

**TOWNSHIP OF WOOLWICH  
120 VILLAGE GREEN DRIVE  
WOOLWICH TOWNSHIP, NJ 08085**

Jane DiBella, RMC  
Township Clerk/Administrator

Ph.: 856-467-2666 x3101  
Fax: 856-467-3545

**APPLICATION FOR PEDDLER/TRANSIENT MERCHANT LICENSE**

File with the Township Clerk at least thirty (30) days prior to the first day of the proposed activity. The completed application shall be referred to the Chief of Police who shall review same within five (5) business days of receipt. **License fee \$25.00**

NAME (LAST): \_\_\_\_\_ FIRST: \_\_\_\_\_ M: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

PHONE/CELL #: \_\_\_\_\_

DRIVERS LICENSE #: \_\_\_\_\_ STATE: \_\_\_\_\_

SOCIAL SECURITY NO: \_\_\_\_\_ must provide a copy of original ss card

VEHICLE REGISTRATION #: \_\_\_\_\_ STATE: \_\_\_\_\_

FIRM REPRESENTED: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

PHONE #: \_\_\_\_\_ CONTACT PERSON: \_\_\_\_\_

FEDERAL TAX ID #: \_\_\_\_\_

TYPE OF MERCHANDISE OR SERVICE TO BE SOLD: \_\_\_\_\_

HAVE YOU EVER BEEN CHARGED OR ARRESTED BY ANY TOWNSHIP, BOROUGH, STATE OR FEDERAL LAW IN THIS STATE OR IN ANY OTHER STATE? \_\_\_ IF YES, WHERE AND WHEN DID OFFENSE(S) OCCUR: \_\_\_\_\_

GIVE THE ADDRESS OR ADDRESSES YOU HAVE LIVED THE LAST THREE (3) YEARS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THREE (3) BUSINESS REFERENCES (OTHER THEN FELLOW WORKERS)**

NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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**DO NOT WRITE BELOW THIS LINE**

**APPLICATION CHECKLIST**

	YES	NO	N/A
Recent Photograph	___	___	
Representation Letter from Employer	___	___	
Proof of Insurance (when required)	___	___	___
Health Certificate from Gloucester Co. Health Dept.	___	___	___
Letter Nominating Township Clerk as Agent	___	___	
List of all towns in NJ which applicant conducted business in (Last 12 months)	___	___	
Original Social Security Card or Federal taxpayer Identification	___	___	
Current Driver's License	___	___	
New Jersey Sales Tax Certificate	___	___	
License Fee Cash: _____ Check #: _____	___	___	___

Application No: \_\_\_\_\_

Date of Application \_\_\_\_\_

Approved: Yes: \_\_\_\_\_ No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

"Do Not Knock Registry" given to applicant  Yes  No Date Given: \_\_\_\_\_

## Chapter 140

### PEDDLERS, SOLICITORS, VENDORS AND TRANSIENT MERCHANTS

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|---|---|
| § 140-1. Definitions.                             | § 140-9. Exclusion of certain persons, organizations and activities.          |
| § 140-2. Purpose.                                 | § 140-10. Violations and penalties.   |
| § 140-3. License and compliance required.         | § 140-11. Safety, business practices and quiet enjoyment requirements.        |
| § 140-4. Exemption of certain persons from fees.  | § 140-12. Conduct of licensees.   |
| § 140-5. Application for license.                 | § 140-13. (Reserved)  |
| § 140-6. Investigation of applicant; hearing.     | § 140-14. Investigation of applicant; issuance or denial of license; appeals. |
| § 140-7. Issuance of license badge or card; fees. | § 140-15. Yard sales.   |
| § 140-8. Revocation; hearing upon request.        | § 140-16. Do-Not-Knock Registry.  |

[HISTORY: Adopted by the Township Committee of the Township of Woolwich 10-3-2005 by Ord. No. 2005-33. Amendments noted where applicable.]

#### GENERAL REFERENCES

Parks and recreation — See Ch. 135.  
Peace and good order — See Ch. 138.

Streets and sidewalks — See Ch. 159.

#### § 140-1. Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

**CHARITABLE, NONPROFIT AND PHILANTHROPIC** — Includes political, patriotic, religious, service, welfare, benevolent, educational, civic or fraternal corporations, organizations, associations, societies and the like not organized for private gain. Examples of nonprofit organizations include veterans groups and organizations which assist the poor, the aged, the sick, the physically disabled or mentally retarded or which aid victims of fire, flood or similar catastrophes. This enumeration is intended to be typical and shall not be construed as exclusive. All applicants shall provide satisfactory proof of nonprofit status upon request, including but not limited to evidence of tax exemption.

