

**CHAPTER 11**

**LICENSES AND PERMITS**

**Analysis**

**ARTICLE 1.**

**JUNK YARDS**

11.1-1.	Definitions.....	1106
11.1-2.	Restriction; License.....	1106
11.1-3.	Application For License.....	1107
11.1-4.	Issuance of License.....	1107
11.1-5.	Fee.....	1108
11.1-6.	Revocation of License.....	1108
11.1-7.	Inspection of Premises.....	1108
11.1-8.	Renewal of License.....	1108
11.1-9.	Regulations.....	1109
11.1-10.	Number of Licenses Restricted.....	1109

**ARTICLE 2.**

**SOLICITORS AND PEDDLERS**

11.2-1.	Definition.....	1110
11.2-2.	Purpose.....	1111
11.2-3.	Licensure Requirements.....	1111
11.2-4.	Exemptions.....	1111-1113
11.2-5.	Application for Licenses.....	1114-1116
11.2-6.	Restrictions and Requirements.....	1117-1119
11.2-7.	Issuance of Licenses.....	1119
11.2-8.	License Form and Information.....	1120
11.2-9.	License in Possession.....	1120
11.2-10.	Fees.....	1120
11.2-11.	License Enforcement.....	1121
11.2-12.	Revocation, Suspension of Licensure.....	1121
11.2-13.	Grievances.....	1121
11.2-14.	Violations and Penalties.....	1121
	Schedule A.....	1122

**ARTICLE 3.**                    **SOIL REMOVAL AND EXCAVATION**

11.3-1.                    Purpose and Scope.....1123  
11.3-2.                    Prohibiting Excavation or Soil Removal.....1123  
11.3-3.                    Application For Permit.....1123  
11.3-4.                    Request For Hearing; Hearing; Issuance of Permit.....1124  
11.3-5.                    Manner of Performance.....1124  
11.3-6.                    Necessity of Bond; Condition..... 1124  
11.3-7.                    Enforcement.....1124  
11.3-8.                    Definition of Soil..... 1125  
11.3-9.                    Penalty.....1125

**ARTICLE 4.**                    **PARADES**

11.4-1.                    Short Title..... 1126  
11.4-2.                    Definitions.....1126  
11.4-3.                    Permit Required..... 1126  
11.4-4.                    Application.....1126-1128  
11.4-5.                    Standard For Issuance..... 1128  
11.4-6.                    Notice of Rejection..... 1128  
11.4-7.                    Alternative Permit..... 1129  
11.4-8.                    Notice To Township and Other Officials..... 1129  
11.4-9.                    Contents of Permit..... 1129  
11.4-10.                    Duties of Permittee..... 1129  
11.4-11.                    Possession of Permit..... 1130  
11.4-12.                    Public Conduct During Parades..... 1130  
11.4-13.                    Revocation of Permit..... 1130

**ARTICLE 5.**                    **CASUAL SALES**

11.5-1.                    Definitions..... 1131  
11.5-2.                    Prohibition; Permits and Fees..... 1131  
11.5-3.                    Limitation of Permit.....1131  
11.5-4.                    Information To Be Supplied.....1132  
11.5-5.                    Hours of Sale.....1132  
11.5-6.                    Signs.....1133  
11.5-7.                    Exception To Requirement of Permit..... 1133  
11.5-8.                    Enforcement By The Zoning Administrative Officer..... 1134  
11.5-9.                    Conduct of Premises; Persons Responsible..... 1134  
11.5-10.                    Penalties..... 1134  
11.5-11.                    Severability..... 1134

**ARTICLE 6.**

**CABLE TELEVISION**

11.6-1. Introductory Provisions / Purpose of this Ordinance..... 1135  
11.6-2. Definitions..... 1135  
11.6-3. Statement of Findings..... 1136  
11.6-4. Duration of Franchise..... 1136  
11.6-5. Franchise Fee..... 1136  
11.6-6. Franchise Territory..... 1136  
11.6-7. Extension of Service..... 1137  
11.6-8. Construction requirements..... 1137  
11.6-9. Customer Service..... 1137-1138  
11.6-10. Township Complaint Officer..... 1138  
11.6-11. Local Office..... 1138  
11.6-12. Performance Bond..... 1138  
11.6-13. Subscriber Rates..... 1138  
11.6-14. Commitments by the Company..... 1138-1139  
11.6-15. Two-Way Services and Interconnection..... 1139  
11.6-16. Emergency uses..... 1139  
11.6-17. Liability Insurance..... 1139  
11.6-18. Incorporation of Application..... 1140  
11.6-19. Competitive Equity..... 1140  
11.6-20. Separability ..... 1140  
11.6-21. Effective Date..... 1140

**ARTICLE 7.**

**SEASONAL AND HOLIDAY SALES**

11.7-1. Declaration of Intent..... 1141  
11.7-2. Definitions..... 1141  
11.7-3. Permit Requirement; Limitation of Permit..... 1142  
11.7-4. Issuance of Permit; Hours Permitted..... 1142  
11.7-5. Content of Application..... 1142-1143  
11.7-6. Physical Requirements of Permit Location..... 1143  
11.7-7. Fee..... 1142  
11.7-8. Exemption From Permit Only; Other Requirement..... 1144  
11.7-9. Enforcement of Article; Powers..... 1144  
11.7-10. Penalty; Severability..... 1144

**ARTICLE 8**

**RAFFLE LICENSES AND FEES**

11.8-1 Licensing Authority..... 1145  
11.8-2 Fees..... 1145  
11.8-3 Conduct of Legalized Games of Chance on a Sunday  
By The Eagle Band Activities Association..... 1145-1146  
11.8-4 Conduct of Legalized Games of Chance on a Sunday  
By Septemberfest Committee..... 1146

**ARTICLE 9**

**REGULATION OF TOWING SERVICES**

11.9-1 Rotating list..... 1147  
11.9-2 Application and approval process..... 1147-1148  
11.9-3 Regulations..... 1148  
11.9-4 General requirements..... 1149  
11.9-5 Response time..... 1149  
11.9-6 General operation..... 1150-1151  
11.9-7 Driver requirements..... 1151  
11.9-8 Insurance requirements..... 1151  
11.9-9 Storage requirements..... 1151  
11.9-10 Light Duty Service..... 1152  
11.9-11 Heavy Duty Service..... 1152  
11.9-12 Suspension/Termination/Appeal..... 1152  
11.9-13 Cargo Handling Procedures..... 1152-1154  
11.9-14 Fees for Towing and/or Storage..... 1154-1155

**ARTICLE 10**

**REGULATION OF CLOTHING DONATION BINS**

11.10-1 Licensing of Clothing Donation Bins..... 1156-1157  
11.10-2 Duty to Maintain and Service Bins..... 1158  
11.10-3 Enforcement and Limitation on Licenses..... 1158  
11.10-4 Violations, Penalties and Revocation of License..... 1158  
11.10-5 Exemptions..... 1158

**ARTICLE 11**

**REGULATING DEALERS WHO BUY AND SELL PRECIOUS METALS, AND SECONDHAND GOODS**

11.11-1 Purpose and Intent..... 1159  
11.11-2 Definitions..... 1159  
11.11-3 Registration and Issuance of License..... 1160  
11.11-4 License Fees; Non-Transferability..... 1161  
11.11-5 Revocation of License..... 1161  
11.11-6 Dealer's Responsibilities, Requirements and Record Keeping... 1162  
11.11-7 Non-applicability..... 1163  
11.11-8 Purchases From Minors..... 1164  
11.11-9 Violations and Penalties..... 1164

**ARTICLE 12**

**CHARITABLE SOLICITATION ON ROADWAYS**

11.12-1	Definitions.....	1165
11.12-2	General Provisions and Restrictions.....	1165-1166
11.12-3	Application Process for Permit Issuance.....	1167
11.12-4	Safety Criteria.....	1168
11.12-5	Signage Requirements.....	1168
11.12-6	Criteria for Denial.....	1169
11.12-7	Fee Schedule.....	1169
11.12-8	Penalty for Violations.....	1169

**ARTICLE 1.            JUNK YARDS**

**Sec. 11.1-1.            DEFINITIONS.**

"**JUNK**" means any old, discarded or unused waste material of any type that has outlived its usefulness for its original purpose, including iron, metals, glass, paper, rags, clothes, machines, automobiles, motor vehicles, or parts thereof, or accessories thereof such as auto bodies and the like and all other materials commonly or generally known as "**junk**" in the ordinary meaning of the word, acquired or collected for commercial purposes, including specifically parts and portions of automobiles and discarded automobiles and automobile bodies, whether in connection with another business or not.

"**JUNK YARD**" means any lands or parcels thereof on which Junk is collected, placed or stored for commercial purposes or any remuneration whatever. A **JUNK YARD** shall not include premises whereon the materials herein described as "**JUNK**" are kept or stored or disposed of by an owner or occupant of the premises by reason of their obsolescent in the ordinary sense of the word or which originate on the premises and which become obsolescent.

"**JUNK SHOP**" means any building within the Township in which junk is stored, placed, sold or purchased for commercial purposes within the provisions of this ordinance.

"**JUNK DEALER**" means any person, firm, association, partnership or corporation which deals in junk for commercial purposes, or who buys or otherwise acquires or collects or stores junk for commercial purposes with the Township in the manner provided in this ordinance.

"**LICENSE PREMISES**" means any lands or buildings or both wherein or whereon a junk yard is maintained under license hereunder or any junk shop which is licensed, or any premises for which a license is issued to a junk dealer under the provisions of this ordinance.

"**GOOD CAUSE**" means the violation of any of the provisions of this ordinance or any false statement contained in the application for license or failure to pay any license fee when due.

**Sec. 11.1-2.            RESTRICTION; LICENSE.**

No person, partnership, firm or corporation shall establish, operate or maintain a junk yard, junk shop or act as a junk dealer within this Township unless he/she shall first obtain a license for same from the Township Committee.

**Sec. 11.1-3. APPLICATION FOR LICENSE.**

All applicants desiring a license for the maintenance of a junk yard, junk shop or as a junk dealer shall first file a written application with the Township Clerk setting forth the following:

- A.** Name, address and status of applicant. If a corporation, the applicant shall furnish the names and addresses of all officers and registered agents and the office of each. If a partnership or firm, the applicant shall state the names and addresses of all members.
- B.** A full description of the premises desired to be licensed together with a description of any buildings or improvements thereon, and a diagram or map of the lands desired to be licensed.
- C.** A description of materials to be purchased, sold or stored in any junk shop or on any junk yard or in which any junk dealer intends to deal.
- D.** Applications shall be accompanied by payment of the amount of the license fee provided for herein.

