

Title 5

BUSINESS LICENSES AND REGULATIONS

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## Chapter 5.04

### ALCOHOLIC BEVERAGE SALES

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#### 5.04.010 Issuance of license.

Any and all licenses for the sale, consumption or distribution of alcoholic beverages within the township, except those which may be issued under and by virtue of the authority of the state of New Jersey by way of the Office of the Commissioner of Alcoholic Beverages, shall be limited to one plenary retail consumption license and one plenary distribution license and such other license as granted by the township committee pursuant to R.S. 33:1-12.20, providing that nothing in this section shall prevent the issuance, in a municipality of a new license to a person who operates a hotel containing one hundred (100) sleeping rooms or who may hereafter construct and establish a new hotel containing at least one hundred (100) sleeping rooms. (Ord. 6-97 § 2(a); prior code § 3:1-1)

#### 5.04.020 Issuance by resolution.

Said license shall be issued by the township clerk upon the direct resolution of the township committee authorizing such action and following the requirements for such license as promulgated by the office of the State Commissioner of Alcoholic Beverages Licenses, or by the laws of the state of New Jersey, as to application and the form and contents thereof. (Prior code § 3:1-2)

#### 5.04.030 License fees.

Pursuant to NJSA 33:1-12-1, the fee for plenary retail consumption license shall be two thousand dollars (\$2,000.00) per annum or pro rata portion thereof for the term of the issuance of said license to and including the thirtieth day of June of each year. Pursuant to NJSA 33:1-12.3a, the annual fee for a retail distribution license is fixed at two thousand dollars (\$2,000.00) per annum or pro rata portion thereof for the term from the issuance of said license to and including the thirtieth day of June of each year. (Prior code § 3:1-3)

#### 5.04.040 Regulation of hours.

The consumption and sale of alcoholic beverages within any place of business, licensed under the provisions of this chapter, shall be prohibited at the times and during the hours hereinafter set forth:

<b>Days</b>	<b>Hours</b>
Weekdays	three a.m. to seven a.m.
Sundays	three a.m. to twelve noon

(Prior code § 3:1-4)

5.04.050 Special regulations.

A. Election Day. The sale and consumption of alcoholic beverages in any place of business, licensed under the provisions of this chapter, shall be permitted during any primary, special or general election.

B. Public Emergency. The license and privilege to sell alcoholic beverages of any business regulated under the provisions of this chapter may be suspended in the case of public emergency by order of the municipal governing body or any regularly designated police authority.

C. Holidays.

1. Christmas Day and New Year's Day and Easter. Any licensee regulated under the provisions of this chapter shall be closed on Christmas Day and New Year's Day and Easter from three a.m. to one p.m.

2. When Christmas Eve or New Year's Eve fall on a Sunday, the hours of prohibited sale shall be three a.m. to ten a.m.

2. When Fourth of July falls on a Sunday, the hours of prohibited sale shall be three a.m. to ten a.m. (Prior code § 3:1-4.1)

5.04.060 Exemption.

Nothing contained in this chapter shall be construed to prohibit any place of business regulated and licensed under the provisions of this chapter, conducted primarily as a restaurant, hotel, motel or other similar or like-natured business, from remaining opened to the public during the hours specified in Section 5.04.040, et seq. above, except that the consumption and sale of alcoholic beverages shall be prohibited at those times. (Prior code § 3:1-4.2)

5.04.070 License not transferable.

Such license shall not be transferable, either as to the holder or as to the place of business, except upon special resolution of the municipal governing body. (Prior code § 3:1-5)

5.04.080 Revocation of license.

Such license may be revoked by the governing body of said municipality following a hearing held after five days' notice, in writing, to licensee; said notice stating briefly the reason for such hearing, and is to be served personally upon the licensee or upon any member of his or her family, or otherwise, in their absence, upon the person in charge of the said licensed business, or may be served upon any or all of the above by the regular United States first class registered mail, or as otherwise provided by the act of the legislature of the state of New Jersey. (Prior code § 3:1-6)

5.04.090 Minors—Sales or purchase of alcoholic beverages prohibited.

It is unlawful for a minor to enter any premises licensed for the retail sale of alcoholic beverages in the township for the purpose of purchasing alcoholic beverages or having alcoholic beverages served or delivered to him. It is unlawful for any minor to consume any alcoholic beverages on the premises licensed for the retail sale of alcoholic beverages or to purchase, attempt to purchase, or have another purchase for him any alcoholic beverage; and it is unlawful for any person to misrepresent or misstate his age or the age of the other person for the purpose of inducing any retail licensee or any employee of a retail licensee to sell, serve or deliver any alcoholic beverages to a minor. Any person who violates this section shall be subject to a fine of not more than one hundred dollars or by imprisonment for a term of not more than ninety (90) days or both. All holders of plenary retail consumption licenses issued by the township shall cause at least one copy of this section to be exhibited in a conspicuous place in the licensed premises. (Prior code § 3:1-7)

5.04.100 Licensee requirements.

The said licensee shall maintain law and order upon the premises licensed; shall provide on the premises separate sanitary toilet facilities for both sexes; and shall be subordinate to all federal, state and municipal laws, ordinances and rules or regulations now or hereafter to be promulgated by any federal, state or municipal body or division thereof. (Prior code § 3:1-8)

5.04.110 Amendments to chapter.

This chapter may be supplemented or amended at any time by the municipal governing body of the said township or its successors, in the usual manner in which amendments to ordinances are made by virtue of the laws of the state of New Jersey, and without further notice to the said licensee. (Prior code § 3:1-9)

5.04.120 Club licenses.

A maximum of three club licenses may be issued by the township committee of the township and shall carry an annual license fee of one hundred fifty dollars (\$150.00). The holder shall be entitled, subject to rules and regulations, to sell any alcoholic beverage but only for immediate consumption on the premises and only to bona fide club members and their bona fide guests, all as provided for in existing alcoholic commission rules and regulations. Club licenses may be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious, recreation or athletic, or similar purpose and not for private gain and which comply with all the conditions which may be imposed by the Commissioner of Alcoholic Beverages. (Prior code § 3:1-10)

## Chapter 5.08

### AUTOBUSES

#### **Sections:**

5.08.010	Compliance with chapter required to operate autobuses.
5.08.020	License required.
5.08.030	Application—Fee.
5.08.040	Granting or denial of application—License issuance, expiration, renewal and revocation.
5.08.050	Issuance required.
5.08.060	Routes.
5.08.070	Route and time schedules.
5.08.080	Fares—Posting.
5.08.090	Equipment requirements.
5.08.100	Conversation with passengers limited.
5.08.110	Driving safety requirements.
5.08.120	Passenger limitations.
5.08.130	Violation—Penalty.

