

DATE:

* * * EXEMPT ORGANIZATION * * *

APPLICATION FOR SOLICITOR'S LICENSE

1. APPLICANT'S NAME _____

2. PERMANENT HOME ADDRESS _____

3. HOME TELEPHONE NUMBER _____

4. IF APPLICANT IS A CORPORATION, COMPLETE THE FOLLOWING:

NAME _____

ADDRESS _____

ATTACH A LIST OF NAMES AND ADDRESSES OF THE EMPLOYEE/AGENTS WHO WILL BE CONDUCTING BUSINESS UNDER THIS LICENSE WITHIN FAIRFIELD.

5. LIST PLACE OF RESIDENCE WHERE APPLICANT HAS LIVED OR CONDUCTED BUSINESS FOR THE PAST THREE (3) YEARS.

6. LIST ALL MUNICIPALITIES IN NEW JERSEY WHERE APPLICANT HAS SOLICITED BUSINESS IN PAST THREE (3) YEARS.

7. DESCRIBE THE PURPOSE FOR THE SOLICITATION.

8. LIST THREE (3) PERSONS NOT RELATED TO OR BUSINESS ASSOCIATES WHO CAN ATTEST TO APPLICANT'S REPUTATION FOR HONESTY, INTEGRITY AND FINANCIAL RESPONSIBILITY.

9. HAS THE APPLICANT EVER BEEN CONVICTED OF ANY VIOLATION OF MUNICIPAL ORDINANCE, STATE OR FEDERAL LAW? IF SO, EXPLAIN.

10. IF A MOTOR VEHICLE WILL BE USED IN CONNECTION WITH THIS LICENSE, LIST THE NAMES, ADDRESSES AND DRIVER'S LICENSE NUMBERS OF ALL PERSONS USING SAID VEHICLE, ALL CONVICTIONS FOR MOTOR VEHICLE VIOLATIONS FOR THE PAST FIVE (5) YEARS AND ALL CONVICTIONS FOR CRIMINAL OFFENSES.

11. APPLICANT MUST SUBMIT AN INSTRUMENT APPOINTING THE MUNICIPAL CLERK AS HIS/HER TRUE AND LAWFUL AGENT TO ACCEPT SERVICE OF ANY NOTICE OR PROCESS.

12. APPLICANT MUST SUBMIT PROOF OF INSURANCE COVERAGE IN THE MINIMUM AMOUNTS OF \$100,000 PER PERSON/ \$300,000 PER OCCURRENCE FOR GENERAL LIABILITY AND \$50,000 FOR PROPERTY DAMAGE NAMING THE TOWNSHIP OF FAIRFIELD AS "ADDITIONAL INSURED".

TOWNSHIP OF FAIRFIELD

ORDINANCE NO. 92-39

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY, CHAPTER 59, "SOLICITORS"

Be it ordained by the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, that Chapter 59 be amended and supplemented to read as follows:

Section I

59-1. Definition.

SOLICITING BUSINESS - As used in this ordinance, means:

A. Delivering otherwise than by mail to any residence or place of business in the Township any handbill, circular, or other printed matter advertising any security for sale, any goods, wares or merchandise for sale or rental or any service for hire.

B. Attempting at any place in the Township, other than the solicitor's own home or place of business to which the solicitor shall have been expressly invited prior to his coming thereto, to sell or procure an order for any security, sell or procure an order for purchase or rental of any goods, wares or merchandise, or to procure an order for any service or hire.

59-2. Prohibition.

No person, partnership, organization or corporation shall solicit business in this Township unless the person doing the soliciting shall be the holder of and shall have on his person a license under this ordinance which is in force and effect.

59.3. Exception.

This ordinance shall not apply to the holder of a license under R.S. 45:24-9, to the holder of a license or certificate issued by any department, board, commission or agency of the State of New Jersey when acting within the scope of that certificate or license, nor to any bona fide religious, charitable, educational, civic, hospital or educational association or corporation organized and existing under the laws of the State of New Jersey or of the United States or any of the United States, the Fairfield Township Fire Department or to any person acting for any such association, company or corporation.

59-4. License application.

Any person intending to solicit business in this Township, unless he be excepted under the foregoing Section 59-3 of the ordinance, shall make application to the Municipal Clerk for a license to do so, which said application shall contain the following information and such other information as the Municipal Clerk may require and shall be verified by the applicant's affidavit:

A. The applicant's name and permanent home address. If the applicant is a corporation, then the name, address and telephone number of the corporation. The corporation must also provide the names and addresses of the employees/agents who will be conducting business under this license within the Township of Fairfield.