**Sec. 11.1-4. ISSUANCE OF LICENSE.**

The Township Clerk shall present any application together with license fee to the Township Committee who shall consider the application, and after investigating and considering same may issue a license therefor. The Township Committee may require such investigation as it deems necessary or require a hearing upon said application before taking final action thereon. It may deny the license to the applicant for good cause revealed by the facts or evidence.

The Township Committee may investigate and consider as part of its determination for the issuance of a license any unreasonable depreciation of surrounding property of adjoining owners which might ensue from the establishment or maintenance of such a business; the proximity of schools, churches, public highways; the suitability of the applicant to receive the license; public convenience and necessity; and social and aesthetic desirability.

The Township Committee, after investigation and consideration of the application, may grant a license to the applicant, which license shall be effective from the date of issuance to the end of the year in which such license may be issued or renewed.

**Sec. 11.1-5. FEE.**

The annual fee for each license issued hereunder shall be the sum of One Hundred Dollars (\$100.00) which shall be prorated where the license will not have been issued on January 1st of the year. Any period of a month over 15 days shall constitute a full month, and a period less than 15 days shall constitute a one-half month for the purposes of prorating.

In the event any license shall be revoked for good cause shown or terminated voluntarily by the licensee, there shall be no refund of any portion of the license fee.

**Sec. 11.1-6. REVOCATION OF LICENSE.**

The Township Committee may revoke any license granted at any time during the period for which the license was issued for good cause shown after a hearing provided to the licensee.

**Sec. 11.1-7. INSPECTION OF PREMISES.**

By acceptance of the license, the applicant consents that the licensed premises shall be open to inspection by the Police Department or by the Board of Health of the Township at any reasonable time of the day or night upon proper authorization for such inspection of the Township Committee, Police Department or the Board of Health.

**Sec. 11.1-8. RENEWAL OF LICENSE.**

Any license issued may be renewed each year by the applicant furnishing a notice of intention in writing to renew said license with the Township Clerk at least 30 days prior to the end of the year and upon payment of the annual license fee. No hearing shall be required unless an objection has been filed in writing with the Township Clerk against the renewal, specifying the reasons for same, which hearing shall be upon notice to the applicant. The Township Committee may authorize a temporary permit for such license until the bearing and determination has been made.



**Sec. 11.1-9. REGULATIONS.**

All licenses granted under this article and all premises licensed hereunder shall be subject, in addition to the provisions herein, to the following regulations:

- A. No part of any premises sought to be licensed shall be located within two hundred (200) feet from any private residence or within fifteen hundred (1,500) feet of any church or school.
- B. A junk yard shall be completely obstructed from view from the public road so that such parts of the yard as face the street or highway shall be enclosed by a solid wall or solid fence of a height not less than seven (7) feet above the ground level. Any such wall or fence may have gates or doors for the purpose of ingress and egress. The said wall or fence shall be painted with either a white or dark green paint and shall be maintained in good condition at all times. No advertisement or descriptions or writings shall appear on the wall or fence except the licensee's name and description of the character of the business and same shall not exceed an area of fifty (50) square feet.
- C. The remaining premises around the junk yard shall be obstructed from the view of adjoining owners so far as possible by a fence or shrubbery of such nature as may obstruct the view from surrounding property and is approved by the Township Committee.
- D. No junk, rubbish or salvage material of any type shall be maintained outside the enclosure surrounding the licensed premises of any junk yard nor outside of any junk shop licensed hereunder.
- E. Burning of materials shall be subject to State and local regulations as well as the storage of materials of an explosive nature.
- F. No materials shall be kept or maintained on the licensed premises which shall be of such odorous nature as to be offensive to adjoining property owners or other inhabitants in the area of the licensed premises.
- G. The licensee shall take all reasonable measures to keep rats or other vermin from the licensed premises.

**Sec. 11.1-10. NUMBER OF LICENSES RESTRICTED.**

The number of licenses which may be issued and outstanding during any one licensed period as provided for hereunder shall be limited to two (2) in number.

**ARTICLE 2.            SOLICITORS AND PEDDLERS**

**Sec. 11.2-1.            DEFINITIONS.**

For the purpose of this Ordinance the terms used herein are defined as follows:

- A.    **PEDDLER** - Any person traveling by foot, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, farm or other food products, offering said items for sale, or making sales and delivering articles to purchasers, or who without traveling from place to place, sells or offers the same for sale from an automotive vehicle or other conveyance.
  
- B.    **PERSON** - Any individual, firm, partnership, corporation, voluntary association, club, incorporated association, organization and principal or agent thereof.
  
- C.    **SOLICITOR** - Any person traveling by foot, automotive vehicle or other conveyance, from place to place, from house to house, or from street to street, soliciting orders, subscriptions, contributions, or any other kind of support, or who without necessarily having the intention of making sales, distributes literature, pamphlets, handbills, samples and the like for the purpose of information, advertising, or the furtherance of public (political), economic (religious), or social beliefs, doctrines, systems, or projects, or who attempts to sell or solicits orders for goods, wares, merchandise, personal property of any nature whatsoever, farm or other food products, for future delivery, or for services, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he/she is collecting full or partial payment, or advance payment on such sales or not. The term "**solicitor**" shall also include the term "**canvasser**".
  
- D.    **TRANSIENT MERCHANT** - Any person who establishes himself/herself in business within a locality by occupying a room, building, tent, lot or other premises for the purpose or intention of remaining there for a limited time for the exhibition and sale of his/her goods, wares, and/or merchandise. The term "**transient merchant**" shall also include any person who conducts traveling or street shows, exhibitions, carnivals, or circuses, and the like, and in connection therewith sells or displays for sale any goods, wares, merchandise and/or services.
  
- E.    **SPECIAL EVENTS** - Events including, but not necessarily limited to, parades or celebrations of historic occurrences which take place within the Township of Pennsville.

**Sec. 11.2-2. PURPOSE.**

To regulate the conduct of business, by transient merchants, in a manner consistent with the requirements and regulations placed upon other land users; to provide for public safety and welfare; to ensure an unimpeded flow of vehicular and pedestrian traffic; to attempt to prevent dishonest and fraudulent business practices on the part of peddlers, solicitors, and transient merchants; and to attempt to insure that peddlers, solicitors, and transient merchants do not become a public nuisance, that they are of good character, and that the causes they represent are in the best interest of the community.

**Sec. 11.2-3. LICENSURE REQUIREMENTS.**

It shall be unlawful for any peddler, solicitor, or transient merchant, or seeking to sell or exhibit goods, wares, merchandise, services, or the like, or any other person conducting any exhibition, circus or carnival, traveling or other show, and/or the like, or any other person selling books, magazines, and/or periodicals, to sell or dispose of, or to offer to sell or dispose of, any goods, wares, merchandise, and/or services, or to conduct any exhibition or show, within the Township of Pennsville without first obtaining a license.

**Sec. 11.2-4. EXEMPTIONS.**

Certain persons, organizations, and activities may be exempt from the licensing requirements of this Ordinance. The sole responsibility for confirming the status of activities as "**exempt**" or "**nonexempt**" lies with the individual or organization intending to conduct activities within the Township of Pennsville. The Township Clerk should be contacted for guidance in such matters.

**A. TAX EXEMPT AND CHARITABLE ORGANIZATIONS:** The purpose for "exempting" tax exempt and charitable organizations from certain provisions of this Ordinance, is to permit said organization to continue certain of their traditional fund-raising and canvassing activities without first applying for a license. The criteria delineated below, shall be used to determine the status of activities, as either exempt or not exempt from the requirements of this Ordinance. All tax exempt and charitable organizations should conduct their activities in such a manner as to comply with Section 11.2-6 of this Code.

1. Any person who is a resident of the Township of Pennsville who conducts fund raising activities (such as bake sales, car washes, carnivals, circuses, candy sales, food and beverage sales at sporting events, other exhibitions, or the like) in connection with a bona fide charitable, fraternal, sorority, non-profit, civic, religious, economic, or social organization, or political party, and where said activities does not exceed twelve (12) hours in duration, shall be considered exempt from the license and fee requirements of this Ordinance.

2. Any person who is a resident of the Township of Pennsville who conducts or sponsors fund-raising activities, events or exhibitions that **exceed** (12) hours in duration, may be classified as a "solicitor" or "transient merchant" for the purpose of this Ordinance, and shall be considered nonexempt, and shall therefore be required to apply for a license to be in compliance with this Ordinance. The application and licensure use fee may be waived.

**B. PERSONS REGULARLY ENGAGED IN BUSINESS:**

1. **Salespersons and Demonstrators:** Any person who in the normal and usual conduct of business regularly rents space at a public facility such as a hotel, motel, restaurant, and/or meeting facility for the purpose of displaying and/or selling goods, wares, merchandise, and/or services shall be responsible to assure that the facility is appropriately zoned and has the necessary use permits for the conduct of the intended business or activity, and has sufficient off-street parking to accommodate the number of patrons expected to attend the activities, events or exhibitions. Upon confirming that the facility meets the requirements stipulated herein, the salesperson or demonstrator shall be deemed exempt from the license and fee requirements of this Ordinance.
2. **Home Delivery:** Any person who engages in delivery of wares, goods, merchandise, and/or services, or other articles or items, during the course of normal and usual conduct of business, and so long as such delivery is made to the premises ordering or the premises entitled to receive the same, shall be considered exempt from the license and fee requirements of this Ordinance.

**C. SALES REQUIRED BY OR COVERED BY STATUTE, LEGISLATION OR COURT ORDER:**

1. **Other License and Permit Holders:** Any person occupying property and selling under authorized approval, licenses, and use permits issued and authorized by officers of the Township of Pennsville shall be considered exempt from the license and fee requirements of this Ordinance. Such authorizations shall be construed as transferable to peddlers, solicitors, transient merchants, or any other person(s) desiring to conduct business or activities within the Township of Pennsville.
2. **Sales Pursuant to Statute or Court Order:** Any person who conducts sale pursuant to statute or court order shall be considered exempt from the license and fee requirements of this Ordinance.

**D. OTHERS**

**1. Home Gardeners**

- (a) Home Owners:** Any person who is a home owner within the Township of Pennsville who maintains a garden or nursery at the site of his/her residence may offer for sale "in season" garden and nursery products harvested from his/her garden at the site of said residence, provided at least seventy-five (75%) of the garden or nursery products offered for sale have been grown on the premises, and provided the display area does not exceed thirty-five (35 sq. ft.), shall be considered exempt for the purpose of this Ordinance.
- (b) Tenants:** Any person who is a tenant within the Township of Pennsville who maintains a garden at the site of his/her residence, who has the express written permission and consent of the property owner, may offer for sale, "in season", garden produce harvested from his/her garden at the site of said residence. At least seventy-five per cent (75%) of the garden products offered for sale shall have been grown on the tenant's premises, and provided the display area does not exceed thirty-five square feet (35 sq. ft), shall be considered exempt for the purpose of this Ordinance.
- (c) Farmers:** Any person who is a resident farmer within the Township of Pennsville, and who farms one (1) or more acres of ground within the Township of Pennsville, may offer for sale at the site of said farm, "in season", agricultural products harvested from the farm site provided at least seventy-five (75%) of the agricultural products offered for sale have been grown on the farm site, and provided the display area does not exceed 150 square feet (150 Sq. ft.), and so long as said farmer complies with the requirements set forth in this sub-Section, shall be considered exempt from the license and fee requirements of this Ordinance.