**CONTRIBUTION** — Includes alms, food, clothes, money, subscription or property of any nature or kind.

**MERCHANDISE** — Includes anything or any service sold or offered for present or future sale by a vendor, including but not limited to merchandise, goods, food, seasonal items, home repair services, flowers or greens.

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

**PERSON or ORGANIZATION** — Any natural person, individual, firm, co-partnership, corporation, company, association, church, religious denomination, society, class or league and principal or agent thereof.

**SOLICIT AND SOLICITATION** — The request, directly or indirectly, of money, credit, property, financial assistance and other things of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable and philanthropic purpose as defined in this chapter. Solicitation shall be deemed to be complete when made, whether or not the person making the same receives any contribution.

#### **§ 140-2. Purpose.**

The purpose of this chapter is to promote orderly business practices, protect public safety and health, prevent unfair business practices, promote the quiet enjoyment of public and private lands and to provide for the appropriate use of land of the Township of Woolwich in accordance with the Development Regulations and Zoning Ordinance by the regulation of conduct and the imposition of license fees.

#### **§ 140-3. License and compliance required.**

- A. No person duly licensed under this article shall hawk, peddle or solicit except during the hours of 9:00 a.m. and 30 minutes after sunset. No one shall be permitted to solicit or canvass on Sunday. [Amended 12-3-2018 by Ord. No. 2018-18]
- B. It shall be unlawful for any merchant to operate from any particular location unless such location complies with all zoning and site plan requirements of the Development Regulations and Zoning Ordinance and all necessary approvals have been granted for such location by the Planning Board and/or Zoning Board of Adjustment.
- C. Except as provided in § 140-4 below, any person claiming an exemption from the license required by this chapter under state or federal law will not be allowed to do business in the Township unless at least 10 working days before beginning business activity:
  - (1) They submit sufficient proof of their eligibility for exemption.
  - (2) They complete the application process as otherwise required by this chapter in order that they may be identified and regulated as allowed by law.
  - (3) They appear of good character as evidenced by lack of criminal convictions in crimes of theft, fraud, burglary or the like.

**§ 140-4. Exemption of certain persons from fees.**

The requirements of this chapter, insofar as same shall apply to fees for peddlers, solicitors, vendors and transient merchants, shall be held not to include the following persons, who are hereby expressly exempt from its application:

- A. Person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 45:24-10.
- B. Any person who is an exempt fireman of a volunteer fire department, as defined by N.J.S.A. 45:24-9 and 45:24-10, possessing a license in conformity with said law.

**§ 140-5. Application for license.**

Any person desiring a license pursuant to this chapter shall file with the Township Clerk an application to be supplied by the Clerk. The application shall be completed in triplicate and filed with the Clerk at least 30 days prior to the first day of the proposed activity. The applicant shall furnish the following along with the completed application:

- A. (Reserved)<sup>1</sup>
- B. A statement as to whether or not the applicant has been charged with or convicted of any crime or disorderly persons offense or violation of any municipal ordinance other than a traffic violation and the nature, dates and places of such offenses and the punishment or penalty assessed therefor.
- C. An original letter addressed to the Township Clerk from the firm for which the applicant purports to work, authorizing the applicant to act as its representative.
- D. A list of all towns in New Jersey in which the applicant has conducted business in the last 12 months, setting forth the specific dates.
- E. A statement of whether the applicant has been refused or had revoked a similar license at any time.
- F. Original social security card.
- G. A current driver's license.
- H. A New Jersey sales tax certificate.
- I. Federal taxpayer identification number.
- J. Proof of insurance where insurance is required by this chapter.
- K. An instrument in writing nominating and appointing the Clerk his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of license. It shall also contain recitals to the effect that the applicant consents and agrees that service of any notice of process may be made upon such agent and, when so made,

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1. Editor's Note: Former Subsection A, regarding fingerprints of applicants, was repealed 12-3-2018 by Ord. No. 2018-18.

shall be as valid as if personally served upon the applicant according to the laws of this or any state and waiving all claim or right of error by reason of such acknowledgment of service or manner of service.

