

CHARTER TOWNSHIP OF HAMPTON

ORDINANCE NUMBER 40

SOLICITORS, PEDDLERS, AND TRANSIENT MERCHANTS ORDINANCE

An Ordinance to provide for the exercise of certain municipal powers of the Charter Township of Hampton and for the health, safety and welfare of persons and property in the Charter Township of Hampton and to provide penalties for the violation of the provisions thereof and in particular to provide for the licensing of solicitors, peddlers and transient merchants, to regulate their conduct, to regulate the conduct of said occupations within the Township, to prohibit same in certain parts of the Township and to provide for the general welfare, health and safety of persons and property within the Township.

TRAFFIC

1. LICENSE REQUIRED It shall be unlawful for any solicitor or peddler or transient merchant as defined in section 2 of this Ordinance to engage in such business within the corporate limits of the Charter Township of Hampton without first obtaining a license therefore in compliance with the provisions of this Chapter.

2. DEFINITIONS

- (1) Solicitor. A solicitor is any person traveling either by foot, motor vehicle or any other type of conveyance, from place to place, seeking to obtain orders for the purchase of goods or services for future delivery or performance.
- (2) Peddler. A peddler is any person, who travels by foot, motor vehicle or any other type of conveyance, from place to place, selling or offering for sale goods or services.
- (3) Transient Merchant. A transient merchant is any person who sells or offers for sale goods or services from a motor vehicle or other portable structure from a nonpermanent location.

3. APPLICATION. Applicants for a license under this Ordinance must file with the Township Clerk a sworn application on a form to be furnished by the Township Clerk, providing the following information:

- (1) Individual License.
  - (a) Name, age and physical description of applicant.
  - (b) A two inch by two inch (2 x 2) photograph of the applicant taken within sixty (60) days immediately prior to the date of the filing of the application showing the head and shoulders of the applicant in a clear and distinguished manner.

- (c) Permanent home address and local address, if different.
  - (d) Address of place of residence during the past three (3) years if other than present address.
  - (e) A brief description of the nature of the business and the goods to be sold.
  - (f) If employed, the name and address of the employer.
- (2) Group License. Whenever more than one (1) person is involved in soliciting or peddling on behalf of the same individual, business, organization or group, such person may apply for a group permit in lieu of individual permits. Each solicitor or peddler will be required to obtain an individual license and, accordingly, must supply the Township Clerk with the information required under section 7:63(1)(a) through (f) above.

4. ISSUANCE OF LICENSE.

- (1) The Township Clerk, upon payment of the prescribed license fee, shall deliver to the applicant his license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the type of license issued and the kind of goods or services to be sold thereunder and the date of issuance. Before any license will be issued to an applicant who proposes to solicit for sale or peddle any food or product for human consumption, certification must be received from the County Health Officer.

5. SHOWING OF LICENSE. Solicitors and peddlers are required to exhibit their license upon request.

6. PROHIBITED CONDUCT. The following conduct, in addition to any other penalties imposed herein, shall be punishable as a violation of this Ordinance:

- (1) Entering a private residence under pretenses other than for soliciting or peddling.

- (2) Remaining in a private residence or on the premises thereof after the owner or occupant thereof has requested any such person to leave.
- (3) Going in and upon the premises of a private residence by such person to solicit or peddle when the owner or occupant thereof has displayed a "no soliciting" or "no peddling" sign on such premises.
- (4) Except by prior invitation, soliciting at a private residence for the purpose of obtaining orders for the sale of goods.
- (5) Soliciting or peddling at a private residence prior to 10:00 a.m. and after official sunset time, or at any time on a Sunday or on a State or national holiday.
- (6) Soliciting or peddling on a street or within an area which has been closed by the Hampton Township Board for an art fair, street fair, or other special event, except where special permits are issued in accordance with standards established by the Hampton Township Board.
- (7) Remaining or keeping a vehicle stand or any form of conveyance at one location on a street or other public property for selling or offering for sale goods or services for more than 5 minutes at a time.

7. FEES. <sup>A</sup>~~The~~ fee shall be charged for each license as shall be determined by the Township Board from time to time by resolution.

8. LICENSE VALIDITY. The Township Board may determine by resolution that on certain dates congestion in the Township or a part of the Township will be too great to permit peddling and soliciting. Following the adoption of such a resolution, all licenses shall contain a notice that they are invalid for the times and places stated in the Township Board Resolution. No person shall engage in peddling or soliciting at a time or location for which the Township Board has determined that permits are invalid. If the license issued to a person does not contain notice which

would inform the person that it is not valid for a time or place in question, the person shall be first warned prior to initiation of prosecution under this section.

9. TERM OF LICENSE The license shall be valid for a period of no longer than 30 days.

10. PENALTY Any person who shall violate any of the provisions of this Ordinance shall be subject to a fine of not more than One Hundred (\$100.00) Dollars or imprisonment in the County Jail not to exceed ninety (90) days or both such fine and imprisonment in the discretion of the Court.

11. SEPARABILITY If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

12. ORDINANCE REPEALED All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

13. EFFECTIVE DATE This Ordinance shall take effect immediately upon publication thereof.