**Sec. 11.2-5. APPLICATION FOR LICENSES.**

**APPLICATION FOR LICENSES:** Any person desiring license for the conduct of business or activities described in this Article shall file an application for a license with the Township Clerk. The application for a license must be filed twenty (20) calendar days prior to the anticipated date of sale of goods, wares, merchandise and/or services, prior to the conduct of activities, events, and exhibitions, and prior to the construction or erection of any display, sales, or exhibition area, or as otherwise required by this Article. The 20-day limitation may be modified, for good cause, by the Township Clerk. The application for licensure shall contain the following information:

**A. GENERAL AND PERTINENT INFORMATION**

1. Name of applicant.
2. Permanent address of the applicant.
3. New Jersey state sales and use tax number.
4. Social Security number.
5. Federal tax identification number.
6. Proposed location of sale or activity.
7. Description of goods, wares, merchandise, or services to be offered, the type and nature of the business to be conducted, and in the case of solicitors, activities to be conducted.
8. Statement containing the full name, address and telephone number of the person(s) supplying the goods, wares, merchandise and/or services proposed to be sold and how such goods are to be stored at and delivered to the site of the sale.
9. Length of time desired for the licensure.
10. Hours during which applicant intends to conduct the activity, sell his/her goods, wares, merchandise and/or services, and in the case of solicitors and canvassers, the hours during which activities are to be conducted.
11. Statement containing the make, model, manufacturer and color of any and all automotive vehicles to be used during the conduct of business or activities, including license plate number and state of registry.

12. The application form shall contain the following language: "By signing this application, you are consenting to a criminal history inquiry and you are authorizing the release of information associated with such all investigation".
  13. Upon submission of the application and fee, the applicant will be directed to the Pennsville Police Department where he/she will be provided with an application for fingerprinting through *Sagem Morpho* to obtain a criminal background check. The applicant will receive a case number. A fee for fingerprinting/criminal history search is required by *Sagem Morpho* / New Jersey State Police at the time of fingerprinting. Locations where fingerprinting is available will be provided. When the response to the criminal history inquiry is received by the Township Police Department, it shall be immediately turned over to the Township Clerk. The Chief of Police, in his sole discretion, may rely upon a previous criminal history inquiry which he/she had made within one year of the current application.
  14. The applicant shall provide the Township Clerk with three (3) two-inch by three-inch (2" x 3") photographs showing the head and shoulders of the applicant and/or his/her salesperson(s), agent(s), or representative(s) who are to be licensed. Said photographs must be current and shall exhibit a close resemblance of such person(s).
- B. Applicants and/or their salespeople, agents, or representative shall, upon request by the Township Clerk or Chief of Police, submit and consent to finger printing.
  - C. The information supplied by the applicant shall be verified and/or investigated by the Township Clerk and/or Chief of Police. Upon determining that the required information has been submitted and that the information has been found to be valid and true, the Township Clerk shall present the application and any supporting documentation or information to the Chief of Police and the Mayor of the Township of Pennsville for their review and approval. Upon receipt of signed recommendations from both the Chief of Police (or his designated representative) and Mayor, the Township Clerk may issue a license to the applicant. The Township Clerk shall conduct the investigation and process the application for review and sign off in a timely manner.
  - D. In the case that the application for licensing is not approved, the Clerk of the Township of Pennsville shall notify the applicant, in writing, of the reasons for denial. The applicant bears responsibility for all errors and omissions of information for the application leading to denial of licensure.

- E.** Applicants who are considered to be transient merchants and/or who intend to operate from a fixed location shall provide documents (photographs, copies of recent surveys, drawings with measurements) with sufficient detail to indicate that the intended location will comply with Section 11.2-6 of this Ordinance.
- F.** Applicants shall have no exclusive rights to any location. The issuance of a license and/or resolution of conflicts concerning use of a particular location shall be made by considering the date the application was received by the Township Clerk. Persons entering upon and/or operating from premises which are properly zoned and for which use and occupancy permits have been issued, with or without the consent of the permit holder, may not be exempt from the licensing requirements of this Ordinance. If any of the following conditions or circumstances exist, application for licensure is required:
- 1.** The New Jersey sales and use tax number and/or the federal income tax number used to report sales, taxes and/or profit or loss is different than the person or organization to whom zoning, use and/or occupancy permits have been issued.
  - 2.** The display and/or sale of goods, ware, or merchandise violates the existing use and occupancy permit(s) or creates a violation of the existing use and occupancy permit(s).
  - 3.** The goods, wares, merchandise or services to be offered for sale clearly deviate from the goods, wares, merchandise or services normally offered by the use and occupancy permit holder.
- G.** Applicant shall provide the Township Clerk with a current Certificate of Authority issued by the Director of the Division of Taxation of the State Department of the Treasury in accordance with the provisions of NJSA 54:32B-15

(The application form shall contain the following language: "By signing this application, you are consenting to a criminal history inquiry and you are authorizing the release of information associated with such an investigation.")



**Sec. 11.2-6. RESTRICTIONS AND REQUIREMENTS.**

The right of transient merchants to operate from a fixed location shall be limited and governed by the following restriction.

**A. NUMBER OF SITES PERMITTED BY LICENSES:**

Licenses issued to transient merchants are valid for use at one (1) location only. Transient merchants who intend to establish more than one (1) location for sale of goods, wares, merchandise and/or services shall be required to obtain a license for each location.

**B. LOCATION RESTRICTIONS:**

1. The location of the sale shall not be situated closer than two hundred and fifty yards (250 yds.) to any permanent business which offers for sale the same or similar merchandise or services.
2. The location of the sale shall not be situated closer than seven hundred and fifty feet (750 ft.) to any other transient merchant.

**C. SIGNS:**

1. No signs advertising the sale or presence of the transient merchant shall be installed in or on any sidewalk, right of way, utility pole, traffic signs, street signs, or any other municipal marker.
2. Only two (2) temporary signs are permitted; however, said temporary signs shall not exceed sixteen square feet (16 sq. ft.) each, and shall not be positioned so as to obstruct or interfere with vehicular or pedestrian view, and not closer than fifty feet (50 ft.) to street corners.
3. Signs shall not contain or be illuminated by flashing or blinking lights.

**D. LOCATION OF DISPLAYS:**

Display for sale of goods, wares, and/or merchandise shall be set back from curbs, at least twelve feet (12 ft.) where curbs exists, thirty feet (30 ft.) from the center line of dual highways, and fifty feet (50 ft.) from the center line of four (4) lane highways.

**E. DRIVEWAYS, ENTRANCES, EXITS:**

All driveways, openings cut in curbs for vehicular entrance and exit, and all other property entrances and exits shall not be blocked by any vehicle, display or other encumbrance. Driveways and other entrances and exits shall remain open for vehicular traffic, and existing traffic patterns on the property must be preserved and maintained.

**F. OFF-STREET PARKING:**

1. A minimum of ten (10) off-street parking spaces that are at least ten feet (10 ft.) wide and sixteen (16 ft.) long, must be available at the site of the sale. Such parking spaces must be easily and safely accessible. Site location should not encourage illegal parking.
2. The location of sale shall not be fixed on sidewalks or streets. Operations fixed on a sidewalk or street shall constitute a trespass on a public easement and will be dealt with accordingly. A sidewalk may not be turned into a public marketplace.

**G. HOURS OF OPERATION FOR SOLICITORS, CANVASSERS:**

Solicitors shall not conduct their activities between the hours of 9:00 p.m. and 9:00 a.m., or at any time when a sign has been posted on a building stating "**No Solicitors**" and/or "**No Peddlers**", or words to that effect; however, registered solicitors may call upon the occupants of residences at other times when he/she has received express permission from the occupant prior to doing so.

**H. HOURS OF OPERATION FOR TRANSIENT MERCHANTS AND PEDDLERS:**

Transient merchants and peddlers shall not sell their goods, wares, and/or merchandise, or pursue their activities between the hours of 8:00 p.m. and 8:00 a.m. These times may be modified by duly adopted resolution of the Township Committee in accordance with the provisions of Paragraph J below.

**I. HOURS OF OPERATION FOR TAX EXEMPT AND CHARITABLE ORGANIZATIONS:**

Tax exempt and charitable organizations may seek exemption from the operating hours identified above, for the conduct of special fund raising activities such as carnivals, circuses, exhibitions and the like. Organizations desiring such exemptions shall file a written request, for conduct of special fund raising activities such as carnivals, circuses, exhibitions and the like. Organizations desiring such exemptions shall file a written request for conduct of special fund raising activities outside the hours identified above through the Township Clerk.

If the site selected by a transient merchant, or activities conducted thereon, are found to be in conflict with any of the aforementioned restrictions and regulations, it shall constitute a violation of this Code and shall be cause for suspension of the license pending investigation, and may result in revocation of the license and/or denial of future application(s) for licensure.

**J. RESTRICTIONS ON WHEN AND WHERE TRANSIENT MERCHANTS AND PEDDLERS MAY PLY THEIR TRADE:**

Based on the geography of this Township and the necessity to insure that sufficient security is provided for special events, the Township Committee, by duly adopted Resolution, may restrict the number of licenses issued to transient merchants and peddlers in accordance with the provisions of this Ordinance, and the Township Committee may also restrict the time and place where the peddlers and transient merchants ply their trade. When restrictions are placed on the number of licenses issued in accordance with the provisions of this paragraph, applicants shall be served on a first-come, first-served basis.

**Sec. 11.2-7. ISSUANCE OF LICENSES.**

Permission to conduct business or activities is granted only to the person(s) identified the license, and shall expire at the end of the period specified on the license. In all cases information designated on the license shall not supersede or abridge the provisions or requirements of this Ordinance. The following applies to issuance of licensure:

- A.** Following the filing of an application for licensure with the Township Clerk or his/her designee, the information contained in and attached to the application shall be verified in accordance with Section 11.2-5c of this Article. Approval or denial for licensure shall be indicated on the reverse side of the application. A license may be issued by the Township Clerk upon approval for licensure by the Chief of Police and Mayor of the Township of Pennsville. The license shall be issued in the form of a card [that] with one (1) picture of the three furnished by the application affixed to the card, and shall bear the signature of the licensee and the signature of an authorized officer of the Township of Pennsville.
- B.** The licensee shall not permit nor authorize persons other than those named in the license to engage in business thereunder. Said license shall not be transferable to any other person(s).
- C.** A sublicense may be issued by the Township Clerk, for a period not to exceed one (1) week, in cases where person, firm or corporation regularly operates a truck or other motor vehicle from which merchandise is to be sold or delivered. Sublicenses may be issued to substitute drivers or to a route foreman by the payment of a fee of five dollars (\$5.00), and upon said substitute driver signing the license application and furnishing fingerprints and pictures as required herein.

