



THE MAYOR AND COUNCIL
of the
BOROUGH OF GLEN RIDGE

County of Essex
State of New Jersey

ORDINANCE 1745

AN ORDINANCE TO REINSTATE RULES AND REGULATIONS FOR PEDDLERS AND HAWKERS

SECTION 1.

5.16.010 - Regulations

A. Use of Streets

No Peddler shall have any exclusive right to any location, nor shall he or she be permitted to operate in any congested area where his/her operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

B. Inspection of Equipment

The equipment used or employed by peddlers of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and be subject to the inspection of the Health Officer or his/her authorized agents. Any violation found and not immediately corrected shall be grounds for revocation of the license.

C. Conduct

1. No person or persons, whether licensed under the terms or provisions of this chapter or unlicensed, shall scatter, throw or deposit any garbage, handbills, advertisements, circulars or other printer matter in and about the street, sidewalk, parks and public places within the Borough of Glen Ridge or upon the premises of any resident or property owner.
2. The use of any sound system upon any vehicle, including but not limited to bells, horns or musical playing devices – used to attract patrons, are not permitted while any such vehicle is stopped or standing. Any sound device may only be used for a short period of time, not to exceed two minutes of continual playing.
3. The use of active public streets and sidewalks within the Borough of Glen Ridge by peddlers are hereby prohibited.
4. It shall be unlawful to leave any vehicle unattended at any time or store, place or leave the same overnight on any public property of the Borough.
5. It shall be unlawful for any peddler to misrepresent the character or quality of merchandise offered for sale, to importune or otherwise annoy any person for the purpose of effecting or inducing a purchase or to conduct himself otherwise than honestly and courteously.
6. Conduct, or attempt to conduct, his business within 200 feet of any place occupied exclusively as a train station, public or private school or for school purposes, nor, during such times, shall he permit his cart, wagon or vehicle to stand on any public highway within such distance of any school property.

5.28.020 - Standards for approval or rejection of application

- A. If, after investigation, the Chief of Police concludes that the applicant's character and business responsibility are satisfactory, the Chief shall signify their approval of the application.
- B. If, after an investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall disapprove such application and their reasons, therefore. Any determination by the Chief of Police that an applicant shall be disapproved shall be based upon one (1) or more of the following findings with respect to the applicant or, in the case of solicitation of contributions, any of the organizations officer's, managers or agents:
 1. Conviction of a crime involving moral turpitude.
 2. Prior violation of a peddling or soliciting ordinance.

3. Previous fraudulent acts or conduct.
4. Record of breaches of solicited contracts.
5. Evidence of bad character.
6. False swearing upon application.

C. In the absence of any such finding, the chief of Police shall find the application satisfactory and shall endorse their approval upon same.

5.28.030 License fee – Duration.

Each and every person or corporation so licensed as aforesaid shall pay to the borough clerk for such license the nonrefundable sum of fifty dollars for the use of the Borough, and such license when used shall be in force until the first day of May next succeeding the date granting of said license; provided, however, that the fee for the license issued after the expiration of six months from the first day of May shall be twenty-five dollars.

5.28.040 Application to licensed vehicle only

Every person or corporation licensed under the provision of this chapter shall be entitled to the use of one wagon, cart or other vehicle for each license taken out and no more.

5.28.050 License nontransferable

Licenses granted pursuant hereto are not transferable, and no person, persons or corporation, having obtained a license as aforesaid shall lend or hire the same or any duplicate thereof or allow the use of any such vehicle with such licensee's name thereon, for the purposes of vending, hawking or peddling.

5.28.070 Required to carry license – exhibit when

Every licensee, as aforesaid engaged in hawking or peddling in the streets and public places of the Borough, shall at all times, when so engaged, carry the license hereinabove referred to and shall exhibit the same.

5.28.071 SUSPENSION

The Borough Administrator and / or Borough Council may immediately suspend a license issued under this article for a period of not more than 30 days, pending a hearing to revoke the permit for any of the following causes:

1. Fraud, misrepresentation or false statement in any application for a license; or
2. Fraud, misrepresentation, false statement or other dishonesty in the conduct of the licensed activity; or
3. An alleged violation of any provisions of this article; or
4. Conviction of the licensee for any felony or high misdemeanor or a misdemeanor or disorderly person's offense involving moral turpitude; or
5. Conduct of the licensed activity in an unlawful manner or in a manner that constitutes a breach of the peace or a menace to the public health, safety or general welfare; or
6. Whenever a license has been issued based upon an application pending the results of the investigation, the license may be summarily revoked if the result of the investigation is such as would have resulted in denial of the application.

B. Notice of a hearing for the revocation of a license shall be given to the licensee in writing by the Municipal Clerk. The notice shall specifically set forth the grounds on which the proposed revocation is based and the time and place of the hearing. The notice shall be served by mailing a copy to the licensee at his last known address by certified mail, return receipt requested, at least five days prior to the date set for the hearing.

C. At the hearing, the licensee shall have the right to appear and be heard in his own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his own expense. The Borough Council may revoke or suspend the license if it is satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.

5.28.072. Reinstatement of revoked licenses.

The Borough Council may issue another license to a person whose license has been revoked or denied if after hearing it is satisfied by clear and convincing evidence that the acts which led to the revocation or denial will not occur again; otherwise, no person whose license has been revoked or denied nor any person acting for him, directly or indirectly, shall be issued another license to carry on the same activity.

5.28.073. Insurance requirements.

A. Every licensee shall carry and maintain in force insurance covering its operations written by an insurance company licensed to do business in the State of New Jersey, providing the following minimum coverage and language:

1. Comprehensive general liability : \$ 500,000 (combined single limit each occurrence).
2. Business automobile liability: \$ 500,000 (each accident), or if the license is granted to an entity that does not own any automobiles and uses employees that would use their own automobiles to conduct business, then employer's non-ownership automobile liability will be accepted for the business auto insurance requirement.

B. The Borough and its agents and employees shall be indemnified and held harmless from all claims and demands, losses and expenses arising from the permission granted and shall be named as an additional insured.

C. The issuing company shall notify the Borough with 10 days of the cancellation of any of the policies.

D. The licensee shall provide proof of paid-up insurance coverage, and in the case of not having paid the policy for a full year, appropriate i.e., monthly, quarterly or semiannual proof shall be provided.

5.28.074. Special permits; fees.

Permits for one day to three days may be issued by the Borough Clerk in lieu of the licenses required by this article, subject to the approval of the Chief of Police or Captain of Police, upon payment of a fee of \$ 62.50 to the Municipal Clerk.

If any clause, sentence, subdivision, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section, or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

5.28.080 Violation – Penalty

Any person, firm or corporation violating any provisions of this chapter shall be liable to a penalty of not exceeding fifty dollars upon the first conviction, and to a penalty of not exceeding two-hundred dollars upon the second and every subsequent conviction.

SECTION 2. All ordinances or parts of ordinances not consistent with the provisions of this Ordinance are and the same are hereby repealed.

BE IT FURTHER ENACTED AND ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication thereof, as provided for by law.

Introduced: Monday, April 12, 2021
Adopted:

Stuart K. Patrick
Mayor

Attest:

Tara Lyn Ventola
Deputy Clerk