#### 5.08.010 Compliance with chapter required to operate autobuses.

No autobuses, commonly called “jitneys,” shall be operated in the public streets or places of the township, unless the provisions of this chapter are complied with. (Prior code § 12:10-1)

#### 5.08.020 License required.

No autobus or autobuses, commonly called “jitneys,” shall be operated in any of the public streets or places of the township, unless the owner or its lessee (who shall for the purpose of this chapter be construed “the owner”) operating such jitneys shall have procured a license in the manner herein provided, and shall have paid the fee therefor. (Prior code § 12:10-2)

#### 5.08.030 Application—Fee.

Any person, firm or corporation desiring to operate a jitney in, over and through the public streets or places of the township shall make an application in writing to the township committee of the township, which application shall state the name of the owner, or person, firm or corporation intending to operate such jitney; the residence and business address of such applicants; the number of jitneys which said applicant intends to operate within the township; and the seating capacity of each jitney; the streets, avenues and public places upon which said jitney will be operated; an agreement to comply with the requirements contained in this chapter, or any supplement or amendment thereof. Said application shall be accompanied by a license fee, which fee shall be as follows: For each jitney, twenty dollars (\$20.00) per year. (Prior code § 12:10-3 (part))

#### 5.08.040 Granting or denial of application—License issuance, expiration, renewal and revocation.

The township committee of the township shall at a subsequent meeting after the presentation of such application and if in its judgment, it is proper for the good government, order and protection of persons and property, and for the preservation of the public health and safety of the township and its inhabitants, may refuse such application, or may grant the same with or without modifications as to the number of jitneys to be operated within the township, and the route or the routes to be traveled. Upon granting the said application, either with or without modifications as aforesaid, a license shall be issued to such applicant, signed by the township clerk, which license shall set forth the date of application therefor, and the date of the granting of such license by the township committee of the township, and the

seating capacity of the jitney. Each license granted shall expire on December 31st of the year in which it is issued. Such license may be renewed to the same licensee without further application upon the payment of the license fee herein provided. Each applicant shall furnish a recent two-inch by two-inch photograph and a set of fingerprints with the application. Any license granted as herein provided may be revoked after a hearing upon notice for a violation of any of the laws of the state, or any of the terms or provisions of this chapter or any ordinances amendatory thereof or supplemental hereto. (Prior code § 12:10-3 (part))

5.08.050 Issuance required.

No license hereunder shall become effective or remain in force, and no operation of any jitney under such license shall be permitted until the owner of such jitney shall have filed with the township clerk an insurance policy written by a company duly authorized and licensed to transact business under the insurance laws of the state of New Jersey, in a sum of not less than one hundred thousand dollars (\$100,000.00) insuring the owner against loss from liability imposed by law upon the jitney owner for damages on account of bodily injury or death or property damages suffered by any person or in the amount of three hundred thousand dollars (\$300,000.00) for more than one person as a result of the ownership or operation or use of such jitney; and providing for the payment of any final judgment to be recovered by any person, firm or corporation against the owner or operator of any such jitney growing out of ownership, operation or use of such jitney; and further providing that such insurance and the conditions such policy shall be for the benefit of every person, firm or corporation suffering loss, damage, or injury as aforesaid. (Prior code § 12:10-4)

5.08.060 Routes.

Every person, firm or corporation operating any jitney or jitneys within the township shall operate the same over a route or routes set forth in their application, and no other route or routes, except pursuant to permission of the township committee of the township; provided, however, in case any portion of any such route shall be temporarily obstructed or closed to traffic, then in such case such jitney or jitneys may be operated upon such other street or streets, or public places as directed by the director of public safety/chief law enforcement officer as to make a detour to the nearest open portion of such route. (Prior code § 12:10-5)

5.08.070 Route and time schedules.

Every person, firm or corporation operating a jitney or jitneys within the township shall, with the application herein provided for, file with the township clerk a schedule showing the regular stopping places for taking on or letting off passengers within the township; a schedule showing the time when such jitney or jitneys will arrive at such stopping points; a statement of the entire route, both within and out of the township, to be travelled by such jitney or jitneys; and a schedule showing the time when such jitney or jitneys will leave their respective terminals of each route. The aforesaid schedule will be subject to change due to unforeseen causes and reasonable delays, but in no case shall any jitney leave any fixed stopping place before the time shown by such schedule. A copy of the time schedule shall be posted in a conspicuous place on each jitney. The time schedule may be changed upon ten days' notice in writing, which notice shall be filed with the township clerk at least ten days before such proposed change will take effect, and shall also within the same time, be published in a newspaper circulating in the township. (Prior code § 12:10-6)

5.08.080 Fares—Posting.

There shall also be filed with the application a schedule of the various points upon the routes of such bus lines, on which routes fares shall not be increased so long as said permits shall be in force, without the consent of the township committee of the township by the passage of a resolution to that effect. There shall be posted, in a conspicuous place in each jitney, a statement of the rates of fare

between the various points upon the routes of each jitney. (Prior code § 12:10-7)

5.08.090 Equipment requirements.

A. Every jitney operated within the township shall be equipped with pneumatic tires, and shall have one or more lights on the inside of such jitney; which shall be kept lighted at all times from one hour after sunset until daylight. Every such jitney shall have a door at the rear thereof, so that the same can be opened from the inside in case of emergency.

B. Every jitney operated within the township shall carry on the inside thereof, in a rack or other place where it can be readily procured by the passengers, an axe, for use in case of emergency. (Prior code §§ 12:10-8, 12:10-9)

5.08.100 Conversation with passengers limited.

No driver of a jitney shall talk to or carry on a conversation with the passengers or any other person, except to answer necessary questions. (Prior code § 12:10-10)

5.08.110 Driving safety requirements.

Every jitney shall be operated carefully and within the speed limits provided for by law, and shall be equipped with chains or other devices approved by the director of public safety/chief law enforcement officer, to prevent skidding, when necessary because of ice, snow or slippery conditions of the street. (Prior code § 12:10-11)

5.08.120 Passenger limitations.

No jitney shall be operated within the township which carries more passengers than the number stated in the application for the license for such jitney, nor shall any passenger be permitted to stand on the steps of any such jitney when the same is in motion. (Prior code § 12:10-12)