**Sec. 11.2-8. LICENSE FORM AND INFORMATION.**

All licenses shall be issued on forms provided by the Pennsville Township Clerk, shall be consecutively numbered, and shall contain blank spaces for the name, amount of the fee paid, spaces for the picture and signature of the licensee, and for the signature of an authorized officer of the Township of Pennsville.

**Sec. 11.2-9. LICENSE IN POSSESSION.**

Persons issued licenses by the Township of Pennsville shall be required to provide proof of licensure when requested as stipulated herein. Peddlers and solicitors shall carry with them at all times the license issued them by the Township of Pennsville, transient merchants and others considered to be acting as transient merchants shall be required to prominently display the license issued by the Township of Pennsville at the place of business while engaged in the conduct of the business or activity authorized by the license. Licensees shall produce the license upon request by any official of the Township of Pennsville. Failure to comply may result of in suspension of licensure pending investigation.

**Sec. 11.2-10. FEES.**

The fee structure of this Ordinance has two parts: an application fee, and a schedule of license fees, and may be revised by the Pennsville Township Committee as provided herein.

- A.** Applicants shall pay a fee in the amount of Fifty Dollars (\$50.00) at the time the application is filed with the Township Clerk. The application fee is nonrefundable. The provisions of this subparagraph shall not apply to special events.
- B.** License fees shall be assessed as delineated in Schedule A, and in accordance with the provisions of this Ordinance. Payment of license fees shall be made to the Township Clerk at the time the license is issued. The license will not be issued until such fees have been paid. License fees are nonrefundable.

**Sec. 11.2-11. LICENSE ENFORCEMENT.**

The Chief of Police of the Township of Pennsville is empowered to enforce the provisions of this Ordinance and to perform such acts necessary to effectuate the purpose hereof, including the delegation of duties to the designated sub-officials of his/her office. It shall be the duty of the Chief of Police of the Township of Pennsville to investigate alleged violations of this Ordinance brought to his/her attention, whether by complaint or arising from his personal knowledge. The Chief of Police shall immediately notify the Township Clerk and Mayor of the Township of Pennsville of alleged violations and the need to suspend licensure pending further investigation. The Chief of Police shall be responsible to prosecute alleged violations by bringing complaints before the local municipal court.

**Sec. 11.2-12. REVOCATION, SUSPENSION OF LICENSURE.**

A license may be revoked by the Township of Pennsville upon proof to the satisfaction of the members of the Township Committee that a violation of the terms of the license, or of this Ordinance, or any state or federal statute, or for falsification or material misrepresentation in the application for licensure. Any license may be suspended for not more than two (2) weeks by the issuing officer, without a hearing, for violations brought to his/her attention.

**Sec. 11.2-13. GRIEVANCES.**

Any applicant denied a license, or any licensee whose license has been suspended or revoked, may immediately file an appeal with the Township Clerk, who shall set time for hearing the appeal, which shall be within fourteen (14) calendar days of the date of filing thereof.

The applicant or licensee shall be notified of the time and place of the hearing at least thirty-six (36) hours in advance thereof, and shall be entitled to appear at the hearing and be heard. The hearing panel shall consist of the Township Clerk, the Mayor, and one (1) Pennsville Township Committee member. The Township Clerk shall appoint an officer to act on such appeals in his/her absence, who shall have the same powers with respect thereof as are herein granted to him/her.

**Sec. 11.2-14. VIOLATIONS AND PENALTIES.**

Any person required by this Ordinance to procure a license and who violates its terms or any of the regulations contained herein shall, upon conviction thereof, pay a fine of not more than five hundred dollars (\$500.00) or be imprisoned in the county jail for not more than ninety (90) days, or both.

**SCHEDULE A**

<b><u>CATEGORY</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>FEE</u></b>
Transient merchant (except for resident Farmers)	As defined by this Ordinance	1 day        \$300.00 1 week      \$350.00 1 month     \$500.00 3 months    \$1,000.00
Resident Farmers	As defined by this Ordinance	Growing Season \$100.00
Solicitors, canvassers, peddlers	As defined by this Ordinance	1 day        \$5.00 1 week      \$20.00 1 month     \$40.00 3 months    \$100.00
Exhibitions circuses, carnivals traveling shows and the like	As defined by this Ordinance	\$50.00 per day for each day same is exhibited within the Township of Pennsville. The fee shall apply whether the show is held under a tent, in a building, or out in the open.

**ARTICLE 3.            SOIL REMOVAL AND EXCAVATION**

**Sec. 11.3-1.            PURPOSE AND SCOPE.**

- A.    The unregulated and uncontrolled relocation, filling, excavation and removal of soil by developers, excavators or other persons has resulted in conditions detrimental to the public safety, health and general welfare, hampering and deterring the efforts of the Township to effectuate the general purpose of municipal planning; and
  
- B.    Continuation of the unregulated and uncontrolled relocation, filling, excavation and removal of soil will result in serious and irreparable damage to the public welfare by reason of consequent soil erosion by water and wind; inadequate and improper surface water drainage; the decrease or destruction of the fertility of soil; the removal of lateral support of abutting streets, lands and premises; the creation of dust storms and mosquito breeding places; the creation of dangerous depressions or pits; the deterioration of property values; the rendering of lands unfit or unsuitable to their most appropriate uses; and the creation of other factors and elements hampering and deterring the coordinated, adjusted and harmonious physical development of the Township.

**Sec. 11.3-2.            PROHIBITION OF EXCAVATION OR SOIL REMOVAL.**

No person shall excavate or otherwise remove soil, for sale or for use other than on the premises from which the soil shall be taken, except in connection with the construction or grading incidental thereto without first having procured permission therefor from the Township Committee.

**Sec. 11.3-3.            APPLICATION FOR PERMIT.**

The Township Committee shall not consider any application for the removal of soil from the premises for sale or otherwise unless and until the owner of the premises shall first file with the Township Clerk an application requesting such permission together with a map of the premises showing the contour lines and proposed contour grades resulting from such intended removal of soil in relation to the topography of the premises, and the said proposed contour lines and proposed grades shall be subject to the inspection and approval of the Township Committee. No such permission for soil removal shall be issued until such map has been filed and until the proposed contour lines and grades have been approved by the Township Committee.

**Sec. 11.3-4. REQUEST FOR HEARING; HEARING; ISSUANCE OF PERMIT.**

Upon written request for a hearing made by the applicant to the Township Committee, an opportunity to be heard shall be granted within thirty (30) days thereafter, and the Township Committee in considering and reviewing the application and in arriving at its decision shall be guided by and take into consideration the public health, safety and general welfare and particular consideration shall be given to the factors set forth in the preamble to this ordinance. If the Township Committee, after appraising the application on the basis of the standards referred to in the preamble to this ordinance, is of the opinion that the soil removal will not create conditions inimical to the public health, safety and welfare, a permit shall be issued, and in issuing such permit, the Township Committee may require the applicant to take such measures or precautions as it may consider necessary to the effectuation of the factors set forth in the preamble to this ordinance and in furtherance of the public safety, health and general welfare.

**Sec. 11.3-5. MANNER OF PERFORMANCE.**

If permission to remove the soil shall be granted, the owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions, and in such manner that the area shall be properly leveled off, cleared of debris and graded to conform to the contour lines and grades as approved by the Township Committee; and the owner or person in charge shall provide such further safeguards and comply with such conditions as the Township Committee shall have made in connection with granting of the permit.

**Sec. 11.3-6. NECESSITY OF BOND; CONDITION.**

Before any permit or permission for soil removal shall be granted or issued, the owner or applicant shall file with the Township Committee a bond in form acceptable to the Township Committee in such amount as in the opinion of the Township Committee shall be sufficient to insure the faithful performance of the undertaking, which bond shall be conditioned that the work of soil removal shall comply with the ordinance and regulations thereunder and the conditions subject to which the permit is issued.

**Sec. 11.3-7. ENFORCEMENT.**

For the purpose of administering and enforcing this ordinance, any duly authorized officer, agent and employee of the Township of Pennsville shall have the right to enter into and upon any lands on or upon which soil removal operations are being conducted to examine and inspect such lands and operation.



**Sec. 11.3-8. DEFINITION OF SOIL.**

The term "soil" shall be construed to refer to any earth, sand, clay, loam, gravel, humus, rock or dirt without regard to the presence or absence therein of organic matter.

**Sec. 11.3-9. PENALTY.**

Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine not exceeding \$200.00 or imprisonment in the County Jail for a term not exceeding 90 days, in the discretion of the Magistrate before whom such conviction shall be had. Each and every violation and non-conformance with this ordinance or each day that any provisions of this ordinance shall have been violated, shall be construed as a separate and distinct violation thereof.

---

**ARTICLE 4.**            **PARADES**

**Sec. 11.4-1.**            **SHORT TITLE.**

This ordinance shall be known and may be cited as the "Parade Ordinance of the Township of Pennsville".

**Sec. 11.4-2.**            **DEFINITIONS.**

- A.    **"Parade"** is any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any streets, park or other public place in the Township.
- B.    **"Person"** is any person, firm, partnership, association, corporation, company or organization of any kind.

**Sec. 11.4-3.**            **PERMIT REQUIRED.**

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the Chief of Police.

- A.    Exceptions: This ordinance shall not apply to:
  - 1.    Funeral processions;
  - 2.    Students going to and from school classes or participating in education activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
  - 3.    A governmental agency acting within the scope of its functions

**Sec. 11.4-4.**            **APPLICATION.**

A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer.

- A.    **Filing Period.** An application for a parade permit shall be filed with the Chief of Police not less than 20 days before the date on which it is proposed to conduct the parade.

- B. **Contents.** The application for a parade permit shall set forth the following information:
1. The name, address and telephone number of the person seeking to conduct such parade;
  2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
  3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
  4. The date when the parade is to be conducted;
  5. The route to be traveled, the starting point and the termination point;
  6. The approximate number of persons who and animals and vehicles which, will constitute such parade; type of animals, and description of the vehicles;
  7. The hours when such parade will start and terminate;
  8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
  9. The location by streets of any assembly areas for such parade;
  10. The time at which units of the parade will begin to assemble at any such assembly area or areas;
  11. The interval of space to be maintained between units of such parade;
  12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;
  13. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

- C. **Late Applications.** The Chief of Police, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less than 3 days before the date such parade is proposed to be conducted.