- L. For transient merchants, the specific location of operation and a certificate from the Zoning Officer stating that all zoning and site review requirements of the Development Regulations and Zoning Ordinance have been complied with for the subject location and that all necessary approvals have been granted for such location by the Planning Board and/or Zoning Board of Adjustment and the written permission of the owner of the premises for the use of same.

#### **§ 140-6. Investigation of applicant; hearing.**

When the application is properly filled out and signed by the applicant, it shall be the duty of the Chief of Police to investigate the statements made therein. After investigation, the Chief shall indicate approval or disapproval in writing upon the application. In case of disapproval of an application, the applicant may appeal to the Township Committee. Committee shall set a time and place for a hearing, which hearing shall be held within 10 days after appeal is taken by the applicant; at which time the applicant will be given an opportunity to present his reasons why the license should be issued. The decision of Committee shall be final.

- A. The completed application shall be referred to the Chief of Police who shall review same within five business days of receipt. [Amended 12-3-2018 by Ord. No. 2018-18]
- B. The Chief of Police shall endorse on such application his approval or disapproval with his reasons for same and return the application to the Township Clerk, who shall notify the applicant.
- C. The Township Clerk, upon the payment of the prescribed license fee, shall execute and deliver to the applicant his license.
- D. A separate license must be obtained for every agent or employee working for any person.

#### **§ 140-7. Issuance of license badge or card; fees.**

- A. Licenses will be in the form of a card bearing a number, the name of the Township, the word "peddler" or "solicitor" or other suitable inscription, the date of issue and the date of expiration.
- B. All licenses issued pursuant to this chapter shall expire at the end of the calendar year during which they were issued. Upon granting of a license, the licensee shall pay the sum of \$25 for the time he intends to do business in the Township. The license shall be for the year it was issued or any portion thereof. [Amended 12-3-2018 by Ord. No. 2018-18]
- C. Any person or organization subject to this chapter shall complete a new application for a license after 12 months has passed since the last application.

**§ 140-8. Revocation; hearing upon request.**

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

**§ 140-9. Exclusion of certain persons, organizations and activities.**

This chapter shall not apply to employees of any public utility which 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 his employer.

A. Organizations.

- (1) Any bona fide members of any church, social, civic, fraternal, educational, charitable, civic, veteran or philanthropic organization, volunteer first aid organization or fire company, located within the Township of Woolwich, desiring to solicit or who have solicited in its name money, donations of money, property or financial assistance of any kind, or desiring to sell or distribute any items of literature or merchandise for which a fee is charged or solicited at any place or places within the Township for any purpose, shall be permitted to conduct business in the Township without a license, upon the filing of a sworn application in writing with the Township Clerk; or any member of any such organization not located in the Township of Woolwich, which organization has received the written approval and endorsement of the governing body of the Township of Woolwich, and which shall give the following information:
  - (a) Name and address of organization.
  - (b) Nature and location of planned activity.
  - (c) Period during which solicitation or sale is to be carried on.

- (d) Name, address and social security number of each person who will conduct solicitations.
  - (e) A recent photograph of all persons who are not Township residents who will conduct solicitations or sales.
- (2) Such organization, association, society or corporation shall furnish all its members, agents or representatives conducting solicitation or sales with credentials in writing stating the name of the organization, names of the agent and the duration and purpose of solicitation. All persons or organizations qualifying for a license exemption under this section shall comply with all other provisions of this chapter.

B. Special exemption.

- (1) The Township Committee, by resolution, may exempt from compliance with any part or parts of this chapter any person or organization. Any person or organization seeking an exemption must make a written request to the Township Clerk at least 30 days before the start of the activity for which the exemption is sought. The Township Committee may place conditions or restrictions on the granting of an exemption.
- (2) Criteria for exemption. The following are criteria to be applied when considering whether an exemption will be granted:
  - (a) The charitable nature of the organization.
  - (b) The number of participants who are Township residents, eliminating or minimizing the need for identifying information.
  - (c) The reputation of the individual or organization in the community.
  - (d) The financial or human resource burden of compliance with any provision of this chapter when weighed against the benefit to the Township and/or its residents.
  - (e) Whether the activity will result in or lead to a benefit to the Township residents such as lower taxes, increased public services, betterment of the community or other public benefit.
  - (f) The need to regulate the activity to address safety, health or other concerns.

