

TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2015-02

**ORDINANCE AMENDING CHAPTER 132 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK AND REGULATING
ITINERANT VENDING**

BE IT ORDAINED by the Township Council of the Township of Pequannock, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 132, entitled "Itinerant Vendors", shall be amended to read in its entirety as follows:

**Chapter 132
ITINERANT VENDORS**

Sections:

- 132.01** License or Notification required.
- 132.02** Definitions.
- 132.03** Itinerant Vendors License.

**Section 132.01
License or Notification required.**

It shall be unlawful for any person to sell or offer for sale as an itinerant vendor any goods, wares, merchandise or product of any kind without first obtaining a license as provided in this Chapter.

**Section 132.02
Definitions.**

ITINERANT VENDOR – a) a person who goes from place to place or from house to house for the purpose of selling services or merchandise to persons at their residence ("door to door itinerant vendor"); or b) a person who sells merchandise from a vehicle that travels from place to place or that is temporarily parked at a specific location. ("mobile itinerant vendor")

This chapter shall not be construed to restrict lawful deliveries of merchandise made from regular or stationary businesses.

PERSON - Not only an individual, but also any organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

SUNSET – shall be the time designated as "sunset" by the National Weather Service for northern New Jersey.

**Section 132.03
Itinerant Vendors License.**

- A. Every application for an itinerant vendors license shall be made in writing to the Township Clerk on forms provided and approved by the Township Manager. The application shall be signed by the applicant giving residence and business address and a description of and license number of each vehicle to be used in such business. The application shall also include information about the location and dates of the proposed sales activity. If a vehicle is to be used in any portion of the activity, a description of the vehicle(s), including color, make, model, year, license plate number, including state of registration, as well as name and address of registered owner shall be included in the application

- B. Each person conducting sales pursuant to NJSA 45:24- 9b and NJSA 45:24-10 shall present such license to the Township Clerk for identification at least 24 hours before conducting any business pursuant to this chapter.
- C. Every application for a license shall also include a valid tax sale certificate of authority issued to the vendor pursuant to Section 15 of PL 1966, c. 30 (C.54:32B-15) empowering the vendor to collect sales tax.
- D. Fees. The application fee for each itinerant vendors license issued pursuant to this Article shall be one hundred dollars (\$100.00). Such license shall permit the holder thereof to conduct such sales. The holder of such license shall pay an additional fee of twenty five dollars (\$25.) for each additional vehicle used by the licensee. The fee shall be due when an application is filed and shall not be refundable if the application is denied
- E. Expiration. All licenses issued pursuant to this Article shall expire on December 31 next after the granting of the same.
- F. Availability of license for inspection. Any person holding a license issued pursuant to this Article shall produce the same for inspection whenever requested to do so.
- G. Suspension or revocation of license. Every license granted under the provisions of this Article may be suspended or revoked for a violation of the rules established by this Chapter by the Township Council after the holder is provided with an opportunity to be heard. Upon suspension or after such license shall be revoked, such license shall be inoperative and of no effect.
- H. Limits on mobile itinerant vendors license. Except in conjunction with a licensed activity pursuant to Chapter 75 of this Code (Fair or Festival), no mobile itinerant vending shall be permitted along major or minor arterial roadways, namely; The Boulevard, the Newark Pompton Turnpike, Jacksonville Road, Lincoln Park Road, Jackson Avenue, State Highway Route 23, and Interstate 287. No mobile itinerant vendor shall remain in one location for more than fifteen (15) minutes. Mobile vending shall be limited to vending from the curb-side of vehicles which are parked in legal spaces or areas.
- I. Limits on door to door itinerant vending. No door to door sales shall commence before 10:00 a.m. and shall end no later than one hour after sunset from October 1 through March 31 and at sunset the remainder of the year.
- J. The itinerant vendors license is required in addition to any other licenses which may be required for the activity being conducted including a license from the Health Department which is required for the sale of food products.

SECTION 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

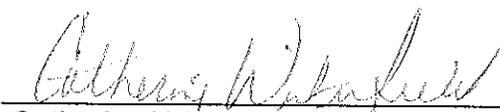
SECTION 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: March 10, 2015

Adopted: March 24, 2015



Joseph J. Delaney, Jr., Township Clerk



Catherine Winterfield, Mayor