B. The address of each place of residence at which the applicant has lived or conducted business during the three (3) years preceding the application.

C. The names of all municipalities in this state in which the applicant has solicited business in the three (3) years preceding the date of application.

D. A description of the securities, goods, wares, merchandise or services to be offered, including the average quantity, kind and value of the stock of goods, wares, merchandise or securities intended to be sold or exposed for sale in the Township. The Municipal Clerk in arriving at the valuation may require the submission of bills or invoices of such goods, wares, merchandise or securities in determining their value and origin.

E. Unless the applicant is the owner of the securities, goods, wares or merchandise or the proprietor of the business furnishing the services to be offered, the name, address, and telephone number of the owner or proprietor and a written designation, signed by the owner or proprietor, designating applicant as the agent of the owner or proprietor to solicit business for the owner or proprietor in this Township.

F. The names and addresses of three (3) persons not related to or business associates of the applicant of whom the Municipal Clerk may make inquiry respecting the applicant's reputation for honesty, integrity and financial responsibility.

G. The applicant's police record, if any, i.e. the number of times he has been arrested for disorderly conduct, violations of ordinances, misdemeanors or crimes, the nature of the offense charge in each instance, and the history of the charge to its final disposition.

H. Where said license involves the operation of a motor vehicle, the following information must be supplied:

- 1) The names addresses and driver's license number of all persons using said vehicle.
- 2) All convictions for motor vehicle violations for a period of five (5) years antedating the date of the application, indicating pertinent details.
- 3) All convictions for criminal offenses.

I. The application shall also contain the applicant's NJ State Sales Tax Identification Number and proof that the applicant has complied with the minimum pre-paid provisions of said Sales Tax Law.

59-5. Fingerprinting.

Each applicant at the time he files his completed application shall be fingerprinted and cleared by the Chief of Police. The prints shall be placed on file in police headquarters. In the event the applicant will have employees and/or agents conducting business under this license, all agents and/or employees must also be fingerprinted at the time the completed application is filed.

59-6. Bond Required.

Applicants for a license under this ordinance shall execute and deliver to the Municipal Clerk a good and sufficient bond with good and sufficient surety or sureties to be approved by the Municipal Clerk, equal in the amount of 25 percent of the value of the stock of goods, wares, merchandise, securities or services to be rendered as shown in the declaration and disclosures required under the provisions of this section, but in no event shall the bond be less than \$1,000 in amount. The bond shall remain in force for one year, and be conditioned to indemnify and pay the Township any penalties or cost incurred in the enforcement of any of the provisions of this ordinance and which shall also by its terms be so conditioned as to indemnify or reimburse any purchaser of goods, wares,

merchandise, securities or services in a sum equal to at least the amount of any payment or payments such purchaser may have been induced to make through misrepresentation as to the kind, quality, or value of such goods, wares, merchandise, securities or services whether the misrepresentations were made by the owners or their servants, agents or employees, either at the time of making the sale or through any advertisement of any character printed or circulated with reference to the stock of goods, wares, merchandise, securities or service or any part thereof.

59-7. Agent for Service of Process.

Before a license under this ordinance is issued, the applicant shall file with the Municipal Clerk an instrument in writing nominating and appointing the Municipal Clerk his/her true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the license and the bond given as required by this chapter or for the performance of the conditions of the bond. The instrument shall contain recitals to the effect that the applicant consents and agrees that service of any notice or process may be made upon the agent and when so made shall be taken and held to be as valid as if personally served upon the applicant.

59-8. Insurance required.

Applicants for a license under this ordinance shall maintain and produce proof of insurance coverage in the minimum amounts of \$100,000 per person/\$300,000 per occurrence for general liability purposes including product's liability; and \$50,000 for property damage. The Township of Fairfield shall be named as an additional insured on all such insurance policies. The insurance coverages shall not be terminated or cancelled prior to the expiration date thereon unless thirty (30) days advance written notice is provided to the Township of Fairfield.

59.9. Processing the application.

The Chief of Police and Municipal Clerk shall ascertain whether the applicant has ever been convicted of any crime and shall ascertain by inquiry of the persons named a references or otherwise whether the person is of good moral character with a reputation for honesty, integrity and financial responsibility.