**§ 140-10. Violations and penalties. [Amended 12-3-2018 by Ord. No. 2018-18]**

Any person violating any of the provisions or terms of this chapter, whether as principal, agent or employee of another, shall, upon conviction by the Municipal Court Judge, be subject to a fine not exceeding \$1,000 or to imprisonment in the County jail not exceeding 90 days, or both, in the discretion of the Judge. Upon conviction, the person or entity on whose behalf the licensee was acting shall be prohibited from licensed activities for one year from the date of the guilty plea or conviction.

**§ 140-11. Safety, business practices and quiet enjoyment requirements.**

- A. Except as otherwise provided by specific exception in this chapter, persons subject to this chapter, including persons claiming an exemption from the requirement of the municipal licensing, shall not:
- (1) Station, place, set up or maintain wares adjacent to any sidewalk if to do so would place him closer than 200 feet to another vendor who is selling adjacent to the sidewalk.
  - (2) Solicit, conduct business with or sell to persons in motor vehicles.
  - (3) Station, place, set up or maintain his wares or equipment in such a way as would restrict, obstruct, interfere with or impede the pedestrians right-of-way; restrict, obstruct, interfere with the use of enjoyment from the abutting property; create or become a nuisance; increase traffic congestion, cause or increase traffic delay or hazards; cause or create or constitute a danger to life, health or property; sell food, drinks, ice cream or confections of any kind for immediate consumption unless he has available for public use his own litter receptacle which must be attached to his cart or vehicle which shall be clearly marked and maintained for his patronage use; nor shall any peddler lease any location without first picking up, removing and disposing of any trash or refuse remaining from sales made by him.
  - (4) Leave his wares unattended at any time or store, place or lease the same overnight on any sidewalk or public way of the Township.
  - (5) Station, place, set up or maintain his wares closer than 50 feet from the curblines or end of pavement of intersecting streets.
  - (6) Place his wares in such way as would reduce the unobstructed pedestrian right-of-way on a sidewalk to less than six feet.
  - (7) Engage in business within 20 feet of any location where the curb has been depressed to facilitate pedestrian or vehicle movement.
  - (8) Engage in business on any sidewalk or along any street within 100 feet of any fire hydrant, crosswalk or bus stop or within 25 feet of any driveway.
  - (9) Place his wares in front of the display windows or signs of fixed-location businesses, nor shall they be within 20 feet from the entrance door to a fixed-location business.
  - (10) Operate in such a manner as to restrict the continued maintenance of a clear passageway for vehicles or pedestrians.
  - (11) Engage in business within 200 feet of the grounds of any school between 1/2 hour prior to the start of the school day and 1/2 hour after dismissal at the end of the school day.
  - (12) Engage in business within 200 feet of the grounds of any church, synagogue or other house of worship while same is in session.

- (13) Use or operate any loudspeaker, public address system, sound amplifier, horn, bell, radio, record player, tape player, CD player, musical instrument or any similar device used to attract attention, entertain the public or entertain himself.
  - (14) Sell from any one site or area for a period of more than four hours, including time for setup and breakdown of a vending unit. After four hours, the vending unit or vendor must move to a new location at least 300 feet away from where he was doing business or cease doing business. No vendor may return to the same location in any calendar day. No vendor shall place any object, sign or person nor take any action designed to reserve a location for their use. Any such object may be removed and kept as evidence of a violation by any person, who shall promptly surrender it to the police.
  - (15) Place his wares other than on one vending unit, whether it be a cart, single table no larger than 96 inches long by 48 inches wide by 72 inches high or display unit similar to a table which shall occupy a space no larger than 32 square feet. The Township Clerk may grant an exception to size limits with the advice and consent of the Chief of Police in the case of the sale of certain holiday items sold for limited times during the year.
  - (16) Engage in business within 300 feet of any fixed place of business selling substantially similar merchandise; a food vendor shall not operate within 300 feet of a restaurant.
  - (17) Every person registering under this chapter shall produce proof of such registration at the request of any resident from whom solicitation is made.
  - (18) Licensees with licenses issued under the terms of this chapter, including solicitation by those who are deemed to be exempt from licensing requirements, shall not enter upon or within any private community within the Township of Woolwich nor any other community which shall be posted with "no solicitation" signage. [Added 8-20-2012 by Ord. No. 2012-17]
- B. A vending unit is a selling or display unit, with or without wheels, intended to serve as a transportable structure for facilitating the display, sale and transportation. All equipment installed in any part of the vending unit or articles carried by the unit shall be secured in order to prevent movement during transit and prevent detachment in the event of a collision or overturn.
- C. In the event that food should be sold by any vendor, a certificate of health compliance issued by the Gloucester County Department of Health shall be conspicuously displayed on the vending unit. Selling food shall be prohibited in the Township of Woolwich without such a certificate of health compliance. Furthermore, any vendor selling food shall provide proof of an insurance policy issued by an insurance company licensed to do business in the State of New Jersey protecting the vendor and the Township from all claims or damages to property and bodily injury, including death, which may arise from operations under or in connection with the vending. Such insurance shall name as an additional insured the Township of Woolwich and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' written notice to the Township. The amounts of the insurance to be