**Sec. 11.4-5. STANDARD FOR ISSUANCE.**

The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the applicant and from such other information as may otherwise be obtained, he/she finds that:

- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- B. The conduct of the parade will not require the diversion of so great a number of police officers of the Township to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Township;
- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Township other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- E. The conduct of such parade will not interfere with the movement of fire-fighting equipment enroute to a fire;
- F. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- G. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
- H.) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

**Sec. 11.4-6. NOTICE OF REJECTION.**

If the Chief of Police disapproves the application, he/she shall mail to the applicant within 2 days after the date upon which the application was denied, a notice of his action, stating the reasons for his denial of the permit.

**Sec. 11.4-7. ALTERNATIVE PERMIT.**

The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within 3 days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this ordinance.

**Sec. 11.4-8. NOTICE TO TOWNSHIP AND OTHER OFFICIALS.**

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- A. The Mayor;
- B. The Township Attorney;
- C. The Fire Chiefs.

**Sec. 11.4-9. CONTENTS OF PERMIT.**

Each parade permit shall state the following information:

- A. Starting time;
- B. Minimum speed;
- C. Maximum speed;
- D. Maximum interval of space to be maintained between the units of the parade;
- E. The portions of the streets to be traversed that may be occupied by the parade;
- F. The maximum length of the parade in miles or fractions thereof;
- G. Such other information as the Chief of Police shall find necessary to the enforcement of this ordinance.

**Sec. 11.4-10. DUTIES OF PERMITTEE.**

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

**Sec. 11.4-11. POSSESSION OF PERMIT.**

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

**Sec. 11.4-12. PUBLIC CONDUCT DURING PARADES.**

- A. **Interference.** No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
- B. **Driving through Parades.** No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- C. **Parking on Parade Route.** The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this ordinance.

**Sec. 11.4-13. REVOCATION OF PERMIT.**

The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

---

**ARTICLE 5.            CASUAL SALES**

**Sec. 11.5-1.            DEFINITIONS.**

- A.    "**CASUAL SALES**" shall mean and include all sales entitled garage sale, yard sale, lawn sale, attic sale, rummage sale, flea market, auction sale or any similar type sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of or invited to said sale.
  
- B.    "**GOODS**" shall mean any goods, warehouse merchandise or any tangible personal property capable of being the subject matter of a sale which is regulated hereunder.
  
- C.    "**PERSON**" shall mean and include individuals, partnerships, associations, corporations or other legal entities.

**Sec. 11.5-2.            PROHIBITION; PERMITS AND FEES.**

It shall be unlawful for any person to conduct or allow or cause to be conducted a casual sale in the Township of Pennsville without first obtaining a permit from the Zoning Administrative Officer upon application, supplying the information hereinafter specified. There shall be paid a permit fee in the sum of Five (\$5.00) Dollars for its issuance.

**Sec. 11.5-3.            LIMITATION OF PERMIT.**

No person shall be issued more than two (2) such permits within a twelve (12) month period and no permit shall be issued for more than four (4) consecutive calendar days.

No particular parcel of real property shall be used for the conduct of such casual sale thereon for a more frequent period than in connection with two (2) such permits within a twelve (12) month period and consequently for not more than eight (8) calendar days.

Each permit issued must be prominently displayed on the premises throughout the entire period of sale.

**Sec. 11.5-4. INFORMATION TO BE SUPPLIED.**

The information required upon the application to secure such a permit shall be as follows:

- A. Name of person, firm, group, corporation, association or organization for whom said sale is conducted.
- B. Name of owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than owner.
- C. Name of auctioneer, if any.
- D. Location at which sale is to be conducted.
- E. Number of days of sale.
- F. Date and nature of any past sale.
- G. Relationship or connection applicant may have had with any other person, firm, group, organization, association or corporation conducting said sale and the date or dates of such sale.
- H. Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.
- I. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him/her to be so.

**Sec. 11.5-5. HOURS OF SALE.**

All such casual sales shall be conducted between the hours of 9:00 A.M. and 6:00 P.M. only.



**Sec. 11.5-6. SIGNS.**

All persons are prohibited from making, causing to be made or erecting signs other than those signs specified by the Township. Signs shall be of uniform size and form not greater than twelve inches by twelve inches square.

Said signs shall have space allotted thereon to be placed the name and address of the person conducting the sale and the signs shall be removed within 48 hours after the completion of the sale. Not more than two (2) signs shall be used at any one time.

No signs shall be placed in the public right of way or attached to any utility poles.

**Sec. 11.5-7. EXCEPTIONS TO REQUIREMENT OF PERMIT.**

The provisions of this Article shall not apply to or affect the following persons or sales:

- A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.
- D. Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this ordinance have not been complied with.
- E. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Township of Pennsville or under the protection of the non-conforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited by any other ordinance or statute.
- F. Any bona fide charitable, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this sub-section shall be on the organization or institution claiming such exemption.

**Sec. 11.5-8. ENFORCEMENT BY THE ZONING ADMINISTRATIVE OFFICER.**

This Article shall be enforced by the Zoning Administrative Officer. It shall be the duty of the Zoning Administrative Officer to investigate any violations of this ordinance coming to his attention, whether by complaint or arising from his own personal knowledge, and if a violation is found to exist, he/she shall prosecute a complaint before the local Municipal Court pursuant to the provisions of this ordinance. It shall be the duty of the Police Department of the Township of Pennsville to bring to the attention of the Zoning Administrative Officer further investigation any violations of this ordinance of which the Police Department becomes aware during the course of its normal duties.

**Sec. 11.5-9. CONDUCT OF PREMISES; PERSONS RESPONSIBLE.**

The person to whom such permit is issued and the owner, occupant or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order or decorum on the premises during all times such sale or activity is conducted. No loud or boisterous conduct shall be permitted nor shall vehicles be permitted to impede the passage of traffic on any roads or streets in the area of such premises. Public health, safety and welfare shall be maintained.

**Sec. 11.5-10. PENALTIES.**

Any person who violates any of the provisions of this Article shall upon conviction in the Municipal Court be fined not less than \$25.00 nor more than \$100.00 or be confined for a period not to exceed ten (10) days for each violation. Each day that such sale shall continue without permit shall be considered a separate violation.

**Sec. 11.5-11. SEVERABILITY.**

The provisions of Revised Ordinances of the Township, Section 1.1-2 entitled, Severability of Parts with revisions, shall apply to the provisions of this Article.

---

**ARTICLE 6.            CABLE TELEVISION**

**Sec. 11.6-1.            INTRODUCTORY PROVISIONS/PURPOSE OF THIS ORDINANCE.**

The Township hereby grants to the Company, a non-exclusive franchise to place in, upon, along, across, above, over and under the highways, streets, alleys, sidewalks, public ways, and public places in the Township poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Township of a cable television system and communications system.

**Sec. 11.6-1.            DEFINITIONS.**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission, F.C.C. Rules and Regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521, et seq, as amended, and the Cable Television Act, NJSA 48:5A-1 et seq. and shall in no way be construed to broaden, alter or conflict with federal or state definitions.

- A.     **"Municipality"** is the Township of Pennsville, County of Salem, State of New Jersey.
- B.     **"Company"** is the grantee of rights under this ordinance and is known as Comcast Cablevision of South Jersey, Inc.
- C.     **"Act"** or **"Cable Television Act"** is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, NJSA 48:5A-1 et seq.
- D.     **"FCC"** is the Federal Communications Commission
- E.     **"Board of BPU"** is the Board of Public Utilities, State of New Jersey
- F.     **"Office"** or **"OCTV"** is office of Cable Television of the Board
- G.     **"Basic Cable Service"** means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.

**Sec. 11.6-3. STATEMENT OF FINDINGS.**

A public hearing was conducted by the Township of Pennsville concerning the renewal of the Municipal Consent herein granted to the Company after proper public notice pursuant to the terms and conditions of the Act and regulations of the Board adopted pursuant thereto. Said hearing was open to the public, and the Township having received at said hearing all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Township hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

**Sec. 11.6-4. DURATION OF FRANCHISE**

The non-exclusive Municipal consent granted herein shall expire fifteen (15) years from the date of expiration of the previous Certificate of Approval issued by the Board with a 10-year automatic renewal as provided by NJSA 48:5A-19 and 25, and NJAC 14:18-13.6.

In the event that the Township shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Township shall have the right to petition OCTV, pursuant to NJSA 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval, provided, however, that the Township shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

**Sec. 11.6-5. FRANCHISE FEE.**

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operations under the consent granted herein, pay to the Municipality two (2%) percent of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Township or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

**Sec. 11.6-6. FRANCHISE TERRITORY.**

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Township and any property subsequently annexed hereto.

**Sec. 11.6-7. EXTENSION OF SERVICE.**

The Company shall be required to proffer service along any public right-of-way to any person's residence or business located in all areas of the franchise territory as described herein, at tariff rates for standard and non-standard installations.

**Sec. 11.6-8. CONSTRUCTION REQUIREMENTS**

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township, shall remove, re-lay and relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, or other public places of the Township so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

**Sec. 11.6-9 CUSTOMER SERVICE**

In providing services to its customers, the Company shall comply with NJAC 14:18-1, et seq, and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Township upon written request of the Township Administrator or Clerk.

A. The company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

B. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

C. The Company shall use every effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).

D. Nothing herein shall impair the right of any subscriber or the Township to express any comment with respect to telephone accessibility to the Compliant Officer, or impair the right of the Compliant Officer to take any action that is permitted under law.

E. The Company is permitted, but is not required, to charge a late fee consistent with applicable state and federal statutes and regulations.

**Sec. 11.6-10 TOWNSHIP COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to NJSA 48:5a-26(b). All complaints shall be received and processed in accordance with NJAC 14:17-6.5. The Township shall have the right to request copies of records and reports pertaining to complaints by Township customers from the OCTV

**Sec. 11.6-11. LOCAL OFFICE.**

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office or agent in accordance with NJAC 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions and similar matters. Such a business office shall have publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 am to 5:00 pm, Monday through Friday.

**Sec. 11.6-12. PERFORMANCE BOND.**

During the life of the franchise the Company shall to the Township a bond in the amount of Twenty-Five Thousand Dollars (\$25,000.00). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for Township consent incorporated herein.

**Sec. 11.6-13. SUBSCRIBER RATES**

The rates of the company shall be subject to regulation as permitted by federal and state law.

**Sec. 11.6-14. COMMITMENTS BY THE COMPANY**

A. The Company shall provide Total Preferred cable television service on one (1) outlet at no cost to each school in the Township, public and private, elementary, intermediate and secondary, provided the school is within 175 ft of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.

B. The Company shall provide Total Preferred cable television service at no cost on one (1) outlet to each police, fire, emergency management facility and public library in the Township, provided the facility is located within 175 ft of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Township. Monthly service charges shall be waived on all additional outlets.

