

**TOWNSHIP OF MILLBURN**  
**CANVASSERS AND SOLICITORS**  
*Commercial Permit Application*

**Fee: \$25.00 Application must include 2 passport-size photographs and publisher's affidavit of advertisement in The Item.**

Name: \_\_\_\_\_

Local Address: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

Telephone: (D) \_\_\_\_\_ (N) \_\_\_\_\_

Birthdate: \_\_\_\_\_ SS# \_\_\_\_\_ Driver's License # \_\_\_\_\_

Sex: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eyes: \_\_\_\_\_ Hair: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

*(Attach credentials establishing exact relationship, letter or other written statement signed by the employer certifying that the applicant is authorized to act as such employer's representative.)*

Portion of Township to be canvassed: \_\_\_\_\_

Days, dates, hours canvassing will be conducted: \_\_\_\_\_

Have you ever been convicted of any crime or disorderly persons offense or violation of any ordinance?  Yes  No If so, please state the nature of the crime, offense or violation, the punishment or penalty assessed thereof, and the date and place of such conviction. \_\_\_\_\_

**Complete Description of any Vehicle which is to be used in connection with Canvassing or Soliciting.**

\_\_\_\_\_  
(Year, Make, Model, Color of Vehicle, VIN#, Plate #)

Commerical Canvassing/Soliciting Application

Page 2

Two (2) Business References (located in Essex County):

1. \_\_\_\_\_  
 Name Address Phone Number

2. \_\_\_\_\_  
 Name Address Phone Number

\*\*\*\*\*

*For Township Use Only*

<input type="checkbox"/> \$25.00 Fee (Receipt # _____)	<i>Date Received</i>
<input type="checkbox"/> 2 - passport size photos, taken within 60 days prior to application	_____
<input type="checkbox"/> Affidavit of publication of advertisement, published at least 2 weeks before canvassing/soliciting begins	_____
<input type="checkbox"/> Fingerprinted	_____

Investigation by Police Chief:  Approved  Denied \_\_\_\_\_  
(Police Chief's Signature & Date)

Application Complete: (Date) \_\_\_\_\_

Application:  Approved  Denied \_\_\_\_\_  
(Township Clerk's Signature)

License # \_\_\_\_\_

## PART I. CANVASSERS AND SOLICITORS

### 4-8.1 Definition.

As used in this section:

*Canvassers* and *solicitors* shall mean any individual, organization, group, association, partnership, corporation or any combination of them who, in person or by representation by one (1) or a group of volunteer or professional workers, without invitation calls or applies at homes, dwellings, residences or business establishments in the Township with the intent or for the purpose, actual or implied, of soliciting from an occupant or the owner of any such home, dwelling, residence or business establishment, the payment, contribution or donation of, or undertaking to pay money, the purchase, sale acceptance or donation of any goods or orders for the same, or subscriptions to, or endorsement of any publication, undertaking, project or cause, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether or not he is collecting advance payment on such sales or services; provided, that the term "canvasser" or "solicitor" shall not be deemed to include any duly accredited representative of any municipal or governmental authority or agency thereof, nor any person who, by or under any ordinance of the Township or law of the State, or of the United States, is licensed or otherwise authorized to engage in any of the activities hereinbefore enumerated, nor any person engaged in delivering to any home, dwelling or residence in the Township, goods, wares or merchandise previously ordered or requested by an occupant or the owner of the premises or in exchange for any such goods, wares or merchandise, nor any person engaged in making, receiving or lawfully endeavoring to obtain payment for goods, wares, merchandise or other property or services sold or rendered to or by any such occupant or owner.

