

BOROUGH OF LAKEHURST

SOLICITATIONS/NO KNOCK REGISTRY

Please be advised that Ordinance #2015-05 (**attached**) was adopted by the Governing Body at the council meeting of September 17, 2015. This ordinance concerns door-to-door solicitations as well as a No Knock provision, which allows residents to "opt out" of door-to-door solicitation. Residents wishing to be listed on the No Knock registry can complete the (**attached form**) and bring it to Borough Hall, 5 Union Avenue, to receive a red "No Knock" sticker to be displayed in a conspicuous manner in a front window to alert door-to-door solicitors to desist from door-to-door solicitations at that residence. No Knock stickers can be mailed to residents for a \$1.00 fee.

**BOROUGH OF LAKEHURST
OFFICE OF THE MUNICIPAL CLERK**

5 Union Avenue
Lakehurst, NJ 08733
(732) 657-4141
Fax (732)657-8272

APPLICATION FOR “NO KNOCK REGISTRY”

PURSUANT TO CHAPTER IV, SECTION 4-11.5 OF THE MUNICIPAL CODE OF THE BOROUGH OF LAKEHURST ENTITLED “HAWKING, PEDDLING & SOLICITING”

NAME: _____

ADDRESS: _____

TELEPHONE (DAY) _____ TELEPHONE (EVENING) _____

If applying by mail, please complete this application include the \$1.00 fee payable to the Borough of Lakehurst and forward to the Office of the Municipal Clerk at the above address.

Date: _____

Signature of Resident

Decal issued: () In person (no fee) () Via U.S. mail @ a \$1.00/fee

Date issued: _____

The above owner and/or occupant has notified the Municipal Clerk that canvassing, peddling, itinerant vending and door-to-door sales enterprising are not permitted on the above referenced premises.

Please do not write below this line

I, Maryanne Capasso, RMC, Municipal Clerk of the Borough of Lakehurst, in the County of Ocean, State of New Jersey, declare that the above referenced applicant has satisfied the requirements set forth in Ordinance # 15-05 regarding “Hawking, Peddling and Soliciting- No Knock Registry”

Date

Maryanne Capasso, RMC
Municipal Clerk

**AN ORDINANCE OF THE BOROUGH OF LAKEHURST,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER IV, OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF LAKEHURST, ENTITLED “GENERAL
LICENSING”**

2015-05

BE IT ORDAINED, by the governing body of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter IV of the Municipal Code of the Borough of Lakehurst, entitled “**GENERAL LICENSING**,” is hereby amended and supplemented so as to add Section 4-11, to be entitled **Peddling and Soliciting**.

Section 4-11: Peddling and Soliciting

4-11.1 Definitions (As used in this section, the following terms shall have the meanings indicated:

MOTOR VEHICLE

Any vehicle used for the displaying, storing, or transporting of articles offered for sale by a vendor, which is required to be registered with the New Jersey Motor Vehicle Commission.

PERSON

Any individual, but not a corporation, partnership or any form of business entity.

VENDING UNIT

Any vehicle or device which may be moved without assistance of a motor or is not otherwise required to be registered with the New Jersey Motor Vehicle Commission and is used for the displaying, storing or transporting of articles offered for sale by a vendor.

VENDOR

Any person who goes from house to house or place to place, by foot or any means of conveyance, selling goods or services or soliciting orders for future delivery of goods or services. “Vendor” shall mean the same as “peddler,” “hawker,” and “solicitor.”

Section 4-11.2 Registration Requirements

- No person shall engage in vending within the Borough of Lakehurst unless he/she has registered with the Borough in the following manner:

- He/she shall complete and sign a standard form of application for registration, made available by the office of the Municipal Clerk, setting forth the following information:
- Name and address
- Physical Description of the applicant
- Applicant's places of residence for the preceding five years
- Complete description of the type of vending business proposed
- Complete description of any vending unit to be used, including the make, model, color and serial number
- Complete description of any motor vehicle to be used, including the make, model, color and registration number and all insurance information, including the name and address of the carrier, policy number, and type of coverage
- Whether or not the applicant has ever had an application to conduct a vending business denied or revoked and, if so, the details of denial or revocation
- Whether or not the applicant has ever been convicted of a crime and, if so, the details of the conviction
- Proof of an insurance policy issued by a New Jersey licensed company protecting the applicant and the Borough from all claims or damages to property and bodily injury, including death, which may arise in connection with the applicant's vending business activities. Said policy shall name the Borough of Lakehurst as an additional insured and shall provide that the policy may not be terminated prior to the expiration date without at least thirty (30) days advance written notice to the office of the Municipal Clerk. The minimum amounts of insurance coverage to be maintained are:

[1] Personal injury: \$100,000 per person; \$300,000 per occurrence

[2] Property damage: \$50,000

- A copy of the certificate of satisfactory inspection issued by the Ocean County Health Department in the case of vendors seeking to engage in the business of vending food and/or beverages
- Upon satisfactory completion of the registration process and payment of the required fee, a vendor permit shall be issued to the applicant for the specific vending business for which applicant had been completed. The vendor permit shall be in plain view of the public at all times and shall include:

- The signature of the Municipal Clerk
 - The name and address of the vendor
 - The type of vending business engaged in, including description of goods or services offered
 - The date of issuance and expiration date
 - A description of any vending unit and/or motor vehicle used in the vending business, including any identifying registration and/or serial number
- Any certificate of health compliance required by the Ocean County Health Department shall be displayed on the vending unit and/or motor vehicle in plain view of the public at all times.
 - All vendor permits shall be valid for a period of one year from the date of issuance and are not transferable or assignable.
 - Each vendor shall operate only one vending unit at one time.
 - All vendors shall notify the Borough, in writing, within thirty days of any changes in the information contained in the registration application.
 - The registration fee for each vendor shall be \$50 per year, except that persons holding a license issued in accordance with N.J.S.A. 45:24-9 et seq. shall be exempt from payment of any fee.
- **Suspension or revocation of registration**

Any vendor permit issued in accordance with the provisions of this section may be suspended or revoked by the Borough of Lakehurst Municipal Court for any of the following reasons:

 - Fraud or misrepresentation in the application process
 - Fraud or misrepresentation made during the course of conducting the business of vending
 - Conducting the business of vending in such a manner to create a public nuisance or jeopardize the public health, safety or welfare.
- **Vending regulations**

The business of vending shall be subject to the following regulations:

- The business of vending shall only be conducted between the hours of 7:00 a.m. and 9:00 p.m., and all vending units shall be off the streets and sidewalks of the Borough between the hours of 9:00 p.m. and 7:00 a.m.
- All vending units must be mobile.
- There shall be no vending within 200 feet of any school, church, synagogue, or other house of worship while the same is in session.
- No vending units or motor vehicles shall be left unattended for any reasons on the streets or sidewalks of the Borough.
- All vendors in the business of selling food and/or beverages shall have a litter receptacle available for public use. All litter and refuse shall be collected and taken away by the vendor when he or she leaves the location.
- All materials and merchandise related to the vending business must be located within the vending unit.
- No vendor shall offer for sale any merchandise other than that described in his/her registration.
- No vendor shall have an exclusive right to any location in the public streets nor shall he/she be permitted to vend from a permanent location.
- No vendor shall be permitted to operate in any area where such operation might unreasonably impede traffic, jeopardize the public health, safety and welfare or create a public nuisance.
- No vendor shall place his/her vending unit within 500 feet of any location already being used by another vendor or established merchant.

Section 4-11.5 No Knock Registry

- The Municipal Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that canvassing, peddling, itinerant vending and door-to-door sales enterprises are not permitted on the premises (hereinafter referred to as the “No Knock” Registry). Notification shall be provided upon completion of a form available at the Municipal Clerk’s office during normal business hours. The list shall be updated on January 15 and July 15 of each year.
- Any owner and/or occupant who has requested enlistment on the No Knock Registry pursuant to Subsection A herein shall be able to procure from the Clerk’s office a sticker for display at his/her/its premises indicating enlistment on the No

Knock Registry. If the owner and/or occupant desires to have said sticker mailed to him or her, a fee of \$1 shall be made payable to the Borough of Lakehurst at the time of the request. No fee shall apply for stickers picked up in person.

- The Municipal Clerk shall distribute the current No Knock Registry to a licensee at the time of issuance of a vendor permit to peddle, canvass, itinerant vend, or otherwise door-to-door sell, pursuant to the provisions of this section. The licensee shall not peddle, canvass, itinerant vend, or conduct door-to-door sales at any premises identified on the then-current No Knock Registry.
- Any canvasser, peddler, itinerant vendor or owner or employee of a door-to-door sales enterprise who violates any provision of this section shall be:
 - Subject to a maximum ordinance violation fine of \$1,250 per offense;
 - Subject to a one-year revocation of any license issued pursuant to the within section; and
 - Ineligible to receive a new license, pursuant to the within section, for a period of one year, coinciding with the terms of the one-year revocation noted in Subsection **D(2)** herein.

Section 4-11.6 Health and Sanitation Requirements

Vendors of food and beverages shall comply will all standards and regulations set by the Ocean County Health Department and shall provide the Borough with copies of all certificates of inspection issued in accordance with the same.

Section 4-11.7 Violations and Penalties

In addition to the violations and penalties provided for in **Section 4-11.5** of this ordinance, any violation of any of the provisions of this section shall, upon conviction in Municipal Court, shall be punishable by a fine provided for in **Section 4-11.5** or by imprisonment not exceeding 90 days, or both. Every day that a violation exists shall be considered a separate offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Harry Robbins, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #2015-05 entitled " AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER IV, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, ENTITLED "GENERAL LICENSING" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the seventeenth day of September, 2015.

Bernadette Dugan, RMC/CPM
Municipal Clerk