C. The Company shall provide a technology grant in the amount of Twenty Thousand Dollars (\$20,000) to the Township to assist the Township of Pennsville in the acquisition of new technologies. The grant will be awarded within six (6) months after the issuance of a Renewal Certificate of Approval.

**Sec. 11.6-15. TWO-WAY SERVICES AND INTERCONNECTION**

In the event that the Municipality determines that it is necessary and feasible for it to contract with the Company for the purpose of providing two-way or interconnection services, the Company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All costs for such application to the BPU shall be borne by the Township.

**Sec. 11.6-16 EMERGENCY USES**

The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with the applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein.

**Sec. 11.6-17. LIABILITY INSURANCE.**

The Company shall at all times maintain time to non-commercial public, governmental and educational entities to the extent such access was promised to the municipality.

**Sec. 11.6-18. INCORPORATION OF APPLICATION.**

All of the commitments and statements contained in the application and any amendment thereto submitted in writing to the Township by the Company, except as modified herein, are binding upon the Company as terms and condition of this Municipal Consent. The application and any other relevant writings submitted by the Company shall be considered a part of this Ordinance and made a part hereof by reference as long as it does not conflict with state or federal law. All Ordinances or parts of Ordinances or other agreements between the Township and the Company that are in conflict with the provisions of this agreement are hereby declared invalid and superseded.

**Sec. 11.6-19 COMPETITIVE EQUITY**

Should the Township grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of NJAC 14:17-6.7.

**Sec. 11.6-20. SEPARABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of this Ordinance.

**Sec. 11.6-21. EFFECTIVE DATE**

This ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

---



**ARTICLE 7**

**SEASONAL AND HOLIDAY SALES**

**Sec. 11.7-1. DECLARATION OF INTENT.**

It has become increasingly clear that various persons have been undertaking occasional sales of seasonal or holiday products from premises in the Township which do not represent permanent usage. In order to regulate such acts in a means consistent with the requirements placed upon other land users, it is deemed necessary to provide some extent of regulation in the conduct of these matters. Therefore, the permits granted hereunder are to be construed limited and not as permanent usages. The extent of permission granted shall be designated in the permit and shall automatically expire upon the end of the designated permit period specified. Because of the temporary nature of the use established, permanent physical requirements may not be imposed; however, it is intended that there be strict regulation, so that such uses do not become permanent in violation of the zoning and building regulations.

**Sec. 11.7-2. DEFINITIONS.**

- A. SEASONAL SALES - The sale of products which have a usual production season period such as vegetables, produce, flowers, fish, Christmas trees or similar seasonal items and conducted on premises being used temporarily during "in season" or "recognized holiday period" as herein defined.
- B. IN SEASON - Any 60-day period during the calendar year period from May 1 to November 1.
- C. RECOGNIZED HOLIDAY PERIOD - Any one of the following:
  - 1. Easter - Week preceding and including Easter Sunday.
  - 2. Memorial Day - Week preceding and including the last Monday in May.
  - 3. Independence Day - July 1 to July 4.
  - 4. Labor Day - First Monday in September.
  - 5. Veterans Day - November 11.
  - 6. Thanksgiving - Week preceding and including the fourth Thursday in November.
  - 7. Christmas - Thanksgiving Day to December 25.

**Sec. 11.7-3 PERMIT REQUIREMENT; LIMITATION OF PERMIT.**

A permit shall be required to conduct an "in season" sale or a "recognized holiday period" sale as defined above, to allow any property within the Township to be used for such temporary purpose. Any person conducting such a sale or owner of property permitting such sale without a permit shall be in violation of this Article.

Permit for an "in season" sale shall be limited to a period of not more than one month and shall not be renewable for the same person or property involved during the balance of the "in season" period.

Permit for a "recognized holiday sale" shall be limited to the period as defined for such holiday.

Any permit shall expire automatically at the end of the period for which it is issued and such usage shall cease and the property cleared of such operation.

Any usage intended for a period longer than is permitted under this Article shall be considered a permanent usage and shall be authorized only by the regular development procedures of the Township.

**Sec. 11.7-4. ISSUANCE OF PERMIT; HOUR PERMITTED.**

A permit may be issued by the Zoning Administrative Officer upon application submitted and approved on form supplied for such purpose. A permit shall allow the approved sale only between specified hours from 8 A.M. to 8 P.M., prevailing time.

**Sec. 11.7-5. CONTENT OF APPLICATION.**

Each application shall provide the following and such other information as the Zoning Administrative Officer may require in order to properly consider the application.

- A. Name and address of applicant as the person, firm or corporation conducting the sale.
- B. Location at which the sale is to be conducted. Parking spaces available. Amount of set back from street line where products will be set.
- C. Specific days sought to be permitted.
- D. Type of sale to be conducted.

- E. Items or objects intended to be sold.
- F. Times of day intended to be operated.
- G. Written consent of all property owners of the property to be used attached to application (if different than applicant).

**Sec. 11.7-6. PHYSICAL REQUIREMENTS OF PERMIT LOCATION.**

No permit shall be issued and remain effective unless the following matters are provided at the site of the sale:

- A. Use of the premises shall be consistent with the zoning use district as specified by the Zoning Ordinance.
- B. The sale location of products shall be set back from the street line at least 15 feet.
- C. The sale location shall not interfere with the movement of normal traffic of pedestrian or vehicle in street or at any intersection, nor shall the location contribute or create any illegal parking.
- D. No sign advertising the sale shall be permitted to be installed in any sidewalk or right of way area, nor on utility poles, traffic or street signs. One removable sign not to exceed 25 square feet shall be permitted and placed so as not to interfere with pedestrians or moving traffic.

**Sec. 11.7-7. FEE.**

There shall be a fee charged for each permit as follows:

\$10.00 per day; \$20.00 per week; \$100.00 per month.

**Sec. 11-7-8. EXEMPTION FROM PERMIT ONLY; OTHER REQUIREMENT.**

Sales covered by this Article may be declared exempt from the requirement of permit upon application and approval if compliance with the following standard is met:

- A. **Home Garden Owner** - The sale of garden produce or flowers produced from the Seller's property within this Township; however, such exemption shall not allow the violation of any of the physical requirements set forth in Section 11.7-6 (b), (c) or (d).
- B. **Other Permit Holder** - Persons occupying property and selling under other authorized and permitted use approval issued by an authorized officer or agency of the Township.

**Sec. 11.7-9. ENFORCEMENT OF ARTICLE; POWERS.**

The Zoning Administrative Official is empowered to enforce the provisions of this Article, and to perform such acts necessary to effect the purpose hereof.

**Sec. 11.7-10. PENALTY; SEVERABILITY.**

The general penalty and severability provisions of the Revised Ordinances of the Township contained in Chapter 1, shall apply to this Article.

---

**ARTICLE 8**                    **RAFFLE LICENSES AND FEES**

**Sec. 11.8-1**                    **LICENSING AUTHORITY**

The Township Committee, by and through its agents, The Township clerk, shall hereby be responsible for the issuance of raffle licenses. The Township of Pennsville is hereby authorized to license bona fide organizations or associations permitted to be licensed under the raffle licensing law (NJSA 5:8-50 et seq), and the regulations adopted thereunder and contained in NJAC 13:47-1.1.

**Sec. 11.8-2**                    **FEE**

The Township of Pennsville shall charge a municipal license fee for raffles and other legalized games of chance in the amount of \$10.00 plus the amount charged by the State Legalized Games of Chance Control Commission (explanatory statement- the fee shall be the total of the amount charged by the State Legalized Games of Chance Control Commission and \$10.00 to be paid to the Township of Pennsville)

**Sec. 11.8-3**                    **CONDUCT OF LEGALIZED GAMES OF CHANCE ON SUNDAY FOR EAGLE BAND ACTIVITIES ASSOCIATION**

- A.    **DECLARATION OF INTENT** - The Eagle Band Activities Association provides a public service in conducting an annual event of high school band competition known as the Showcase of Bands. The event is conducted on a Sunday as a result of the necessity to schedules of organizations involved. It is the intention of this event as sponsored by the Association.
  
- B.    **DEFINITIONS.**
  - 1.    **"Legalized Games of Chance"** shall mean those games as provided for and regulated by NJSA. 5:8-1, et seq.
  
  - 2.    **"Sunday"** shall mean the first day of the week, commonly known and designated as Sunday.
  
- C.    **PERMISSION TO CONDUCT - SHOWCASE OF BANDS.** - Legalized Games of Chance, as defined herein, and as authorized by NJSA 5:8-50, Raffles Licensing Law, may be conducted under a license granted pursuant to proper application and qualification on a Sunday during the month of October in each year in connection with the public event known as the Showcase of Bands by the Eagle Band Activities Association. This permission is granted with the limitation of one such Sunday occasion per year.

- D. ENDORSEMENT - When any such license has been issued pursuant to the above, reference to this ordinance shall be endorsed upon the license.
- E. COMPLIANCE WITH STATUTES - Nothing contained herein shall be construed as intended to be inconsistent with any other provisions of the said Act or Regulations promulgated thereunder.

**Sec. 11.8-4                    CONDUCT OF LEGALIZED GAMES OF CHANCE ON SUNDAY BY SEPTEMBERFEST COMMITTEE**

- A. DECLARATION OF INTENT - The Septemberfest Committee provides a public service in conducting an annual event known as Septemberfest. The event is conducted on a Saturday with a rain date of Sunday. It is the intent of this ordinance to authorize the conduct of provisions of NJSA 5:8-58 on Sunday for the event as sponsored by the Committee.
  - B. DEFINITIONS -
    - 1. **"Legalized Games of Chance"** shall mean those games as provided and regulated by NJSA 5:8-50, Raffles Licensing Law.
    - 2. **"Sunday"** shall mean the first day of the week commonly known and designated as Sunday.
  - C. PERMISSION TO CONDUCT – SEPTEMBERFEST - Legalized Games of Chance, as defined herein, and as authorized by NJSA 5:8-50, Raffles Licensing Law, may be conducted under a license granted pursuant to proper application and qualification on a Sunday during the month of September in each year in connection with the public event known as the Septemberfest. This permission is granted with the limitation of one such Sunday occasion per year.
  - D. ENDORSEMENT - Whenever any such license has been issued pursuant to the above, reference to this ordinance shall be endorsed upon the license.
  - E. COMPLIANCE WITH STATUTES -Nothing contained herein shall be construed as intended to be inconsistent with any other provisions of the said Act or Regulations promulgated thereunder.
-

**ARTICLE 9**                    **REGULATION OF TOWING SERVICES**

**Sec. 11.9-1**                    **ROTATING LIST**

A.        A list of towing vendors is hereby established to provide towing service for the Township of Pennsville on a rotating basis. The Salem County Dispatch Center shall maintain the rotating list of vendors. This list shall be provided by the Chief of Police or his designee.

