

ORDINANCE NO. 2018-09

AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 40 OF THE CODE ENTITLED
“PEDDLERS, SOLICITORS AND CANVASSERS”

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey that Chapter 40 of the Code is hereby amended and supplemented as follows:

Section 40-4. Application for License is amended as follows:

- A. The name and physical description of the person applying and desiring to solicit funds or to peddler, solicit or otherwise canvass.
- B. Whether the person applying is a natural person, partnership, corporation, association or limited liability company, and:
 - (1) to (4): No change.
 - (5) If a limited liability company, the names of all members, the principal business address and telephone number of the limited liability company and the state where such company is organized.
- C. to I. No change.
- J. The names of any officer, director, trustee, partner, stockholder, peddler, solicitor, canvasser or member who has been convicted of a felony or a misdemeanor or found liable in a civil action involving any solicitation or transaction or enterprise found to be fraudulent within the past 10 years, the nature of the offense or liability, the state where the conviction or judgment occurred and the year of such conviction or judgment.
- K. No change.
- L. Signature. The application must be signed by the applicant if the person applying is an individual; if the person applying is a partnership, by a partner in charge; if the person applying is a corporation, association or limited liability company, by an officer or member authorized to execute such application.
- M. No change.
- N. The fingerprints of the applicant and the names of at least two reliable property owners of the County of Bergen and State of New Jersey who will certify as to the applicant’s good character and business respectability; in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

Section 40-5. Investigation and issuance of license is amended as follows:

- A. No change.

B. Within 24 hours of receipt of a complete application, the Borough Clerk shall forward the original to the Chief of Police. The Chief of Police shall cause to be made an investigation of the information supplied on the application and shall determine if the requirements of this article have been met.

(1) No change.

(a), (b) No change.

(2) In reaching such determination, the Chief of Police shall be governed by, but not necessarily be limited to, the following criteria:

(a) to (c) No change.

(d) Evidence that the applicant's activities have caused a breach of the peace or unethical or dishonest business practices or have been a menace to the health, safety or general welfare of the public.

(e) Evidence of fiscal irresponsibility or immoral character.

(f) If applicant has prior arrests, failure to list any prior arrests on the application form.

C. No change.

D. Licenses shall be issued no later than seven (7) days after receipt of a complete application.

Section 40-7. Fees is amended as follows:

A. No change.

B. Repealed.

C. No change.

Section 40-9. Regulations is amended as follows:

A. to C. No change.

D. No person covered by this article shall sell or attempt to sell in accordance with the terms this article before 10:00 a.m. or after sunset, Monday through Saturday, or at any time on Sundays. The aforesaid time limitation shall not apply to persons who are expressly invited into homes by the occupant thereof.

E. No change.

F. No licensee shall violate Chapter 40-18 to 40-20 of the Code, Ordinance No. 2016-10.

G. No licensee shall conduct himself in such manner as to become objectionable to or annoy an occupant of any house.

- H. No licensee shall call at any private residence which has sign bearing words to the effect that peddlers, solicitors or canvassers are not invited.
- I. No licensee shall attempt to peddle, solicit, canvass or distribute merchandise or printed material without first having identified himself as a peddler, solicitor or canvasser licensed with the Borough and displaying his license.

Section 40-10. Exceptions is amended as follows:

A. to E. No change.

- F. Notwithstanding any provision of this article to the contrary pertaining to the permitted hours of solicitation, and fingerprinting such provisions shall not apply to political solicitation and canvassing, nor to persons or groups soliciting or canvassing on behalf of political persons or groups. Such solicitation shall be permissible between the hours of 9:00 a.m. and 9:00 p.m. daily and no fingerprinting shall be required. Such persons or organizations shall comply with the provisions of **Subsection D** hereof. This amendment is intended to assure compliance by the Borough of Ho-Ho-Kus with the mandate of the Supreme Court of the United States as set forth in recent cases.

Section 40-11. Revocation of license is amended as follows:

- A. No change.
 - 1. to 4. No change.
 - 5. Conviction of violating Section 40-18 to 40-20 of the Code, Ordinance No. 2016-10.

Severability.

If any section, sentence or any other part of this article is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this article but shall be confined in its effect to the section, sentence or other part of this article directly involved in the controversy which such judgment shall be rendered.

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this article are hereby repealed but only to the extent of such inconsistencies.

Effective Date.

NOTICE OF PENDING ORDINANCE

This Ordinance published herewith was introduced and pass upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Bergen, New Jersey, held on September 25, 2018. It will be further considered for final passage after the public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 333 Warren Avenue, Ho-Ho-Kus, NJ 07423-1547, in said Borough on October 23, 2018, at 7:30 p.m. at which time and place all interested member of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall and copies are available at no charge in the Office of the Borough Clerk for members of the general public who may request them.

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HO-HO-KUS AT A REGULAR MEETING ON **OCTOBER 23, 2018.**

ATTEST:

Douglas Troast, Council President

Joan Herve, RMC, Borough Clerk

APPROVED:

_____ Thomas W. Randall, Mayor