5.08.130 Violation—Penalty.

Any person, firm or corporation operating a jitney in the township without a license granted in accordance with the provisions of this chapter, or having a license, shall fail to operate such jitney in accordance with the provisions of this chapter, or shall fail to equip, maintain and operate any jitney in violation of any provision hereof, may, on conviction, forfeit any and all licenses issued hereunder, and in addition thereto, shall pay a fine not exceeding two hundred dollars (\$200.00); or, in case of an individual, be imprisoned in the county jail for not more than sixty (60) days. The municipal judge before whom the violator is convicted shall have power to impose any fine or term of imprisonment not exceeding the maximum herein fixed. In default of the payment of any fine imposed herein, the person convicted hereunder may, in the discretion of the municipal judge, be imprisoned in the county jail for any term not exceeding sixty (60) days. (Prior code § 12:10-13)



## Chapter 5.12

### GOLD, SILVER AND PRECIOUS GEMS

#### Sections:

5.12.010	Purpose.
5.12.020	Definitions.
5.12.030	License required.
5.12.040	License fee.
5.12.050	Term of license.
5.12.060	Applications.
5.12.070	Investigation.
5.12.080	Revocation of license.
5.12.090	License valid for one place of business only.
5.12.100	Doing business at place not covered by license.
5.12.110	Record of transactions.
5.12.120	Prohibited transactions.
5.12.130	Minimum retention of articles.
5.12.140	Penalty.

#### 5.12.010 Purpose.

The township committee finds that there is a need to regulate and control the buying and selling of gold, silver and precious or semiprecious gems in order to prevent the easy disposal of items which have been unlawfully obtained as the result of crime, while protecting and recognizing the legitimate businesses which are engaged in the buying and selling of gold, silver and precious or semiprecious gems. (Prior code § 12:27-1)

#### 5.12.020 Definitions.

The following definitions shall apply to terms used within this chapter, unless the context requires otherwise:

“Buyer” means any person, partnership or corporation who, through any means, buys gold, silver, precious or semiprecious metals or gems.

“Dealer” means any person, partnership or corporation who, through any means, buys or sells gold, silver, precious or semiprecious metals or gems, and includes anyone advertising the purchase or sale of any of the aforementioned items.

“Gold” means any article or product with a gold content, without regard to the fineness thereof.

“Minor” means any person under the age of eighteen (18) years.

“Precious or semiprecious gems” means, but is not limited to, those categories known as diamonds, rubies, pearls, sapphires, and is commonly called a jewel.

“Purchase” for the purposes of this chapter means and includes any exchange of gold, silver, or any precious or semiprecious gem for anything of value. A payment need not be made by way of money in order to constitute purchase for the purpose of this chapter.

“Regulated activity” means the purchase of any used item containing gold or silver, for subsequent resale purpose and not for personal use.

“Seller” means any person, partnership or corporation who, through any means, sells gold, silver, precious or semiprecious metals or gems.

“Silver” means any article or product with a silver content, without regard to the fineness thereof.

“Use item containing gold or silver” means any item containing gold or silver previously sold or transferred to a consumer for the personal use or enjoyment of such consumer.

(Prior code § 12:27-2)

5.12.030 License required.

No person shall engage in a regulated activity as defined above, without having first obtained a license therefor from the township clerk, which license shall bear a number issued by the township clerk, and shall be prominently displayed within the licensed premises. The requirement of a license shall apply to the business entity and to any individual employee who engages in a regulated activity on behalf of a business entity. (Prior code § 12:27-3)

5.12.040 License fee.

At the time of filing the application for a license a license fee of one hundred dollars (\$100.00) shall be paid for the initial license for the premises where the activity is to be conducted, together with a fee of twenty-five dollars (\$25.00) for each employee who is to be licensed. Thereafter, the annual renewal fee for the license and for each employee who is to be licensed shall be twenty-five dollars (\$25.00). (Prior code § 12:27-4)

5.12.050 Term of license.

Each license shall expire on December 31st of the year in which it is issued. (Prior code § 12:27-5)

5.12.060 Applications.

An application for license shall be in writing on forms established by the township clerk and shall state the full name and place of residence of the applicant, or if the applicant be a partnership, of each member thereof, or, if a corporation or association, of each officer and stockholder thereof, together with the place or places where the business is to be conducted. For any corporation whose stock is publically traded, the requirement for the information on each officer and stockholder may be satisfied by attaching to the application a copy of the most recent annual report of the corporation listing the officers and directors of the corporation along with a certification as to the total number of stockholders and the name and address of any stockholder holding more than ten percent of the outstanding stock. The application shall include the fingerprints of each individual applicant or licensed employee, each member of a partnership, or each stockholder holding more than ten percent of the outstanding stock in a corporate applicant. (Prior code § 12:27-6)

5.12.070 Investigation.

Upon receipt of an application completed pursuant to this chapter, the clerk shall refer the application to the director of public safety/chief law enforcement officer, who shall institute such investigation of the applicant's moral character and business responsibility as he deems necessary for the protection of the public welfare. Upon completion of the investigation, which in no case shall take more than thirty (30) days, the director of public safety/chief law enforcement officer shall return the application or a copy thereof to the clerk, accompanied by his recommendation as to whether the license should be issued or denied. If the recommendation of the director of public safety/chief law enforcement officer is to deny the license, the grounds for the recommendation shall be stated. Grounds for recommending denial of a license may include information indicating that the applicant is not of good moral character or is of questionable business responsibility, and a recommendation of denial shall be given if the applicant has been convicted of a crime of the first or second degree, or of any crime involving dishonesty, fraud, deceit or misrepresentation. Upon receipt of the recommendation of the director of public safety/chief law enforcement officer, the clerk shall issue or deny the license accordingly. Any person aggrieved by such denial may appeal to the township administrator who may confirm or reverse the denial as deemed advisable. (Prior code § 12:27-7)

5.12.080 Revocation of license.

Any license may be revoked for any violation of this chapter, in addition to any other penalty imposed for any violation. Upon any violation the township administrator may suspend a license upon written notice to the license holder. Upon receipt of the notice of suspension of the license, the license holder may, within ten days, request a hearing on the suspension before the township administrator. The hearing shall be held within thirty (30) days of the request, at which hearing the license holder shall have the opportunity to be heard. At the conclusion of the hearing, the township administrator shall either revoke the license or shall reinstate the license. In the event that the license holder shall not request a hearing, the license shall be automatically revoked upon the expiration of ten days after the notice of suspension has been given to the license holder. (Prior code § 12:27-8)

5.12.090 License valid for one place of business only.

No person licensed as a dealer in the township shall, by virtue of one license, keep more than one place of business for receiving or taking goods. (Prior code § 12:27-9)

5.12.100 Doing business at place not covered by license.

No dealer shall, at any time, do business at any place other than the place for which the license was granted. (Prior code § 12:27-10)

5.12.110 Record of transactions.

Every license holder shall issue to the seller and keep for his own records, for not less than one year, a serialized receipt for each purchase of precious metals containing the following:

- A. The name and address of the buyer;
- B. Date of the transaction;
- C. The names of the precious metals purchased;
- D. The finenesses of the precious metals purchased;
- E. The weights of the precious metals purchased;
- F. The prices paid for the precious metals at the standard measures of weight and fineness;
- G. The name, address and signature of the seller;
- H. The driver's license number of the seller.