59.10. Rejection.

No license shall be issued if it appears that any material fact has been misstated in the application, that the application is incomplete, that the applicant has been found guilty of a crime not disclosed in his application or of a crime reflecting upon his honesty, integrity or financial responsibility, that a license or permit issued under the ordinance of similar purport to this ordinance in another municipality has been revoked for cause or if it has not been made to appear that the applicant is a person of good moral character with a reputation for honesty, integrity and financial responsibility.

59.11. License Fee.

The fee for the issuance of a license under this ordinance shall be \$200.00 for each license. Licenses utilizing motor vehicle units shall pay a license fee of \$200.00 for the first motor vehicle unit and shall pay an additional fee of \$75.00 for each additional motor vehicle unit operated by said licensee within the Township of Fairfield. Payments of the aforesaid fees by a licensee utilizing motor vehicle units shall also entitle said licensee to one employee/agent license for each motor vehicle unit so utilized. In the event that more than one employee/agent shall operate a motor vehicle unit then a fee of \$50.00 shall be payable for each such additional employee/agent. Fees payable hereunder shall not apply to applicants possessing licenses issued pursuant to N.J.S.A. 45:24-9 and 10.

59.12. Badges.

The Municipal Clerk shall issue to each licensee at the time of delivery of his license a badge which shall contain the words "Licensed Solicitor", the period for which the license is issued and the number of the license in letters and figures legible from a distance of ten feet. Additionally, each employee/agent submitted as part of the application, shall be issued a badge which shall state the employee/agent's name. These badges are not transferable between employee/agents and all employee/agents will be required to carry identification credentials. Such badge shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous.

Section 59.13 Records.

The Municipal Clerk shall keep a record of all applications made to her for licenses hereunder, including the name of the applicant, the date of her receipt of the application and whether licenses have been issued and the date of the issuance thereof; and the Municipal Clerk shall monthly report to the Mayor and Council the licenses issued by her hereunder.

Section 59.14. Duration of licenses.

Unless suspended or revoked each license issued hereunder shall expire on December 31 following its issuance.

Section 59.15. Revocation.

A license issued hereunder may be revoked by the Mayor and Council if any material facts be misstated in the application for it or if the holder of it after its issuance be convicted of any crime or disorderly conduct or of a violation of any municipal ordinance or be guilty of unfair competition, dishonest business practices or obnoxious conduct.

Section 59.16. Suspension.

A license hereunder may be suspended by the Municipal Clerk for anything on account of which it might be revoked. No hearing shall be required. The suspension shall be by notice of suspension. If a license be suspended, the licensee shall surrender the license. If a license be suspended, it shall remain suspended for two (2) weeks following the service on the licensee of notice of the suspension. Upon such suspension, the licensee may, within two (2) weeks, apply to the Mayor and Council for a hearing. If he shall do so, the license shall be returned to him and the suspension shall terminate until the hearing shall have been held and a conclusion reached. If the Mayor and Council shall find the licensee guilty of anything on account of which the license may be revoked or if the licensee shall fail to ask for a hearing, the license shall be revoked.

Section 59.17. Violations and Penalties. Any person violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine not to exceed \$500.00 or to imprisonment not to exceed 90 days or both. Each and every day that a violation of the provisions of this chapter shall continue after issuance of the initial

summons or complaint shall be deemed and considered a separate and specific violation of this chapter.

In addition to the above, failure to comply with the terms and provisions of this section may subject the licensee to the suspension and revocation of license provisions of sections 59-15 and 59-16.

Section 59-18. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision as adjudged and the remainder of this ordinance shall be deemed to be valid and effective.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section II

This ordinance shall take effect immediately upon publication and adoption according to law.

Anna Marie Rotonda, Mayor

ATTEST:

Joanne M. Kwasniewski, RMC/CMC
Municipal Clerk

NOTICE

NOTICE is hereby given that the foregoing ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Fairfield in the County of Essex, New Jersey, held on the 27th day of July 1992 and that said ordinance will be further considered by the Mayor and Council for final passage at a regular meeting of the Mayor and Council to be held on September 14, 1992 at 8:00 p.m. in the Municipal Building and during the week prior to and up to and including the date of such meeting copies of such ordinance will be made available at the Municipal Clerk's office in said Municipal Building to the members of the general public who shall request the same.

Joanne M. Kwasniewski, RMC/CMC
Municipal Clerk