TOWNSHIP OF RARITAN
HUNTERDON COUNTY, NEW JERSEY

ORDINANCE #18-9

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY AMENDING AND REVISING TITLE 5 ENTITLED "BUSINESS LICENSES AND REGULATIONS" OF THE GENERAL REVISED ORDINANCES OF THE TOWNSHIP OF RARITAN BY REPEALING AND REPLACING CHAPTER 5.24 ENTITLED "PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS" WITH CHAPTER 5.24 ENTITLED "PEDDLERS, SOLICITORS, CANVASSERS, AND TRANSIENT MERCHANTS," ADDING CHAPTER 5.25 ENTITLED "REGULATION OF FOOD CARTS, FOOD TRUCKS, AND OTHER VEHICLE-BASED COMMERCIAL ACTIVITIES," AND AMENDING SECTION 5.36.010 ENTITLED "SPECIAL EVENTS, DEFINED."

Section 1. Chapter 5.24 entitled "Peddlers, Solicitors and Transient Merchants" is hereby repealed and replaced with Chapter 5.24 "Peddlers, Solicitors, Canvassers, and Transient Merchants" as follows:

5.24.010 Purpose.

The operations of transient merchants, peddlers, solicitors and canvassers raises valid public concerns related to public safety, public health, crime and fraudulent business practices. It is the purpose of this chapter to regulate these activities for the benefit of the residents of the Township of Raritan.

5.24.020 Definitions.

As used in this section:

"Applicant" shall mean every person who has applied for a License to peddle, solicit and canvass in the Township or act as a transient merchant.

"Canvass" shall mean going from door to door, or from place to place, by traveling on the streets and roads, or standing within the streets and roads or public right-of-ways, for the purpose of obtaining the views of any person upon any economic or social question or project or for the purpose of distributing literature, leaflets, pamphlets, advertisements, circulars, samples, door hangers or other written material for the purposes of information and/or advertising.

"Commercial Purposes" shall mean for the purpose of selling goods, services or wares or advertising goods, services or wares with intent of profit-making. However, no peddling, canvassing, or soliciting by non-profit or charitable organizations shall be considered a "commercial purpose."

"Non-Commercial Purposes" shall mean those purposes which are not commercial.

"Peddle" shall mean going from door to door, or from place to place, by traveling on the streets and roads, or standing within the streets and roads or public right-of-ways, in an effort to take orders for present or future delivery of merchandise, as defined hereinafter.

"Merchandise" shall mean any and all goods or wares which are ordinarily the objects of trade and commerce. Merchandise shall also mean and refer to orders or contracts for a service, home improvement or alteration.

"Solicit" shall mean going door to door, or from place to place, by traveling on the streets and roads, or standing within the streets and roads or public right-of-ways, to plead or ask for contributions or donations, monetary or otherwise, for any person, group, association or corporation.

"Transient Merchant" shall mean a person, corporation or partnership who engages in a merchandising business in New Jersey with intent to close out or discontinue the business in the Township within one year from date of commencement and for the purpose of carrying out such business, hire, lease or occupy any building or structure for the exhibition and sale of goods. Transient merchants who also lease or occupy motel facilities for the conduct of their business shall be deemed as intending to temporarily be located within Raritan Township for less than one year. Operating as a Transient Merchant is, presumptively, a Commercial Purpose, pursuant to Chapter 5.24 of the Revised General Ordinances of the Township of Raritan.

5.24.030 License Required for Commercial Peddling, Solicitation, Canvassing or Operating as a Transient Merchant.

a. Any person desiring to Peddle, Solicit, Canvass, or operate as a Transient Merchant for a Commercial Purpose within the Township must apply for and receive, prior to such activity taking place, a License from the Township Clerk.

b. A separate application shall be required for each entity or person peddling, soliciting, canvassing or operating as a Transient Merchant. Applications shall be filed pursuant to the requirements of Chapter 5.04 of the Revised General Ordinances of the Township of Raritan. Each application shall be accompanied by a fee of two hundred ($200) dollars. This fee shall not be prorated.

c. Licenses issued pursuant to Chapter 5.24 of the Revised General Ordinances of the Township of Raritan shall expire on December 31 of the calendar year in which the License is issued.

d. Exhibition of License: Each License holder shall prominently display the License whenever soliciting, canvassing or peddling in the Township so that same is observable to any person addressed by the Licensees.

e. Notwithstanding any contrary provisions of the Revised General Ordinances of the Township of Raritan, no License to solicit, canvass, or peddle, or act as a transient merchant shall be issued unless:

i. Applicant provides the Raritan Township Police Department with a fingerprint criminal background check.

ii. Applicant provides a two thousand-dollar ($2,000.00) bond to the Township of Raritan in a form approved by the Township Attorney. Such bond may be subject to forfeiture upon proof of: 1) falsification in the application for a license; or 2) willful violation of a Township ordinance or a state or federal law.