(1967 Code § 8-1-1; Ord. No. 6-18-73 § 1)

### 4-8.2 Permit Required; Term of Permits.

No person shall engage in the business or occupation of canvasser or solicitor without first having obtained a permit therefor or filed a special registration as provided in this section. No permit shall be issued, nor registration be valid, for a period of more than sixty (60) days. (1967 Code § 8-1-2; Ord. No. 6-18-73 § 2; New)

### 4-8.3 Commercial Permit Application and Fee.

Every applicant for a commercial permit under this section shall file with the Township Clerk a sworn application in writing, on a form to be furnished by the Township. The form shall contain the following information:

- a. Name, age and physical description of the applicant if an individual; if applicant is an organization, name of the organization as well as the name, age and physical description of all persons canvassing on behalf of the organization;
- b. Local address of the applicant to which all notices and communications are to be addressed;
- c. Permanent home address of the applicant;

- d. Brief description of the nature of the business, and the goods to be sold or the services to be furnished or performed;
- e. If employed, the name and address of the employer, together with credentials establishing the exact relationship, letter or other written statement signed by the employer, certifying that the applicant is authorized to act as such employer's representative;
- f. Length of time for which the right to do business is desired, but not to exceed a period of sixty (60) days;
- g. Extent and portion of Township to be canvassed; days, dates and hours on and between which canvassing or soliciting will be conducted;
- h. Statement as to whether or not the applicant or any person canvassing on behalf of the applicant has been convicted of any crime or disorderly persons offense or violation of any ordinance; and if so, the nature of the crime, offense or violation, the punishment or penalty assessed therefor, and the date and place of such conviction;
- i. License number and complete description of any vehicle which is to be used in connection with such canvassing or soliciting;
- j. Two (2) passport size photographs of the applicant and all persons canvassing on behalf of the applicant, taken within sixty (60) days immediately prior to the filing of the application;
- k. The applicant and all persons canvassing on behalf of the applicant shall submit himself for fingerprinting at Police headquarters before a permit is issued;
- l. Payment of an application fee of twenty-five dollars (\$25.00) per application for the use of the Township to defray the cost of investigating, processing and issuing the permit;
- m. Two (2) business references located in the County of Essex, State of New Jersey, or in lieu thereof such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and responsibility;
- n. The applicant shall insert one (1) advertisement two inches by two inches (2" x 2") in size in a newspaper circulated in the Township, informing the public of the name, purpose, location and dates of any canvassing or soliciting for which a permit may be issued under this section at least two (2) weeks prior to the commencement of such canvassing or soliciting. The costs of such advertisement shall be paid by the applicant, which shall file an affidavit of publication with the Township Clerk. (1967 Code § 8-1-3, § 8-1-6; Ord. No. 6-18-73 §§ 3, 6; Ord. No. 3-84 §§ 1, 4; New)

#### **4-8.4 Investigation of Applicants.**

The Chief of Police shall cause such investigation to be made of the applicant's character or business responsibility as he/she deems necessary for the public good. Such investigation shall include the fingerprinting of the applicant as referred to in subsection 4-8.3, paragraph k. The fingerprinting requirement of subsection 4-8.3, paragraph k. shall not apply where the Chief of Police determines that the applicant's character or business responsibility is satisfactory. Such determination shall be based on one (1) or more of the following findings:

- a. The applicant has received a permit to canvass or solicit from the Township within three (3) years preceding the date of the application, and no complaints have been filed against the applicant relating to such permit;
- b. The applicant has received a permit to canvass or solicit from any municipality in the State within one (1) year preceding the date of the application, and no complaints have been filed against the applicant relating to such permit;
- c. The applicant is an individual who is a resident of the Township or an organization with at least two (2) members who are residents of the Township;
- d. The applicant has maintained an office in the Township for at least two (2) years' prior to the date of the application;
- e. The applicant is an organization with a membership of one hundred (100) persons or more which has been in existence for at least two (2) years prior to the date of the application.

Notwithstanding anything in this section to the contrary, the fingerprinting requirement of subsection 4-8.3, paragraph k. shall not be waived if the Chief of Police has evidence adverse to the character or business responsibility of the applicant, which evidence shall be available to the applicant upon request. The determination as to the applicant's character or business responsibility under this section shall not be binding upon the Township Committee in making a final disposition of the application pursuant to subsection 4-8.5.  
(1967 Code § 8-1-4; Ord. No. 6-18-73 § 4; Ord. No. 3-84 § 2)

#### **4-8.5 Disposition of Applications for Permits Generally.**

The Chief of Police shall report his/her recommendations and results of investigations, if any, relative to the permit applied for, to the Township Clerk.