The buyer shall make the records of transactions available for inspection by any police officer. (Prior code § 12:27-11)

5.12.120 Prohibited transactions.

A licensee shall not accept or buy any gold, silver or precious or semiprecious gem from any person under the age of eighteen (18) years, unless such minor is accompanied by a parent or guardian and said parent or guardian gives specific written consent to the transaction and acknowledges the receipt required by the buyer to be given to the seller. (Prior code § 12:27-12)

5.12.130 Minimum retention of articles.

No dealers shall sell any articles until the same has been in the possession of the dealer at least fifteen (15) days. (Prior code § 12:27-13)

5.12.140 Penalty.

Any person as defined above who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding ninety (90) days, or both, within the discretion of the municipal judge. A separate offense shall be deemed committed in each day during or on which a violation occurs or continues. (Prior code § 12:27-14)



## Chapter 5.16

### MECHANICAL AMUSEMENT DEVICES

#### Sections:

5.16.010	Definitions.
5.16.020	Licenses required.
5.16.030	Applications for licenses.
5.16.040	License fees.
5.16.050	Investigation of applicants.
5.16.060	Vending machines.
5.16.070	Violations.

#### 5.16.010 Definitions.

As used in this chapter the following words and terms shall have the meanings given in this section:

“Distributor of mechanical amusement devices” means any person, firm, partnership, corporation or association who leases or rents out or places under any kind of arrangement one or more mechanical amusement devices.

“Mechanical amusement device” means any machine, which upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines, mechanical bowling machines, video game devices and all other games operations or transactions similar thereto under whatever name they may be indicated, whether electronic or mechanical or a combination thereof, but it shall not include mechanical hobby horses and other amusement devices designed and operated normally for the utilization by small children to ride in or upon, nor shall it include small devices such as stress level machines, etc., that are relatively small and contain no protracted program play interval.

“Operator” means any person, firm, partnership, corporation or association in whose place of business any mechanical amusement device or vending machine is displayed for public patronage or is placed or kept for operation by the public.

“Owner-operator” means any person, firm, partnership, corporation or association who owns and operates any mechanical amusement device machine or vending machine. (Prior code § 12:6-1)

#### 5.16.020 Licenses required.

A. Distributors. No distributor of mechanical amusement devices or machine juke boxes shall distribute to any person or to the owner, occupant, lessee or licensee of any premises in the township for the purpose of operation thereof any mechanical amusement devices or machine juke boxes without first having obtained from the township clerk of the township a license to do so.

B. Operators. No operator shall display for public patronage or keep for operation any machine juke box or mechanical amusement device without first having obtained a license to do so from the township clerk. (Prior code § 12:6-2)

#### 5.16.030 Applications for licenses.

Distributors and owner-operators shall apply for a license with the township clerk of the township, which license shall contain the following information:

- A. Name and address of applicant;
- B. If the applicant is an individual, the age, date and place of birth of applicant;
- C. If the applicant is a firm, partnership or association, the names and addresses, ages and places of birth of all members of firm, partnership or association;

D. If the applicant is a corporation, the names and addresses, ages and places of birth of all officers and directors, and the names and addresses of all stockholders of said corporation owning ten percent or more of all the issued and outstanding capital stock of said corporation;

E. Prior criminal record of applicant, if any; "applicant" shall mean and include all persons whose names and addresses are required above;

F. Full description of mechanical amusement device or machine juke box, including name of manufacturer, place of manufacture and year of manufacture;

G. Place where the machines or devices are to be displayed and the business conducted at that place;

H. Exact location of the machine in the business premises as indicated on the floor plan drawn to scale. Said floor plan shall show all permanent or semipermanent fixtures, shelves, et cetera, as established in the place of business, and said location of said machine shall be such that it shall not interfere with the safe use of the premises by the patrons thereof. Particular emphasis shall be placed upon obstruction to exits and free flow of pedestrian traffic in, by, through and around said machine or amusement device. Location in accordance with the above criteria shall be subject to specific approval by the appropriate fire prevention authorities of the township and the police department. (Prior code § 12:6-3)

5.16.040 License fees.

A. Fees for mechanical amusement devices shall be fixed in accordance with the following schedule of fees, and the license when issued shall designate the number of machines allowed thereunder.

1 to 15 mechanical

amusement devices\$100.00 each device

16 or more mechanical

amusement devices\$300.00 each device

B. The license fees as established in Subsection A of this section shall apply to each machine regardless of whether it is owned by a distributor or by the local operator.

C. All license fees shall be payable upon the filing of the application; if the application is rejected, the fee shall be returned less the sum of twenty-five dollars (\$25.00) for administrative expenses.

D. All licenses so issued shall be posted prominently on or about the machine in clear, plain unobstructed view.

E. All licenses shall be renewable annually as of the first day of January of each calendar year. Licenses issued after July 1st shall require the payment of a license fee of one-half of the annual license fee. No other prorations or adjustments shall be made. (Prior code § 12:6-4)

5.16.050 Investigation of applicants.

Applications for all licenses herein provided shall be made to the township clerk of the township and shall be investigated by the director of public safety/chief law enforcement officer, or his designated representative of his department, which investigation shall be completed within ten days of the submission of the application. Any rejection of an application for a license shall be accompanied by the reason therefor. (Prior code § 12:6-5)

