

Chapter 39

HAWKING, PEDDLING AND SOLICITING

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HISTORY: Article I adopted by the Mayor and Borough Council of the Borough of Seaside Park 5-20-1963 as Ordinance No. 615. Amended 12-20-2001 by Ord. No. 1291.

Article II adopted 4-1-1960 as Ordinance No. 592. Amended 12-20-2001 by Ord. No. 1291.

Article III adopted 5-31-1940 as Ordinance No. 405. Amended 12-20-2001 by Ord. No. 1291.

Article IV adopted 5-9-1898 as Ordinance No. 5. Repealed 11-19-2001 by Ord. No. 1285.¹

GENERAL REFERENCES: See Chapter 43 (Mercantile Licenses); Section 49-8 in Chapter 49 (Nuisances).

Be it ordained by the Mayor and Borough Council of the Borough of Seaside Park, in the County of Ocean and State of New Jersey, as follows:

**ARTICLE I¹
Solicitation: Charitable,
Patriotic or Philanthropic**

Adopted 5-20-1963 as Ord. No. 615

§39-1. Definitions.

Whenever used in this ordinance, unless a different meaning clearly appears from the context:

SOLICIT and SOLICITATION — Shall mean the request directly or indirectly of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value

¹ EDITOR'S NOTE: Former Article IV (Licensing of Peddlers) adopted 5-9-1898 as Ord. No. 5, was repealed 11-19-2001 by Ord. No. 1285.

will be used for a charitable or religious purpose as those purposes are defined in this ordinance.

CHARITABLE — Shall mean and include the words "patriotic," "philanthropic," "social service," "welfare," "benevolent," "educational," "civic" or "fraternal," either actual or purported.

RELIGIOUS and RELIGION — As used herein, shall not mean and include the word "charitable" as herein defined, but shall be given their commonly accepted definitions.

CONTRIBUTIONS — Shall mean and include the words "alms," "food," "clothing," "money," "subscription," "property" or "donation" under the guise of a loan of money or property.

PERSON — Shall mean any individual, firm, copartnership, corporation, company, association or joint-stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

CHIEF OF POLICE — Shall mean the Chief of Police of the Borough of Seaside Park.

§39-2. Permit required.

No person shall solicit contributions for any charitable or religious purpose within the Borough of Seaside Park without a permit from the Chief of Police.

§39-3. Application for permit.

An application for a permit to solicit as provided by §39-2 of this ordinance shall be made to the Chief of Police upon forms provided by the Borough of Seaside Park. Such application shall be sworn to and filed with the Chief of Police at least ten (10) days prior to the time at which the permit applied for shall become effective; provided, however, that the Chief of Police may for good cause shown allow the filing of an application less than ten (10) days prior to the effective date of the permit applied for. The application herein required shall contain the following information:

- A. The name, address or headquarters of the person applying for the permit.
- B. If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers.
- C. The purpose for which such solicitation is to be made.
- D. The name and address of the person or persons who will be in direct charge of conducting the solicitation, and the names of all promoters connected or to be connected with the proposed solicitation.
- E. An outline of the method or methods to be used in conducting the solicitations.

- F. The time when such solicitations shall be made, giving the preferred dates for the beginning and ending of said solicitations.
- G. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the Borough of Seaside Park or by any department or officer thereof.
- H. Such other information as may be reasonably required by said Chief of Police in order for him to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare.

§39-4. Investigation of applicant.

The said Chief of Police shall examine all applications filed under §39-2 of this ordinance and shall cause to be made such investigation of the application and the applicant as the said Chief of Police shall deem necessary in order for him to perform his duties under this ordinance. Upon request by the Chief of Police, the applicant shall make available for inspection by said Chief of Police all of the applicant's books, records and papers at any reasonable time before the application is granted.

§39-5. Issuance of permit; conditions.

The Chief of Police shall issue the permit provided for in §39-2 hereof whenever he shall find the following facts to exist:

- A. That all the statements made in the application are true.
- B. That the applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- C. That the control and supervision of the solicitation be under responsible and reliable persons.
- D. That the applicant has not engaged in any fraudulent transaction or enterprise.
- E. That the solicitation will not be a fraud on the public.
- F. That the solicitation is prompted solely by a desire to finance the charitable or religious cause described in the application, and will not be conducted primarily for private profit.

§39-6. Information composing permit.

Permits issued under this ordinance shall bear the name and address of the persons by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the Borough of Seaside Park or by any

of its departments, officers or employees, of the purpose or of the persons conducting the solicitation. All permits must be signed by the Chief of Police. No permit may grant the right to solicit longer than thirty (30) days from its date.

§39-7. Credentials required.

All persons to whom permits have been issued under this ordinance shall furnish proper credentials to their agents and solicitors for such solicitation. Such credentials shall include the name of the permit holder, the date, a statement describing said holder's charitable or religious activity, a description of the purpose of the solicitation, the signature of the permit holder or of the holder's chief executive officer, and the name, address, age, sex and signature of the solicitor to whom such credentials are issued, and the specific period of time during which said solicitor is authorized to solicit on behalf of the permit holder. A copy of such credentials must be filed with the said Chief of Police at the time the application for permit is filed and must be approved by him as conforming to such requirements of this section before such permit is issued. No person shall solicit under any permit granted under this ordinance without the credentials required by this section and a facsimile copy of said permit in his possession. Said credentials and said facsimile copy of the permit must be shown upon request to all persons solicited and to any police officer of the Borough of Seaside Park.

