TOWNSHIP OF MAURICE RIVER

ORDINANCE NO. 640

AN ORDINANCE OF MAURICE RIVER TOWNSHIP, CUMBERLAND COUNTY, AMENDING ORDINANCE NO. 460 AND ORDINANCE NO. 627 REGULATING SOLICITING, VENDORS AND PEDDLERS OPERATING WITHIN MAURICE RIVER TOWNSHIP

WHEREAS, the Township Committee previously adopted Ordinance No. 240 an Ordinance prohibiting the sale or offer for sale of certain property within the Township, establishing the exceptions to such prohibitions and affixing penalties for the violation thereof; and

WHEREAS, the Township Committee previously rescinded Ordinance No. 240 and amended Ordinance No. 460, by way of Ordinance No. 627.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey, does hereby amend Ordinance No. 460 and 627, as follows:

A. § 4-2.2 through § 4-2.11 are hereby rescinded.

B. The following sections are added:

1) It shall be unlawful for any person, limited liability company, corporation or any entity whatsoever to sell or offer for sale or to station or place any stand, cart, motor vehicle or any vehicle whatsoever for the sale or display of any farm products, goods, wares or any merchandise whatsoever along the public roadways, streets, highways or thoroughfares or any private road within the Township or upon any lands immediately adjacent thereto or upon any lands whatsoever within the Township except as shall hereinafter be provided.

2) The above prohibition shall not apply to any person, limited liability company, corporation or any entity whatsoever who:

(a) Conducts any retail business or business of any nature or description in a permanently erected business structure which has been duly licensed by the Township and, if applicable, received all necessary approvals from the Land Use Board; or

(b) Conducts any business of any nature or description specifically permitted or regulated by the ordinances of Maurice River Township or by the statutes of the State of New Jersey; or

(c) Conducts any retail or wholesale business as permitted by the New Jersey Right to Farm Act.

3) Exemptions

(a) Notwithstanding the above, every person who has been honorably discharged from the active military service of the United States, and is a resident of New Jersey and every exempt member of a volunteer fire department, volunteer fire engine, hook and ladder, hose, supply company or salvage corps, of any municipality or fire district within the State of New Jersey, who holds an exemption certificate issued to him or her as an exempt member of any such department, company, or corps, and that he or she is a resident of the State of New Jersey shall have the right to hawk, peddle and vend any goods, wares or merchandise or solicit trade within the Township.

(b) Every such person noted above shall first procure a license from the Township as hereinafter set forth.

(c) Every person who has been honorably discharged from the active military service of the United States and who wishes to hawk, peddle and/or vend within Maurice River Township must first obtain a veterans identification card through the Cumberland County Clerk's office or through the County Clerk of the county of residence and must comply with all requirements as set forth in New Jersey statutes.

(d) Every person as set forth above wishing to hawk, peddle and/or vend within Maurice River Township must complete an application form as provided by the Township Clerk.

(e) Each person noted above shall receive a certificate permitting the holder to hawk, peddle and vend within the Township free of charge. Said certificate shall be valid for a period of ninety (90) days. Said certificate shall automatically extend for an additional ninety (90) days if there have been no violations during the initial ninety (90) day period.

(f) Each person as set forth above wishing to hawk, peddle and/or vend within the Township shall comply with all applicable laws of the State of New Jersey to include any and all laws regarding collection of sales tax unless said property to be sold is exempted from sales and use taxation pursuant to New Jersey law.

4. Certificates:

a) The Township Clerk shall cause to be kept in the Clerk's office an accurate record of each application received and acted upon together will all other information and data pertaining thereto and all certificates of registration issued under the provisions of this section and the denial of any applications. Applications for certificates shall be numbered in consecutive order as filed and every

certificate issued and any renewal thereof shall be identified with a duplicate number of the application upon which it was issued.

b) Each certificate shall be valid for a period of ninety (90) days.

5. Application for Certificate of Registration: Application for a certificate of registration shall be made upon a form provided by the Township. The applicant shall truthfully state in full the information requested on the application, to wit:

a) Name and address of present place of residence and length of residence at such address; also business address if other than present address.
b) Address of place of residence during the past three (3) years if other than present address.
c) Age of applicant.
d) Physical description of the applicant.
e) Name and address of the program, firm or corporation or association by whom the applicant is employed or represents; and the length of time of such employment or representation.
f) Name and address of employer during the past three (3) years if other than the present employer.
g) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
h) Period of time for which the certificate is applied which shall not be for more than ninety (90) days.
i) The date, or approximate date, of the latest previous application for certificate under this section, if any.
j) Whether a certificate of registration issued to the applicant under this section ever been revoked?
k) Whether the applicant ever been convicted of a violation or a felony under the laws of the State or any other State or Federal law of the United States.

All statements made by the applicant upon the application or in connection therewith shall be under oath.
(Ord. No. 253 § 4)

Any person honorably discharged from the active military service of the United States who shall have his or her veterans identification card revoked by the County or State of New Jersey, shall not be permitted to hawk, peddle and/or vend within the Township.

6. Location of Vending Activities.

a) Any person qualified to hawk, peddle and vend any goods, wares or merchandise within the Township as set forth above shall only conduct said activities on privately owned land within the Township.
b) Said vendor must be the owner of said land or must have obtained written permission to utilize said land for said vending activities.

c) Prior to hawking, peddling and/or vending any goods on said land as set forth above, all real estate taxes due and payable to the Township must be paid in full.

d) There shall be no hawking, peddling or vending activities on any public property within the Township to include the right of ways of any roadway within the Township. Said restriction against peddling within any public right of way is based upon the safety concerns for both the vendor and the public traveling along said public roadways.

7. All other provisions of Ordinance No. 460 and 627 shall remain in full force and effect except as amended by this ordinance.

8. Severability: Should any section, sentence, clause or provision or a portion of this Ordinance be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or impact upon any other section, sentence, clause or provision or portion of this Ordinance and the remainder of the Ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey that this Ordinance shall take effect immediately upon the adoption and publication of notice of adoption as prescribed by law.

ATTEST:

DENISE PETERSON, TOWNSHIP CLERK

ANDREW SARCLETTE, MAYOR

PATRICIA GROSS, DEPUTY MAYOR

J. ROY OLIVER, COMMITTEEPERSON

First Reading: February 19, 2015
Publication: February 26, 2015
Public Hearing: March 19, 2015
Adoption: March 19, 2015
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