5.16.060 Vending machines.

Vending machines dispensing or selling merchandise, food, air or other services shall not require licensing except in the event of any one establishment or business place having five or more vending machines. In the event that any one establishment or business place shall have five or more machines, then, and in that event, each machine shall require a vending machine license. In the case of an owner-

operator, the applicant shall complete his name, address, and shall pay a license fee of five dollars (\$5.00) per year per machine renewable each year on the first day of January. In the event that said license is issued subsequent to July 1st for machines placed on location after that time, then, and in that event, the license fee shall be prorated to two dollars and fifty cents (\$2.50); however, no other prorations or adjustments shall be made in said license fee. In the event that the vending machine is not owned by the owner-operator but is received under some arrangement from the distributor, then, and in that event, the distributor shall also complete the application and license fee as called for herein and shall pay the sum of five dollars (\$5.00) per year or part of year as provided herein. No license for a vending machine shall be denied by the township except in the event that the merchandise provided in said vending machine is in violation of any local, county, state or federal law or the placement of the machine is such that it constitutes a hazard to users of the premises in that it restricts or blocks the free flow of ingress or egress with particular emphasis on the necessity for unobstructed entrances and exits in time of emergencies. (Prior code § 12:6-6)

5.16.070           Violations.

Any person or persons, firm, partnership, association, corporation or other entity violating any of the provisions of this chapter or part thereof shall upon conviction be subject to a fine of up to two hundred dollars (\$200.00). (Prior code § 12:6-7)

## Chapter 5.20

### MOTOR VEHICLE WRECKERS

#### Sections:

5.20.010	Definitions.
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#### 5.20.010 Definitions.

A. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section:

“Abandoned vehicle” means a vehicle of any size, in any condition, abandoned or disabled (within the meaning of NJSA 39:4-56.1 and 39:4-56.5) anywhere within the township limits, upon any public street or right-of-way, public easement, public alley, avenue, thoroughfare or public or quasi-public places, including public parks and playgrounds.

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“Township” means the township of Edgewater Park.

“Wrecker” means a person or persons engaged in the business or offering the services of a vehicle wrecker or towing service, which business and storage area are located within ten minutes travelling time (at legal speeds) of the farthest border of the township of Edgewater Park whereby disabled motor vehicles are towed, hauled or otherwise removed from the places where they are disabled, impounded or abandoned by use of a wrecker or truck designed for that purpose.

B. Word Usage. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. (Prior code § 12:35-1)

#### 5.20.020 Contract required— Liability.

A. The governing body of the township at the beginning of each one-year period shall secure a contract with the qualified wrecker(s), to be called by the police department on a rotating basis when required.

B. The wrecker agrees and fully understands that it is operating under a contract as an independent contractor and in no way or sense as an agent or employee of the township.

C. The wrecker shall agree to indemnify and save harmless the township from any and all claims arising out of its performance or nonperformance of the towing contract.

D. The township will not be liable for any service whatsoever which may be rendered to motor vehicles; and the wrecker's only remedy is to seek recompense from the driver and/or owner of such vehicles.

E. In its contract with the township, the wrecker will agree to charge for basic towing and storage services rates identical to the rates established by the New Jersey Department of Insurance (NJAC 11:3-38.1 et seq.); the contract will be available to the public for inspection during the normal business hours of the municipal clerk's office. (Prior code § 12:35-2)

5.20.030 Insurance required.

A. No wrecker shall be called until he has deposited with the director of public safety/chief law enforcement officer the following insurance policies:

1. Worker's compensation insurance on its employees;

2. Garage public liability and property damage insurance for the operations involved in the performance of the agreement, such policies to carry the provision that ten days' notice of change or cancellation shall be given to the township by the insurance company. Public liability insurance limits shall be at least five hundred thousand dollars (\$500,000.00) dollars and the coverage for the property damage insurance shall be carried in a limit of at least twenty-five thousand dollars (\$25,000.00) per accident and be specifically endorsed to provide collision coverage for vehicles in tow, subject to maximum deductible of two hundred fifty dollars (\$250.00) for each accident deemed a separate claim.

B. The insurance policy shall also name the township as an additional insured. (Prior code § 12:35-3)

5.20.040 Unloading of vehicles.

In the event that it is necessary to unload a vehicle which has been used for transportation of goods prior to or after towing, an agreement shall be reached between the wrecker and the owner of the vehicle or the owner's agent or representative as to the charge for said service. No written agreement is necessary in an emergency situation; and the head of the police department, emergency management coordinator or his designee shall determine when an emergency situation exists. (Prior code § 12:35-4)

5.20.050 Records to be kept—Storage premises.

Every wrecker called by the police department shall keep a record of the name and address of the owner of the towed vehicle. Prior to towing the vehicle from the scene of the accident or incident, the operator of the wrecker shall inspect the vehicle and hold for safekeeping property contained in the vehicle. A police officer shall countersign the list of property so prepared and a copy shall be retained with the accident or incident report. No junkyard or other site except the premises of the registered owner of the vehicle or authorized storage area of the wrecker will be used as a depository for wrecked vehicles. If the area to be used for storage be leased by the wrecker, the lease shall extend to a time at least six months after the termination of the contract with the municipality. The storage area shall be reasonably accessible to the public. The storage area must be enclosed by a fence of sturdy construction and at least six feet in height. The secured storage area shall be sufficient to accommodate twenty (20) vehicles having four or more wheels. There must be inside storage available for motorcycles. The wrecker's place of business and/or storage area must conform to the applicable zoning code regulations. (Prior code § 12:35- 5)

5.20.060 Qualifications of wreckers.

No wrecker shall be called until the director of public safety/chief law enforcement officer has ascertained that the following requirements have been met:

- A. The insurance policies as required have been supplied;
- B. The vehicle to be used for towing has been properly licensed and inspected by the state of New Jersey and has the necessary stickers affixed. No vehicle shall be licensed as a wrecker which is using dealer license plates or which has failed inspection. Each vehicle shall be equipped with a shovel, broom and other equipment necessary to clean up broken glass and debris;
- C. The requirements of this chapter and all other relevant laws, statutes and ordinances have been met;
- D. The wrecker's equipment shall be available seven days a week and twenty-four (24) hours a day. (Prior code § 12:35-6)

5.20.070 Selection of wrecker by vehicle owner.

Nothing in this chapter shall abrogate or in any way diminish the rights of the vehicle owner to make his own selection of a wrecker except where the vehicle presents a real and immediate hazard to the public safety. (Prior code § 12:35-7)

5.20.080 Miscellaneous regulations.

A. Response time shall be no more than ten minutes, anywhere in the township, after the wrecker has been notified to respond. If the wrecker designated should not respond within such time period, the next wrecker on the eligibility list shall be called. Eligible wreckers shall be called on a rotating basis as controlled by Burlington County central communications unless otherwise requested by the police department. In the event that a wrecker should miss or fail to respond to three simultaneous calls or five calls within one year, said wrecker shall be deemed to be in violation of provisions of this chapter; upon notice with an opportunity to be heard by the director of public safety/chief law enforcement officer, the wrecker shall be subject to removal from the eligibility list by the director of public safety/chief law enforcement officer and the wrecker's contract with the township shall be rescinded.

