§ 190-24. Unapproved applications; criteria for denial.**

- A. The Borough of Wood-Ridge may deny a permit based on the following reasons:
- (1) To ensure that traffic flow is not unreasonably impeded, interrupted or delayed.
  - (2) The design of the particular highway and/or intersection, turning movements, traffic densities and/or speeds do not permit the safe interaction between the solicitor and vehicular traffic.
  - (3) The solicitation would interfere with construction activity.
  - (4) To protect the public safety.

- B. If the Borough of Wood-Ridge denies a permit, the denial letter shall set forth the reasons for the denial. The borough shall not unreasonably withhold approval.

**§ 190-25. Appeal process.**

An applicant who has been denied a charitable solicitation permit may appeal such denial to the Mayor and Council of the Borough of Wood-Ridge. The applicant shall submit a written request for reconsideration, within 30 days of denial of a permit. The Mayor and Council may provide the opportunity to meet with representatives of the charitable organization. The Mayor and Council shall render a decision in writing to the organization within 15 days of such meeting or within 30 days of receipt of the written request, if there is no meeting.

**§ 190-26. Fee schedule.**

- A. The fee schedule is:

- (1) Application fee: \$25.
- (2) Permit fee: \$10 per day for each day, or part thereof, of proposed solicitation.

- B. Fees are nonrefundable.

**§ 190-27. Violations and penalties.**

Any person who violates, disobeys, omits, neglects or refuses to comply with the provisions of this article or any order, decision or determination by the Police Chief, his designee or the governing body and who refuses to abate the violations shall, for each and every violation, be subject to the violation and penalty provisions set forth in § 1-3 of the Wood-Ridge Code. The cost of prosecution may be recovered by the borough in any civil action.

**§ 190-28. Additional provisions.**

This article is to be read in pari materia with the provisions of the Wood-Ridge Code set forth in § 190-1 et seq. and § 190-9 et seq., except that any conflict between those provisions and the specific provisions set forth in this article shall be and are hereby intended to be specifically preempted by the terms herein.