- a. If the Township Clerk shall find the applicant's character or business responsibility is unsatisfactory, which determination shall be based on one (1) of the following findings or other evidence:
  1. Conviction of crime involving moral turpitude;
  2. Prior violation of a canvassing or soliciting ordinance;
  3. Previous fraudulent acts or conduct;
  4. Record of breaches of solicited contracts;

The Township Clerk shall deny the application in writing, and shall send a copy, plainly marked "Not approved," to the Police Department.

- b. If the Township Clerk shall find the applicant's character or business responsibility satisfactory, the Clerk shall issue the permit.  
(1967 Code § 8-1-5; Ord. No. 6-18-73 § 5; New)

#### **4-8.6 Hours for Commercial Canvassing or Soliciting; Display and Contents of Permit; Surrender of Permit.**

- a. No commercial canvassing or soliciting shall be done except between the hours of 9:00 a.m. and 5:00 p.m. on each weekday.

- b. The permittee shall carry and exhibit his/her permit at all times while canvassing or soliciting.
- c. The permit shall be signed and sealed by the Township Clerk and shall show:
  - 1. Name and address, with photograph attached, of the permittee;
  - 2. Date of issuance of the permit and date the permit shall expire;
  - 3. Kind of goods to be sold or services to be furnished or performed;
  - 4. Amount of fee paid;
  - 5. License number and other identifying description of any vehicle to be used in such canvassing or soliciting.
- d. On expiration of the permit the holder thereof shall surrender the same to the officer in charge of the law enforcement building.  
(1967 Code § 8-1-6; Ord. No. 3-84 § 4)

#### **4-8.7 Unauthorized Canvassing or Soliciting.**

No person shall canvass or solicit:

- a. Under any permit issued to him/her as a canvasser or solicitor for any other person, organization, society, association or corporation for whom or for which he/she is not, at the time of such canvassing or soliciting, a duly authorized canvasser or solicitor; or
- b. Under any permit issued to him/her as the result of any material misrepresentation; or
- c. Under a permit not issued to him/her.  
(1967 Code § 8-1-7; Ord. No. 6-18-73 § 7)

#### **4-8.8 Revocation or Suspension of Permit.**

Permits issued under this section may be revoked by the Township Committee, after notice and hearing, for any of the following causes:

- a. Fraud, misrepresentation or false statement contained in the application for the permit.
- b. Fraud, misrepresentation or false statement made in the course of carrying on business as a canvasser or solicitor.
- c. Any violation of this section.
- d. Conviction of the permittee of any crime or disorderly persons offense or violation of an ordinance which renders him/her an unfit person to hold a permit based upon business responsibility and moral character.
- e. Conducting the business of canvassing or soliciting in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Pending such hearing, the Township Committee shall have the power to suspend the permit for a period of not more than seven (7) days.

(1967 Code § 8-1-8; Ord. No. 6-18-73 § 8)

**4-8.9 Notice of Hearing.**

- a. Notice of the hearing for revocation of the permit shall be given to the permittee in writing, setting forth specifically the grounds of the complaint and the time and place fixed for the hearing.
- b. Such notice shall be mailed by registered or certified mail, postage prepaid, to the permittee at the address set forth in his/her application pursuant to paragraph b. of subsection 4-8.3, at least three (3) days' prior to the date fixed for the hearing.  
(1967 Code § 8-1-9; Ord. No. 6-18-73 § 9)

**4-8.10 Nonprofit Registration.**

The requirements of this section shall not apply to any canvassing or solicitation conducted by any bona fide nonprofit, religious, charitable, civic, political, veteran or fraternal organization or association, service club, volunteer fire or first aid company provided that the following information is registered with the Police Department.

- a. Name, address and telephone number of the organization.
- b. Purpose of solicitation/canvassing activity.
- c. Names and addresses of the officers of the organization.
- d. Period during which canvassing or soliciting is to be carried on. The hours of canvassing or soliciting shall be restricted to 9:00 a.m. to 9:00 p.m.
- e. A list showing the name and address of each person who will canvass or solicit and the Township area within which such individual canvassers or solicitors shall operate.  
(1967 Code § 8-1-3.2; 7-16.63, § 1; Ord. 3-84, § 3)