5.24.040 Persons Exempt from All Licensing Requirements.

a. The following entities are exempt from the requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan:

i. Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and -10.

ii. Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and -10, possessing a license in conformity with said law.

iii. Any public utility or its employees, which public utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, such employees shall display the identification badge or card issued by their employer. Third party suppliers of electrical services are not exempt under this provision.

iv. Any person engaged in the delivery of goods, wares or merchandise or other articles or things, in the regular course of business, to the premises of persons who had previously ordered same or were entitled to receive same by reason of a prior agreement.

v. Any person soliciting snow shoveling services within 24 hours of a snowstorm.

vi. Any person soliciting, peddling or canvassing for a non-commercial purpose.

b. The exemptions provided for by this section shall not be applicable to any person operating as a Transient Merchant.

5.24.050 General Regulations Regarding Peddling, Soliciting and Canvassing.

a. No peddler, solicitor or canvasser that is subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall peddle, solicit or canvass before 9 a.m. or after 4 p.m. Monday through Friday or before 10 a.m. or after 3 p.m. on Saturdays. All other peddlers, solicitors or canvassers that are not subject to the licensing requirements pursuant to Chapter 5.24 of the Revised General Ordinances of the Township of Raritan shall only peddle, solicit or canvass between 9 a.m. and 9 p.m. on any given day.

b. No peddler, solicitor or canvasser, whether or not subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall solicit, canvass or peddle upon premises whereupon a sign is posted which indicates that the peddler's, solicitor's or canvasser's activities are not welcome. Such a sign may, but is not required to, state: "No Peddlers, Solicitors, or Canvassers Invited."

c. No peddler, solicitor or canvasser, whether or not subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall walk upon front yards or back yards to move from property to property or building to building unless invited to do so by the property owner.

d. No peddler, solicitor or canvasser, whether or not subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall enter or attempt to enter the house or apartment of any resident of the Township without an express invitation from an occupant thereof.

e. All literature, leaflets, pamphlets, advertisements, circulars, samples, door hangers or other written material being canvassed or peddled shall be handed to an occupant of the property or left in a secure place thereon.

f. Reserved.

g. No peddler, solicitor or canvasser, that is subject to the Licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall peddle, solicit or canvas on the street, roadway, or public right-of-way in the same place, i.e. stationary, for more than eight (8) hours.

h. No, peddler, solicitor or canvasser, whether or not subject to the licensing requirements of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan, shall substantially impair the ability of the public to use the Township's right-of-ways.

5.24.060 Penalties.

Penalties: Any violation of Chapter 5.24 of the Revised General Ordinances of the Township of Raritan shall be punishable by a fine of two thousand (2,000.00) dollars and/or imprisonment as prescribed in Section 1.08 of the Revised General Ordinances of the Township of Raritan.

Section 2. Chapter 5.25 entitled "Regulation of Food Carts, Food Trucks, and Other Vehicle-Based Commercial Activities" is hereby added as follows:

5.25.010 Purpose.

The operation of Food Carts, Food Trucks and Other Vehicle-Based Commercial Activities within the Township create valid public concerns related to public safety, public health, crime and fraudulent business practices. It is the purpose of this chapter to regulate these activities for the benefit of the residents of the Township of Raritan.

5.25.020 Definitions.

"Food Cart" means a small hand pushed mobile kitchen or small hand pushed cart used for the sale of food, drink, ice cream, frozen desserts, fresh vegetables or fruit.

"Food Truck" means a large wheeled vehicle from which food is prepared and/or served that does not allow more than two persons, a principle operator and one assistant, to operate within.

"Non-Profit and Charitable Event" an event that will take place within Raritan Township that is organized by a non-profit entity and which is not considered a "Special Event" pursuant to Chapter 5.36 of the Revised General Ordinances of the Township of Raritan.

"Other Commercial Vehicle-Based Activity" means the sale of non-edible goods and products from a truck or cart.

"Regulated Activity" means the operation of Food Carts, Food Trucks and other Vehicle-Based Commercial Activities.

"Special Event" means any event that has been authorized pursuant to Chapter 5.36 of the Revised General Ordinances of the Township of Raritan.

5.25.030 License Required for Food Carts, Food Trucks and Other Vehicle-Based Commercial Activities.

a. Any person desiring to engage in any Regulated Activity must apply for, and receive, prior to such activity taking place, a license pursuant to this Chapter.

b A separate application shall be required for each entity or person wishing to engage in a Regulated Activity. Applications shall be made pursuant to Chapter 5.04 of the Revised General Ordinances of the Township of Raritan. Each application shall include a fee of one hundred dollars ($100.00). Notwithstanding the preceding, Food Carts and Food Trucks are exempt from the one-hundred-dollar ($100.00) fee.

c. The term of license issued pursuant to Chapter 5.24 of the Revised General Ordinances of the Township of Raritan is event specific and shall be concurrent with the length of each individual specific event listed in subsection (a) (ii) and subsection (b)(ii) of Section 5.24.040 of the Revised General Ordinances of the Township of Raritan.

d. Exhibition of License: Each License holder shall prominently display the License whenever engaging in a Regulated Activity in the Township.