B. No vehicle shall be released by the wrecker until the owner or agent of the vehicle produces a release form from the police department. No verbal releases are to be accepted. The township is not responsible for any costs, compensation or damages which a wrecker may suffer by the township releasing a vehicle.

C. The towing service will maintain an indoor storage area to be used (at the direction of a police officer) for the temporary storage of a motor vehicle involved in any type of prolonged investigation. The towing service will be responsible for any tampering of said vehicle with the exceptions of those actions necessary to place the vehicle safely indoors.

D. Removal of abandoned vehicles is to be performed under the direction and supervision of the police department on a twenty-four (24) hours a day basis and all calls shall be answered within ten minutes from the time of notification under normal conditions, seven days a week, anywhere within the township limits.

E. As to those vehicles which are designated as “abandoned vehicles” by the police department, they will be towed (without charge to the township) to a storage lot owned by the wrecker and stored thereon for no longer than ninety (90) days without any charges or liens accruing against the township.

F. Motor Vehicle Scrap—Junk Motor Vehicle Titles. It is the wrecker's responsibility to secure any motor vehicle scrap or junk titles. Disposition of vehicles not claimed by their owners will be in accordance with current regulations enacted by the Division of Motor Vehicles under Title 39 of the Revised Statutes or otherwise according to law. The police department will assist in providing any information needed for proper disposition of such vehicles. (Prior code § 12:35-8)

5.20.090 Violations—Penalty.

Every person found guilty of violating any of the provisions of this chapter may, in addition to being removed from the towing list, be liable to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding ninety (90) days, or both. (Prior code § 12:35-9)



Chapter 5.24

NURSERIES, DAY CARE CENTERS AND KINDERGARTENS

**Sections:**

- 5.24.010 Definitions.
- 5.24.020 Permits required.
- 5.24.030 Hours.
- 5.24.040 Violation—Penalty.

5.24.010 Definitions.

The words defined in this section shall mean and include the following when used in this chapter:

“Day care centers” means facilities for the care of children between the ages of twenty-five (25) months and sixty (60) months.

“Kindergartens” means facilities for the care of children from the ages of sixty-one (61) months to their eligibility for entry into the first grade.

“Nurseries” means a facility for the care of infant children between the ages of six and twenty-four (24) months. (Prior code § 12:25-1)

5.24.020 Permits required.

No nursery, day care center or kindergarten shall operate within the township until such time as it has filed with the office of the township clerk, a copy of a certificate to operate said facility issued by the appropriate state and/or county agency. Upon filing of said certificate no further permit shall be required by the township. (Prior code § 12:25-2)

5.24.030 Hours.

No nursery, day care center or kindergarten may be operated on saturday or sunday or before the hour of seven a.m. or after the hour of seven p.m., prevailing time on weekdays, within a residential zone in the township. (Prior code § 12:25-3)

5.24.040 Violation—Penalty.

Any person violating the terms of this chapter shall, upon conviction, be subject to punishment by a fine not exceeding one hundred dollars (\$100.00) or imprisonment in a county jail for a term not exceeding ten days or both. (Prior code § 12:25-4)

## Chapter 5.28

### PEDDLERS AND SOLICITORS

#### Sections:

5.28.010	Definitions.
5.28.020	License required.
5.28.030	Selling from vehicles— Regulations.
5.28.040	Applicability.
5.28.050	Application.
5.28.060	Solicitation by charitable organizations.
5.28.070	Investigation.
5.28.080	License fee—Exemptions.
5.28.090	Rules and regulations.
5.28.100	Attracting attention with sound-making devices prohibited.
5.28.110	No exclusive right to location—Operation in congested public streets prohibited.
5.28.120	Exhibition of license on request.
5.28.130	Reports and records.
5.28.140	Revocation.
5.28.150	Expiration.
5.28.160	Delivery of items does not apply.
5.28.170	Violation—Penalty.

#### 5.28.010 Definitions.

When used in this chapter the following terms shall have the following meanings:

“Peddler” or “hawker” means and includes any person, whether a resident of the township of Edgewater Park or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise and offering or exposing the same for sale, or making sales and delivering articles to purchasers.

“Solicitor” or “canvassers” means and includes any person, whether a resident of the township of Edgewater Park or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of services, goods, wares or merchandise, including magazines, books, periodicals, photographs or personal property of any nature whatsoever for future delivery or for services to be performed in the future, whether or not such individual has, carries, or exposes for sale a sample or the subject for such order, or whether or not he is collecting advance payment on such orders.

“Person” means and includes any partnerships, partner, corporation or corporations, or persons.

This chapter shall also include any person who distributes circulars or any other matter from house to house in the township of Edgewater Park. (Prior code § 12:9-1)

#### 5.28.020 License required.

A. It is unlawful for any hawkers, peddlers, canvassers or solicitors, as defined in this chapter, to engage in any such business or operations in the township, without having first obtained a license therefor, in compliance with the provisions of this chapter and in any event, only in accordance with the terms and provisions of this chapter and only in parts or locations of the township as permitted in this chapter. (Prior code § 12:9-2 (part))

#### 5.28.030 Selling from vehicles— Regulations.

A. All licensees who shall offer to sell, display for sale or sell or deliver fruits and vegetables and farm products from any vehicles which are wholly or in part open on any of the sides

thereof, at all times, keep all fruits, vegetables and produce of any kind and nature completely screened and covered to avoid and eliminate the accumulation of flies or any other insects from alighting around or upon any and all said merchandise.

B. All licensees offering for sale, displaying for sale, selling or delivering seafood, meats, poultry or dairy products, shall transport the same solely in refrigerated vehicles, and all such products shall remain in the refrigerated portion of said vehicle at all times to the time of sale or delivery, and said refrigerated portion, during the uses thereof, in accordance with this, shall be maintained at a properly low temperature to completely safeguard all of said products from a health and sanitary standpoint to the fullest reasonable extent possible for safety and welfare of the public.

C. No licensee shall at any time permit any debris, waste material, rotting produce or merchandise of any kind or any unfit produce, to remain in or upon their vehicle, unless the same is contained in a metal leakproof container having a metal properly fitted cover on said container.

D. No licensee shall canvass or solicit orders by any articles from pedestrians or vehicular traffic, other than when his vehicle shall be properly parked immediately adjacent to the curb of a public street in a permitted locality, and said licensee shall at no time double park when dealing with any of his trade, and in no event shall transact any of his business operations, other than on the curb side of his said vehicle.