B.        A vendor shall be placed on the rotating list in the order in which its application was approved. Each new vendor shall initially be placed last on the list.

C.        If a vendor is called and for any reason does not or cannot perform the requested service, the next vendor on the list will be called to perform the towing service.

**Sec. 11.9-2**                    **APPLICATION AND APPROVAL PROCESS**

A.        A vendor seeking placement on the rotating list shall be required to submit an application and receive the approval of the Chief of Police.

B.        All applicants are required to complete an application furnished by the Township Clerk providing any and all information prescribed by the Chief of Police.

C.        Each vendor must be able to demonstrate to the Township that it is thoroughly qualified and experienced in the towing and removal of vehicles of all types and that it has adequate facilities, equipment, expertise, licensing and personnel certified by Towing and Recovery Association of America to perform the services in a manner satisfactory to the Pennsville Police Department.

D.        The Pennsville Police Department will conduct a background investigation of the vendor for approval of placement on the towing list.

E.        Approval may be denied, suspended or revoked upon any of the following, but not limited to, circumstance:

1.        Submitting a fraudulent or misleading application
2.        A criminal conviction of a named principal of the vendor
3.        Failure to respond reliably and promptly to calls for assistance or any other unsatisfactory performance action which interferes with the proper operation of the rotating system maintained by the Police Department.

4. Failure to utilize safe and adequate equipment as defined herein.
5. Violation of motor vehicle laws and/or Township Ordinance.
6. Failure or refusal to tow or remove a motor vehicle when requested to do so by an appropriate Township official.
7. Violations of the zoning ordinances or any other applicable ordinances or codes of the Township of Pennsville in conducting the towing business.

F. Once an applicant has been approved by the Chief of Police, the applicant shall be placed on the rotating list of towing vendors for a period of one year. The application shall be renewed annually upon the payment of the fee as set forth in Paragraph 7 of this section.

G. All applications shall be accompanied by a non-refundable fee of One Hundred Dollars (\$100.00). Thereafter the renewal fee shall be One Hundred Dollars (\$100.00). Said fee shall be payable to the Township of Pennsville.

### **Sec. 11.9-3            REGULATIONS**

A. The Police Department in general and the Chief of Police in particular shall enforce the within provisions.

B. The Chief of Police is hereby authorized and empowered to establish, from time to time, written policies and procedures as may be reasonable and necessary to obtain compliance with the terms of this Article and the laws of the State of New Jersey.

C. All regulations, policies and procedures shall be made available for inspection by the public at the Township Clerk's office during normal business hours.

D. Complaints by motor vehicle owners of any tow contractor shall be referred to the Chief of Police or his designee, who shall promptly investigate and resolve any dispute.



**Sec. 11.9-4                    GENERAL REQUIREMENTS**

A.        Applicant shall verify a minimum of three (3) years of towing for hire experience as an owner or principal at an established business located within Salem County. Verification will be done by the Chief of Police or his designee.

B.        The applicant or agent shall not have received a criminal conviction within the last seven (7) years involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any other offense similar in nature. All applicants and tow vehicle drivers must submit to a criminal history check conducted by the Pennsville Police Department.

C.        Applicant shall represent that its trucks and equipment are safe, properly equipped, sound mechanically, and suitable for intended use (NJSA 39:3-1 et seq and 49 CFR 393). The vendor may be subject to inspection by trained/certified New Jersey state Police Commercial Vehicle Inspection personnel.

D.        It is the responsibility of the vendor to recover all charges for vehicle towing and recovery operations from the vehicle owner or the owner's insurance carrier. Neither the Pennsville Police Department nor the Township of Pennsville shall be responsible for collecting any fees that are owed to the vendor.

E.        It is the responsibility of the vendor to remove all debris from the incident scene directly or by way of a subcontractor. (See also Cargo Handling Procedures as set forth in this ordinance.)

**Sec. 11.9-5                    RESPONSE TIME**

A.        Upon receiving notification from the Salem County Dispatch Center, the vendor shall be allowed thirty (30) minutes response time. In the event that the vendor is unable to respond in the allotted time, the next vendor on the rotating list will be notified.

B.        In the event of an emergency situation that requires police to expedite the removal of any vehicle(s), the officer on the scene may deviate from this ordinance in order to restore the flow of vehicular traffic. This may include contacting a tow vendor that is closer to the scene, permitting a faster response time, or for any other reason that the police feel is in the best interest of those involved.

**Sec. 11.9-6**

**GENERAL OPERATION**

A. Vendors shall be available 24 hours a day, 7 days a week including holidays, to tow/remove any vehicle as requested. This includes vehicles from accidents, impounds or that have become disabled. The request can be made from either the owner of said vehicle or from the police. If and when a vehicle which has been impounded by the Pennsville Police Department is permitted to be released, the vendor must make every effort to provide this service. All vehicles impounded by the police must have proper authorization from the Pennsville Police Department prior to that vehicle being released from the vendor. The Pennsville Police Department will provide the owner or designee of the vehicle with a signed copy of the vehicle impound report verifying the proper release. In the event a vehicle is impounded by the police for a DWI arrest, per John's Law, the vehicle shall be impounded for a period of 12 hours from the time of arrest. The vehicle cannot be released prior to this time once it has been secured at the vendor's location. After 12 hours has lapsed, vendors should make every attempt to properly release the vehicle once a request has been made.

B. The Salem County Dispatch Center will contact vendors by land line, cell phone, answering machine or pagers; In the event personal contact is not made, the dispatcher will leave a message verifying that contact was attempted. The dispatcher will then proceed to the next tow vendor on the rotating list.

C. In accordance with NJSA 39:4-56.8, vendors shall be reasonably responsible for clearing the roadway of debris, except hazardous materials. Hazardous materials may be defined as any dangerous or unknown substance which the vendor has not been properly trained or licensed to dispose.

D. Vendor shall notify the Salem County Dispatch Center when unable to respond to a call or when unable to meet the response time requirement. Vendor shall also immediately notify the Salem County Dispatch Center when unable to respond or when unable to meet the response time requirements of a previously accepted call.

E. Vendor shall not assign calls to other tow companies.

F. Vendor and company representatives shall cooperate and communicate with the police officer in charge and other emergency personnel at incident scenes.

G. Vendor or its agent must be available to surrender property from towed vehicles during normal business hours.

H. All drivers/operators must possess a valid driver's license.

I. Impounded vehicles will not be released without authorization from the Pennsville Police Department.

J. The Chief of Police shall have the discretion to determine the maximum number of vendors needed for the Township of Pennsville.

**Sec. 11.9-7 DRIVER REQUIREMENTS**

A. Vendor shall submit a list of drivers with copies of their driver's license. This information will be submitted to the Pennsville Police Department for background checks.

B. Vendor shall notify the Chief of Police or his designee concerning any changes in employee status, including additions and deletions.

C. Drivers shall behave in a professional manner.

**Sec. 11.9-8 INSURANCE REQUIREMENTS**

A. Each vendor shall be required to purchase, maintain and provide during the time of service on the rotating list of proof of insurance, including the certificate(s) furnished by a reputable insurance company licensed to do business in the State of New Jersey, a copy of which proof of coverage shall be provided to the Township Clerk and Chief of Police.

B. It is the responsibility of the tow service vendor to forward any changes in coverage to the Township Clerk and Chief of Police as set forth above. Failure to do so shall be grounds for removal from the list. The policy shall contain coverage with liability limits as set forth below.

**Sec. 11.9-9 STORAGE REQUIREMENTS**

A. Vendor should be equipped with proper, safe and secure storage for all vehicles that are towed and stored. The Chief of Police or his designee may conduct an annual inspection of the storage facility.

B. Impounded vehicles shall only be released upon proper authorization of the Pennsville Police Department. Vendor shall assume responsibility for all impounded vehicles released without authorization.

C. Personal property is considered to be any item that is not directly affixed to the vehicle. Such items shall be released to the owner upon request during normal business hours at no charge.

D. All vehicles impounded by the Pennsville Police Department will be stored at the vendor's location in a secure manner. This may include within a secured structure, inside the vendor's garage, within a secure barrier, or by any other measures taken to reduce theft or vandalism.

**Sec. 11.9-10 LIGHT DUTY SERVICE**

- A. Defined as any vehicle up to 10,000 lbs gross weight.

**Sec. 11.9-11 HEAVY DUTY SERVICE**

- A. Defined as any vehicle over 10,000 lbs gross weight or that have dual rear wheels.

**Sec. 11.9-12 SUSPENSION/TERMINATION/APPEAL**

A. The Chief of Police is empowered to suspend or remove vendors from the towing list for two failures to respond within the 30-minute time frame within the calendar year. A vendor may also be removed or suspended from the list for failure to demonstrate the skills necessary to perform tow and impound services in a safe manner.

B. Termination may occur if the application is fraudulent, an indictable conviction of the owner, the owner's insurance is cancelled, or if there is evidence indicating a pattern of consumer fraud or any serious violation as determined by the Chief of Police.

C. Vendor may appeal any disciplinary action to the Township Committee of the Township of Pennsville. The sanctions of the Chief of Police will not be stayed pending appeal.

D. If such incident occurs, the Chief of Police will notify the vendor of the incident and the appropriate penalty that has been imposed.

**Sec. 11.9-13 CARGO HANDLING PROCEDURES**

A. Where the driver, owner, or his representative is capable of action on his own, the police officer will make it clear to him/her that responsibility for safeguarding or disposal of property rests with him/her and that it must be disposed of promptly.

B. Where the driver, owner or his/her representative is not able to take over himself/herself, but the vehicle and its contents can be handled expediently by a wrecker, the police officer will advise the authorized vendor called to tow the disabled or wrecked vehicle to take charge of the vehicle and its contents.

C. In all such cases involving the handling, safeguarding and disposal of such property, where police officers rather than the owners or drivers must take charge, the owner or some other responsible party will be promptly notified by the Pennsville Police Department.

D. If there is a load spillage on the roadway which the wrecker in the opinion of the Pennsville Police Department cannot handle, NJDOT maintenance crews of the Pennsville Highway Department (on non-state roadways) shall be notified. Cargo shall not be disposed of by maintenance crews. The Pennsville Police Department shall have sole authority to dispose of cargo that is in the best interest of the public.

E. In the event of a spillage of perishable goods (food, drugs, alcohol), the County Department of Health shall be notified by the Pennsville Police Department, requesting that one of their inspectors report to the scene to inspect the goods and take such action as appropriate.