5.25.40 Regulations Applicable to each Regulated Activity.

a. Food Carts and Food Trucks

i. Food Carts and Food Trucks shall be licensed in the Township of Raritan subject to the restrictions of this section.

ii. Food Carts and Food Trucks shall only be allowed to operate at Non-Profit and Charitable Events, and Special Events.

iii. Prior to being issued a license pursuant to Section 5.25 of the Revised General Ordinances of the Township of Raritan allowing the use of a Food Cart or Food Truck in the Township, said Food Cart or Food Truck must be inspected by the Hunterdon County Health Department and found to be in compliance with all applicable rules and regulations of the County of Hunterdon, the Township of Raritan and the State of New Jersey.

iv. Food Carts and Food Trucks must not remain stationary in any one location for more than eight (8) hours.

v. If a Food Cart or Food Truck is parked along the public right-of-way, business may only be transacted from the curbside of the vehicle.

vi. No Food Cart or Food Truck shall double park along the public right-of-way.

vii. No Food Truck shall have its engine running if parked along the public right-of-way.

viii. Any Food Truck or Food Cart which offers to sell, displays for sale or sells fruits, vegetables and farm products shall, at all times, keep all fruits, vegetables and produce of any kind and nature completely screened and covered with satisfactory materials in order to avoid and eliminate the accumulation of flies or any other insects from alighting around or upon any and all merchandise.

ix. Any Food Truck or Food Cart which offers to sell, displays for sale or sells seafood, meats, poultry or dairy products shall transport the same solely in refrigerated compartments and all such products shall remain refrigerated at all times up to the time of sale. The refrigerated compartments, during the use thereof, shall be maintained at a properly low temperature to completely safeguard all products from a health and sanitary standpoint to the fullest reasonable extent possible as determined by the Hunterdon County Department of Health for the safety and welfare of the public.

x. No operator of any Food Truck or Food Cart shall allow any debris, waste material, rotting produce or merchandise of any kind or any unfit produce to remain in or upon his vehicle, unless contained in a leak proof metal container having a properly fitted metal cover.

xi. No operator of any Food Truck or Food Cart shall permit any waste materials or parts of produce or any other merchandise to remain in or upon any street, roadway, curbs or walks and shall at all times remove any debris that may have fallen from said vehicle so that the same is immediately placed in a leak proof metal container as provided for in subsection (C) of this section.

b. Other Commercial Vehicle-Based Activities

i. Other Commercial Vehicle-Based Activities shall be licensed in the Township of Raritan subject to the restrictions of this section.

ii. Other Commercial Vehicle-Based Activities shall only be allowed to operate at Non-Profit and Charitable Events, and Special Events.

iii. Vehicles used for Other Commercial Vehicle-Based Activities must not remain stationary in any one location for more than eight (8) hours.

iv. If a Vehicle used for Other Commercial Vehicle-Based Activities is located along the public right-of-way, business may only be transacted from the curbside of the vehicle.

v. No Vehicle used for Other Commercial Vehicle-Based Activities shall double park along the public right-of-way.

vi. No Vehicle used for Other Commercial Vehicle-Based Activities shall have its engine running if parked along the public right-of-way.

vii. No operator of Vehicle used for Other Commercial Vehicle-Based Activities shall display for sale outside the vehicle any goods or products, including but not limited to, furniture, pictures, paintings, or rugs.

5.25.050 Reserved.

5.25.060 Authority of the Township Committee.

The Township Committee of the Township of Raritan may, by resolution, waive any limitations or requirements of Chapter 5.25 of the Revised General Ordinances of the Township of Raritan upon a demonstration by the licensee or prospective licensee that same will not negatively impact the health, safety and welfare of the residents of the Township.

5.25.070 Persons Exempt from Licensing Requirements.

a. The following persons are exempt from the licensing requirements of Chapter 5.25 of the Revised General Ordinances of the Township of Raritan:

i. Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and -10.

ii. Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and -10, possessing a license in conformity with said law.

b. Regardless of the foregoing, the persons listed in subsection (a) above must comply with the substantive health and safety requirements of Section 5.25.040 of the Revised General Ordinances of the Township of Raritan.

Section 3. Section 5.36.010 "Special Events Defined" is amended as follows:

Special events - any cultural, religious, artistic or commercial events which are located in Raritan Township with attendance open to the general public. [lasting more than ten days. (Ord. passed 2-27-84 (part): prior code § 3-11.1)]

Section 4. 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 5. The Ordinance shall take effect upon its adoption, passage and publication according to law.

Note to Codifier: language in brackets [ ] is to be deleted from the original text. Underlined language is new language to the original text.

Date Adopted: March 6, 2018

ATTEST:

Lisa Fania
Township Clerk

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN

Michael Mangin
Mayor