PEDDLERS, SOLICITORS, VENDORS AND  
TRANSIENT MERCHANTS

§ 140-11

§ 140-14

maintained are: personal injury, \$100,000 per person, \$300,000 per occurrence; property damage, \$25,000.

**§ 140-12. Conduct of licensees.**

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

- A. All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place located on the premises.
- B. No person shall enter or attempt to enter the dwelling of any resident without an express invitation from the occupant of the dwelling.
- C. No person shall conduct himself in such a manner as to become objectionable to or annoy any occupant of any house. Signs posted by property owners stating "no soliciting" shall be obeyed.
- D. No licensee or any person in his behalf shall shout, cry out, blow a horn, ring a bell or use any sound-making or amplifying device upon any of the streets, parks or other public places of the Township or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, parks or other public places for the purpose of attracting attention to any goods, wares, merchandise or services which the licensee proposes to sell.

**§ 140-13. (Reserved)<sup>2</sup>**

**§ 140-14. Investigation of applicant; issuance or denial of license; appeals.**

Following the filing of the registration form pursuant to the aforesaid, the Chief of Police shall make or cause to be made such investigation as he deems necessary to verify the information set forth therein. The Chief of Police shall thereupon signify his approval or rejection on the reverse side of the application and, if approved, the Township Clerk may issue the license to such applicant. In case of disapproval of an application, the applicant may appeal to the Township Committee. The Committee shall set a time and place for a hearing, which hearing shall be within 10 days after appeal is taken by the applicant, at which hearing the applicant will be given an opportunity to present his reasons why the license should be issued. The decision of the Township Committee shall be final.

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2. Editor's Note: Former § 140-13, Registration for charitable or religious organizations, was repealed 8-1-2011 by Ord. No. 2011-9.

**§ 140-15. Yard sales.**

The provisions of this chapter applicable to transient merchants shall not apply to residents of the Township of Woolwich conducting yard sales upon their own property. There is no cost to the residents for the permitted number of yard sales as indicated in this section.

- A. Sales of household goods by yard sale or similar event are prohibited except insofar as the seller shall comply with this section.
- B. A maximum of two single-day or two weekend (Saturday and Sunday) yard sales or similar event may be held in any calendar year at any household in the Township. For the purpose of this subsection, any apartment with separate cooking and toilet facilities shall qualify as a "household."

**§ 140-16. Do-Not-Knock Registry. [Added 12-3-2018 by Ord. No. 2018-18]**

- A. Establishment of a Do-Not-Knock Registry.
  - (1) The Township Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that peddling, soliciting, canvassing, itinerant vending and door-to-door sales enterprising as set forth in this chapter are not permitted on the premises (hereinafter referred to as the "Do-Not-Knock Registry"). Notification shall be by completion of a form available from the Township Clerk's office. After its initial creation, the list shall be updated on an annual basis on January 1 of each year. Nothing shall preclude the Clerk from updating the list more frequently.
- B. Do-Not-Knock Registry display.
  - (1) Any owner and/or occupant who has requested enlistment on the Do-Not-Knock Registry shall be able to purchase from the Clerk's Office, for a nominal fee, a sticker for display at his/her/its premises indicating enlistment on the Do-Not-Knock Registry. Display of a sticker shall not be mandatory in order to enforce the provisions of this chapter.
- C. Distribution of Do-Not-Knock Registry.
  - (1) The Township Clerk shall distribute the most recent Do-Not-Knock Registry list to each licensee at the time of issuance and renewal of a license. The licensee shall not conduct regulated activities at any premises identified on the then current Do-Not-Knock Registry.

- B. A maximum of two single-day or two weekend (Saturday and Sunday) yard sales or similar event may be held in any calendar year at any household in the Township. For the purpose of this subsection, any apartment with separate cooking and toilet facilities shall qualify as a "household."