E. No licensee shall at any time permit any waste materials or parts of produce or any other merchandise to remain in or upon any street, roadway, curbs or walks, and shall at all times remove any such debris that may have fallen from his vehicle, so that the same is immediately placed in the metal containers, as provided in subsection C of this section.

F. All sales of merchandise by any licensee shall, at the time of said sale, be placed in bags or other like suitable containers, when the same shall be handed to customers of the said licensee.

G. The licensee shall prohibit, as reasonably as possible, the eating of any merchandise directly from his vehicle.

H. All licensees and their respective vehicles or modes of transportation in carrying on their permitted business shall at all times fully comply with all of the terms, covenants and conditions of this chapter and all other applicable municipal ordinances and all other applicable state laws, regulations or provisions pertaining thereto, and particularly, but not in limitation thereof, that may deal with provisions of health, safety and general welfare. (Prior code § 12:9-2 (part))

#### 5.28.040 Applicability.

The terms of this chapter shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, and nothing contained herein shall be held to prohibit any sale required by statute or by order of any court. (Prior code § 12:9-3)

#### 5.28.050 Application.

A. Applicants for a license under this chapter must file with the township clerk a sworn application in writing, which shall give the following information:

1. Name and physical description of applicant;
2. Complete permanent home and local address of the applicant;
3. A description of the nature of the business and the goods, services or wares to be sold;
4. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
5. The length of time for which the right to do business is desired and the days of the week and the hours of the day within which the said business will be conducted;
6. The source of supply of the goods or property or services proposed to be sold, where such goods, services or products are located and the method of delivery;
7. Three recent photographs of the applicant which shall be approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguished manner;

8. Appropriate evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor.

B. The applicant shall be fingerprinted, if requested by the director of public safety/chief law enforcement officer, who shall determine whether said fingerprints are necessary for proper identification, which fingerprints are to be recorded and processed immediately for classification and identification.

C. No license shall be issued until the application shall have been approved by the director of public safety/chief law enforcement officer department, allowing adequate time for investigation of the facts set forth in the application.

D. Applications for partners shall be signed by all partners with foregoing provisions of this section answered in detail as to each said partner, and applications of corporations shall have attached thereto individual statements, in accordance with all of the provisions of this section, relating to each and every employee, agent or servant, who shall engage in any of the functions authorized by this chapter and signed by each such agent, servant or employee, and full compliance herewith by each such individual. (Prior code § 12:9-4)

5.28.060 Solicitation by charitable organizations.

A. Any person, organization or association desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization at any place or places within the township for a charitable, religious, patriotic or philanthropic purpose shall be exempt from provisions of Section 5.28.050 and Section 5.28.080 of this chapter, provided there is filed a sworn application in writing with the township clerk or director of public safety/chief law enforcement officer, which shall give the following information:

1. Name and purpose of the cause for which the permit is sought;
2. Names and addresses of the officers and directors of the organization;
3. Period during which solicitation is to be carried on;
4. Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof;
5. Names and addresses of each agent or representative who will conduct solicitations and the length of time that such agent or representative has been employed or affiliated with such organization, society, association or corporation.

B. Upon being satisfied that such person, organization, society or association is a religious, charitable, patriotic or philanthropic organization and that the agents or representatives who shall conduct the solicitations are of good moral character and reputation, the township clerk or director of public safety/chief law enforcement officer shall issue a permit without charge to such organization, association or corporation, to solicit in the township. Such organization, association or corporation shall furnish all its members, agents or representatives conducting solicitation, credentials in writing stating the name of the organization, name of the agent and purpose of solicitation. (Prior code § 12:9-5)

5.28.070 Investigation.

A. Each application shall be referred to the director of public safety/chief law enforcement officer or officer in charge of the police department, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section, within a reasonable period of time after it has been filed by the applicant.

B. If, as a result of such investigation, the applicant's character or business responsibility is

found to be unsatisfactory or the product or services are not free from fraud, the director of public safety/chief law enforcement officer shall endorse on such application his disapproval and his reasons for the same and return the said application to the township clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.

C. Upon action by the director of public safety/chief law enforcement officer, the application shall be forwarded to the township committee who shall have the final authority to issue or deny said license. A hearing upon the recommendation of the director of public safety/chief law enforcement officer shall be scheduled within forty-five (45) days of receipt thereof. The township committee shall promptly request a report, in writing, from the township planning board as to the impact of the license application upon the zoning and subdivision ordinances. The township committee shall render a decision granting or denying the license with reason in writing therefor within thirty-one (31) days after the final hearing on the matter. (Prior code § 12:9-6)

5.28.080 License fee—Exemptions.

A. Every applicant for a license shall be charged by the township clerk for such license ten dollars (\$10.00) per year.

B. Any veteran who holds a special state license issued under the laws of the state of New Jersey, shall be exempt from securing a license as provided herein for hawking and peddling, but shall be required to procure from the township clerk a special veteran's permit which shall be issued by the township clerk, upon proper identification.

C. Any person to whom a valid mercantile license shall have been issued under provisions of laws other than in this chapter shall be exempt from securing a license as provided in this chapter, but said person or said person's employees, agent or servants shall be required to comply with all other sections of this chapter and shall be required to procure from the township clerk a permit, upon proper identification and said compliance herewith. (Prior code § 12:9-7)

5.28.090 Rules and regulations.

Every person, society, association or organization 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 and not left on or about the same.

B. No person subject to the provisions of this chapter shall canvass, solicit or distribute circulars or other matter or call from house to house except during reasonable hours during the day and on weekdays.

C. No person subject to the terms of this chapter shall enter or attempt to enter the lands or house of any resident in the township without an express invitation from the occupant of the house.