§39-8. Denial of permit; request for public hearing.

Within five (5) days after receiving notification by registered mail that his application for a permit to solicit under this ordinance has been denied, with the reasons for the denial set forth on said notification, any applicant may file a written request for a public hearing on the application before said Chief of Police, together with written exceptions to the findings of fact upon which the Chief of Police based his denial of the application. Upon the filing of such a request, the Chief of Police shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within five (5) days after the request is filed. Within ten (10) days after the conclusion of the hearing, the Chief of Police shall render a written report either granting or denying the application for a permit. In this report, the Chief of Police shall state the facts upon which his decision is based.

§39-9. Suspension of permits; hearing.

Whenever it shall be shown, or whenever the Chief of Police has knowledge, that any person to whom a permit has been issued under this ordinance has violated any of the provisions of this ordinance, or that any promoter, agent or solicitor of a permit holder has misrepresented the purpose of the solicitation, the Chief of Police shall immediately suspend the permit and give the permit holder written notice by registered mail of a

hearing to be held within two (2) days of such suspension to determine whether or not the permit should be revoked. This notice must contain a statement of the facts upon which the Chief of Police has acted in suspending the permit. If, after such hearing, the Chief of Police finds that the ordinance has been violated or the purpose of the solicitation has been misrepresented, he shall within two (2) days after the hearing revoke the permit and give the applicant written notice of the revocation and the reasons therefor. If, after such hearing, the Chief of Police finds that the ordinance has not been violated and the purpose of the solicitation has not been misrepresented, he shall within two (2) days after the hearing give the permit holder a written statement canceling the suspension of the permit.

§39-10. Misrepresentation.

No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose in the Borough of Seaside Park, or in any application or report filed under this ordinance.

§39-11. Violations and penalties.

Amended 12-20-2001 by Ord. No. 1291

Any person violating any of the provisions of this ordinance, or filing or causing to be filed an application for a permit under this ordinance containing false or fraudulent misstatement, shall be subject to a fine of not more than one thousand (\$1,000.) dollars or be imprisoned in the county jail for a term not exceeding ninety (90) days, or may be punished by both fine and imprisonment.

§39-12. Inconsistent ordinances repealed.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

§39-13. When effective.

This ordinance shall take effect upon final adoption and publication.

ARTICLE II

Public Boardwalks and Beaches²

Adopted 4-1-1960 as Ord. No. 592

§39-14. Trade restricted.

No person, firm or corporation shall hawk, peddle and vend any foods, goods, wares or merchandise, or solicit trade, on any public boardwalk or any of the beaches of this municipality bordering upon the Atlantic Ocean.

² EDITOR'S NOTE: See Chapter 9 (Beaches).

§39-15. Right of municipality to designate vendors.

This municipality reserves unto itself the right and privilege of permitting certain designated persons, firms or corporations to vend foods and goods on beaches designated by the municipality, which said persons, firms or corporations shall only be permitted to so vend goods after having been awarded a contract by the municipality after public bidding, according to law.

§39-16. Inconsistent ordinances repealed.

This ordinance hereby repeals any inconsistent ordinance, ordinances, part or parts thereof.

§39-17. Violations and penalties.

Amended 12-20-2001 by Ord. No. 1291

Any person or persons violating any of the provisions of this ordinance shall, upon conviction before the Municipal Judge of the Borough of Seaside Park, pay a fine not exceeding one thousand (\$1,000.) dollars or imprisonment in the county jail for a term not exceeding ninety (90) days, or both fine and imprisonment, in the discretion of the Municipal Judge having jurisdiction.

§39-18. When effective.

This ordinance shall take effect immediately upon its passage, approval and publication as required by law.

**ARTICLE III
Hours**

Adopted 5-31-1940 as Ord. No. 405

§39-19. Hours established.

Between the hours of 12:00 noon and 8:00 a.m. next following, no person or corporation shall peddle any goods, wares or merchandise of any kind whatsoever on any public street, highway, road, avenue, boardwalk or other public place or elsewhere within the limits of the said borough.

§39-20. Eastern standard time.

The hours designated in this ordinance are eastern standard time.

§39-21. Violations and penalties.

Amended 12-20-2001 by Ord. No. 1291

Any person or corporation that shall violate any of the terms or provisions of this ordinance or do any act or thing therein prohibited shall, upon conviction thereof, forfeit and pay such fine not exceeding the sum of one thousand (\$1,000.) dollars or be imprisoned in the borough jail or county jail for such term not exceeding ninety (90) days, as shall be determined and imposed by the Municipal Judge before whom such person or corporation shall be tried and convicted, provided, however, that such Municipal Judge shall have power, in his discretion, to impose both fine and imprisonment

not exceeding the respective maximum limits herein fixed.

§39-22. When effective.

This ordinance shall take effect upon its final passage, approval and publication on the earliest date allowed by law.

**ARTICLE IV³
Reserved**

§39-23. (Reserved)

§39-24. (Reserved)

§39-25. (Reserved)

³ EDITOR'S NOTE: See Editor's Note 1.