D. No person shall offer any merchandise, as defined in this chapter, for sale on the public recreation grounds of the township, except by written permission from the recreation commission of the township. (Prior code § 12:9-8)

5.28.100 Attracting attention with sound-making devices prohibited.

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 said licensee proposes to sell. (Prior code § 12:9-9)

5.28.110 No exclusive right to location—Operation in congested public streets prohibited.

No licensee shall have any exclusive right to any location in the public streets, nor shall any be

permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of the police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (Prior code § 12:9-10)

5.28.120           Exhibition of license on request.

Licensees are required to exhibit their certification of license at the request of any citizen, or member of police department. (Prior code § 12:9-11)

5.28.130           Reports and records.

The director of public safety/chief law enforcement officer shall report to the township clerk all convictions for violation of this chapter and the township clerk shall maintain a record for each license issued and record the reports of violation therein. (Prior code § 12:9-12)

5.28.140           Revocation.

A.           Licenses issued under the provisions of this chapter may be revoked by the township committee of the township after notice and hearing for any of the following causes:

1.           Fraud, misrepresentation, or a materially incorrect statement contained in the application for license;
2.           Fraud, misrepresentation, or a materially incorrect statement made in the course of carrying on his business as solicitor, canvasser or peddler;
3.           Any violation of this chapter;
4.           Conviction of any crime or misdemeanor;
5.           Conducting the business of peddler, canvasser or solicitor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B.           Notice of the hearing for revocation of a license shall be given by the township clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for hearing. (Prior code § 12:9-13)

5.28.150           Expiration.

All annual licenses issued under the provisions of this chapter shall expire at midnight the 31st day of December in the year when issued. Licenses other than annual licenses shall expire at midnight on the date specified in the license. (Prior code § 12:9-14)

5.28.160           Delivery of items does not apply.

This chapter shall not affect any person engaged in delivering wares, goods or merchandise, or other articles or things in the regular course of business, to the premises of the person ordering or entitled to receive the same. (Prior code § 12:9-15)

5.28.170           Violation—Penalty.

Any person violating the terms of this chapter, whether as principal or agent, or employee of another, shall upon conviction in the municipal court of the township, be subject to a fine not exceeding two hundred dollars (\$200.00), or to imprisonment in the county jail not exceeding ninety (90) days, or both, in the discretion of the magistrate. (Prior code § 12:9-16)

## Chapter 5.32

### TRANSIENT MERCHANTS

#### Sections:

5.32.010	Purpose.
5.32.020	Definitions.
5.32.030	Exceptions.
5.32.040	Application for license.
5.32.050	Fees.
5.32.060	Approval, nontransferability and term.
5.32.070	Revocation.
5.32.080	Violations.

#### 5.32.010 Purpose.

It is the purpose and intent of this chapter to protect the people of the township from improper sales techniques by providing for the licensing and regulation of transient merchants. (Prior code § 12:9A- 1)

#### 5.32.020 Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

“Person” means any individual, corporation, partnership, association or other entity.

“Temporary or transient business” means any business conducted for the sale or offer for sale of goods, wares or merchandise which is carried on in any building, structure, motor vehicle, railroad car or real estate for a period of less than three consecutive months in a year.

“Transient merchant” means any person, firm, corporation, partnership or other entity which engages in, does or transacts any temporary or transient business in the township, either in one locality or in traveling from place to place in the township, offering for sale or selling goods, wares, merchandise or services, and includes those merchants who, for the purpose of carrying on such business, hire, lease, use or occupy any building, structure, motor vehicle, railroad car or real estate. (Prior code § 12:9A-2)

#### 5.32.030 Exceptions.

- A. The provisions of this chapter shall not apply to:
1. Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;
  2. Wholesale trade shows and/or conventions;
  3. Retail sale of ice cream and/or flavored water ice by motor vehicle or cart during the summer months;
  4. Any general sale, fair, auction or bazaar sponsored by any civic, fraternal, education or religious organization;
  5. Garage sales held on the premises devoted to residential use;
  6. Any new home construction contractor, residential developer, master plumber or electrical contractor who is licensed or regulated by a state, county or municipal agency, division, department or professional board and any contractor of home improvements as defined by NJAC 13:45A-16.1 who, in the normal course of business, advertises or performs his services in the township; provided that any such tradesman complies with all state, county and municipal regulations enforceable by the township construction official;
  7. Sale of produce or other agriculture products from buildings or from roadside stands where the premises in question are owned and operated by the farmer; it being the express intention of

this chapter that nothing herein shall prohibit the sale of agriculture products on land owned and operated by the farmer unless prohibited by the township zoning ordinance.

B. A transient merchant not otherwise exempted from the provisions of this chapter shall not be relieved or exempted from the provisions of this chapter by reason of associating himself temporarily with any local dealer, auctioneer, trader, contractor or merchant or by conducting such temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor or merchant. (Prior code § 12:9A-3)

#### 5.32.040 Application for license.

Any transient merchant desiring to transact business within the confines of the township shall make application for and obtain a license therefor. The application for license shall be filed with the township clerk and shall be referred to the director of public safety/chief law enforcement officer for the applicant's background investigation. The application shall include the following information:

A. The name and permanent address of the transient merchant making the application, and if the applicant is a firm or corporation the name and business and home addresses of the members of the firm or the officers of the corporation, as the case may be;

B. If the applicant is a corporation, there shall be stated on the application form the date of incorporation, the state of incorporation, and if the applicant is a corporation formed in a state other than the state of New Jersey, the date on which such corporation qualified to transact business as a foreign corporation in the state of New Jersey;

C. A statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact such business and the location or locations of such proposed place of business;

D. A letter from the Edgewater Park property owner if business is to be transacted on real estate;

E. Proof that the applicant has acquired all other required township, county and state permits and licenses. (Prior code § 12:9A-4)

#### 5.32.050 Fees.

Each application for a transient merchant license shall be accompanied by a license fee of two hundred fifty dollars (\$250.00). (Prior code § 12:9A-5)

#### 5.32.060 Approval, nontransferability and term.

A transient business license may be issued hereunder only by the township committee and only when all requirements of this chapter have been met; such license shall not be transferable, shall be valid only within the territorial limits of the township, shall be valid only for a period of not more than ninety (90) consecutive days, and shall be valid only for the business stated in the application. A license so issued shall be valid for only one person, unless such person shall be a member of a partnership or employee of a firm or corporation containing such license. The township committee may, in its sole discretion, deny the issuance of a transient business license if it determines that the issuance of said license will be inimicable to the health, safety and/or welfare of the people of Edgewater Park Township. (Prior code § 12:9A-6)

#### 5.32.070 Revocation.

The township committee may revoke any license issued under this chapter at any time if it finds that the conduct of the licensee or the continued existence of the license is inimicable to the health, safety and/or welfare of the people of the township. In such event, the licensee shall be entitled to a hearing before the township committee within thirty (30) days from the date of the revocation. The licensee shall be entitled to appear with an attorney at said hearing. (Prior code § 12:9A-7)

5.32.080 Violations.

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine not exceeding two hundred dollars (\$200.00) or imprisonment in the county jail for a term not exceeding ninety (90) days, or both at the discretion of the magistrate before whom such convictions may be held. Each day such violation shall continue shall constitute a separate offense. (Prior code § 12:9A-8)