F. If, in the opinion of the Pennsville Police Department, after consultation with the authorized vendor, the cargo must be unloaded before the vehicle can be removed, the following procedure shall be followed:

1. It is imperative that any vehicle disabled or involved in an accident be removed as quickly as possible. This also applies to a vehicle that is on the shoulder or overturned in a ditch or beam. To accomplish this, the trucking company shall assume as much responsibility as possible. The offloading of cargo must begin in no less than one hour after the Salem County Dispatch Center is notified.
2. The Salem County Dispatch Center will contact the company and make all arrangements for trucks and manpower at the scene. The police officer in charge of the scene will make arrangements to remove the vehicle and its cargo by the best possible means. The order of preference is as follows:
  - (a) Company truck and company manpower
  - (b) Company truck, authorized vendor manpower
  - (c) Towing vendor truck and manpower
  - (d) Towing vendor truck and NJDOT or Highway Department maintenance manpower
  - (e) NJDOT or Highway Department maintenance and NJDOT or Highway Department maintenance manpower
3. Should the NJDOT or Highway Department be involved with the off-loading of the cargo, a maintenance supervisor shall dispatch the necessary personnel and equipment and, under the direction of that supervisor, shall unload the cargo. It shall not be disposed of by the NJDOT or Highway Department unless or until abandonment by the

owner is established. The Pennsville Police Department shall have sole authority to dispose of the cargo in the best interest of the public.

G. In the event of a spillage of petroleum products, the protocol of the Pennsville Fire Department and the Office of Emergency Management shall be followed.

#### **Sec. 11.9-14 FEES FOR TOWING AND/OR STORAGE**

- A. The maximum permissible towing charge for light duty towing shall be One Hundred Seventy-Five Dollars (\$175.00). Light duty towing is defined to include the total weight of the towed vehicle and any load carried on such vehicle to be less than ten thousand (10,000) pounds. After the vehicle has been towed a distance of ten (10) miles, the maximum additional fee shall be Five Dollars (\$5.00) per mile to the location the vehicle is to be taken. If the service call is received by the approved towing operator after 5:00 p.m. and before 7:00 a.m. on a weekday, holiday, Saturday or Sunday, then the maximum charge for delivery of a towing vehicle to the scene shall be One Hundred Eight-Five Dollars (\$185.00) and Five Dollars (\$5.00) per mile may be charged for delivery of the vehicle to the agreed-upon location.
- B. The maximum permissible towing charge for medium duty towing shall be One Hundred Eighty-Five Dollars (\$185.00) to provide a properly equipped towing vehicle at the scene where the vehicle to be towed is located. Medium duty towing is defined to include the total weight of the towed vehicle and any load carried on such vehicle to be thereon being ten thousand (10,000) pounds or more. After the vehicle has been towed a distance of ten (10) miles, the maximum additional fee shall be Five Dollars (\$5.00) per mile to the location the vehicle is to be taken. If the service call is received by the approved towing operator after 5:00 p.m. and before 7:00 a.m. on a weekday, holiday, Saturday or Sunday, then the maximum charge for delivery of a towing vehicle to the scene shall be One Hundred Ninety-Five Dollars (\$195.00) and Five Dollars (\$5.00) per mile may be charged for delivery of the vehicle to the agreed-upon location.
- C. If the cleanup or removal of roadway debris is required, then the responding approved towing operator may charge an additional fee of Forty-Five Dollars (\$45.00) for debris removal.
- D. In addition to the charges set forth herein, the responding towing operator may charge an additional fee of One Hundred Dollars (\$100.00) for each hour or portion of an hour to provide extraordinary services necessary to recover the vehicle from an area off the traveled portion of the roadway or to return the vehicle to an upright position following an accident. This charge may be applied for each hour the towing operator remains on the scene from which the tow is being made. This charge is not applicable to time traveled to and from the scene of the tow.

- E. If no approved operator has suitable equipment to tow large or specialized vehicles, then the police or other Township employee may contact a non-approved vendor to tow a large or specialized vehicle within the Township. Specialized towing operators shall not be bound by the towing and storage fees set forth in this Ordinance.

**ARTICLE 10**

**REGULATION OF CLOTHING DONATION BINS**

**Sec. 11.10-1 LICENSING OF CLOTHING DONATION BINS**

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a clothing donation bin within the Township of Pennsville for solicitation purposes unless all of the following requirements are met:

- A. The applicant has obtained a permit, valid for a 12-month period, from the Township Zoning Officer in accordance with the following:
  - 1. In its application for such a permit, the applicant shall indicate:
    - (a) The location where the bin is currently situated or proposed to be situated.
    - (b) The manner in which the applicant anticipates any clothing or donations collected via the bin would be used, sold, or dispersed and the method by which the proceeds of collected donations would be allocated or spent.
    - (c) The name and telephone number of the bona fide office of the applicant and any entity which may share or profit from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering service unrelated to the applicant does not constitute a bona fide office.
    - (d) Written consent from the property owner to place the bin on its property.
  - 2. The Zoning Officer shall not grant a permit to place, use, or employ a clothing donation bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a clothing donation bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.
  - 3. The Zoning Officer shall impose a fee for such application in the amount of \$25.00 annually for each bin to offset the costs involved in enforcing this section.
  - 4. An expiring permit for a clothing donation bin may be renewed upon application for renewal and payment of the applicable annual fee. Such application for renewal shall include information detailing:
    - (a) The location where the bin is situated and, if the person intends to move it, the new location where the bin would be situated after the renewal is



granted and written consent from the property owner to place the bin on its property.

- (b) The manner, in which the applicant has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the applicant anticipates it may make in the processes during the period covered by the renewal.
  - (c) The name and telephone number of the bona fide office of the applicant and of any entity which shared or profited from any clothing or other donations collected via the bin and of any entities which may do so during the period covered by the renewal.
5. The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the clothing donation bin in addition to the information required pursuant to Section 11.10-1B of this article.
- B. The following information shall be clearly and conspicuously displayed on the exterior of the clothing donation bin:
- 1. The name and address of the registered applicant that owns or is the sponsor of the bin, and any other entity which may share or profit from any clothing or other donations collected via the bin.
  - 2. The registered applicant's registration number.
  - 3. The telephone number of the applicant's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin.
  - 4. In cases where any entity other than the entity which owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared or given entirely to, an entity other than the entity which owns the bin, and identifying all such entities which may share or profit from such donations.
  - 5. A statement consistent with the information provided to the Township in the most recent permit or renewal application indicating the manner in which the entity anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

**Sec. 11.10-2 DUTY TO MAINTAIN AND SERVICE BINS**

It shall be the duty of each registered applicant issued a permit hereunder to properly maintain and service any clothing donation bin placed within the Township so as to prevent such clothing bin from creating any nuisance, hazardous or unsafe condition.

**Sec. 11.10-3 ENFORCEMENT AND LIMITATION ON LICENSES**

The Zoning Officer or other person designated by the Township Committee as a person authorized to enforce the provisions of this section shall, upon receipt of a complaint by a local resident or any other person that a clothing donation bin is causing a nuisance, hazardous or unsafe condition, investigate such complaint and take such enforcement action as is permitted pursuant to NJSA 40:48-2.62 and NJSA 40:48-2.63. The Zoning Officer shall not be authorized to issue more than eight total clothing bin permits within the Township, and no more than two at any given site.

**Sec. 11.10-4 VIOLATIONS, PENALTIES AND REVOCATION OF LICENSE**

Any licensee who violates any provision of this section and fails to cure such violation within 48 hours of notice of such violation shall be subject to the following penalties, in addition to those penalties and remedies set forth in NJSA 40:48-2.62 and NJSA 40:48-2.63:

- (1) For the first offense: \$100 per day.
- (2) For the second offense: \$100 per day.
- (3) for the third offense: Mandatory revocation of permit.

**Sec. 11.10-5 EXEMPTIONS**

The owner of any clothing bin which is sponsored by any department of the Township shall be required to comply with the licensure requirements hereof, but shall specifically be exempt from the fee requirement hereof.

**ARTICLE 11**            **REGULATING DEALERS WHO BUY AND SELL PRECIOUS METALS, AND SECONDHAND GOODS**

**Sec. 11.11-1**            **PURPOSE AND INTENT**

The purpose and intent of this ordinance is to assist law enforcement officials and victims of crimes in recovering precious metals and secondhand goods by requiring minimum reporting, maintenance and distribution criteria for the dealers in such precious metals and secondhand goods.

No person shall use, exercise or carry on the business, trade or occupation of buying or selling precious metals or secondhand goods without first having obtained a license from the Township of Pennsville as required herein.

**Sec. 11.11-2**            **DEFINITIONS**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings ascribed herein. Words used in the present tense shall include the future, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

**"ACCEPTABLE IDENTIFICATION"** means that acceptable forms of identification include a current, valid New Jersey driver's license or identification card, a current valid photo driver's license by another U.S. State, a valid United States passport, or other verifiable U.S. Government issued identification.

**"ARTICLE"** means any article of merchandise, including any portion of such article whether a distinct part thereof or not, including every part thereof whether separable or not, and also including material for manufacture, and so defined in NJS 51:6-1.

**"CHIEF OF POLICE"** means the Chief of Police of the Township of Pennsville or his designee.

**"DATABASE"** means a computerized internet capable database with hardware and software compliant to that set by the Chief of Police.

**"DEALER"** means any person, partnership, corporation, or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells or otherwise exchanges or trades precious metals or secondhand goods.

**"DESIGNATED VENDOR"** means a person or entity authorized by the Township of Pennsville to buy and sell precious metals and secondhand goods.

**"GIFT CARD"** means a restricted monetary equivalent or scrip that is issued by retailers or banks to be used as an alternative to a non-monetary gift.

**“ITINERANT BUSINESS”** means any business conducted intermittently within the Township of Pennsville or at varying locations.

**“PERSON”** means any individual natural person, partnership, joint venture, business, society, associate, club, trustee, trust, corporation, or unincorporated group, or an officer, agent, employee, servant, factor or any form of personal representative of any thereof, in any capacity, acting for self or on behalf of another.

**“PRECIOUS METALS”** means comprised of gold, silver, sterling, platinum and/or their alloys as defined in NJS 51:5-1 et seq, NJS 51:6-1 et seq, and/or NJS 51:6A-1 et seq, gems, gemstones, coins and all forms of jewelry herein contained.

**“PUBLIC”** means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

**“PURCHASE”** means the exchange of money and the exchange, deposit, pledge, sale, conveyance or trade of any tangible or intangible article.

**“REPORTABLE TRANSACTION”** means every transaction conducted by a dealer in which precious metals or other tangible property are purchased or exchanged from or with the public.

**“SECONDHAND GOODS”** means any article sold, acquired, exchanged, conveyed, traded or otherwise formerly owned, including but not limited to scrap gold, old gold, silver, jewelry, gems, home electronics/audio and visual equipment, musical instruments, telephones and telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVR's, CPS, camcorders, car stereos, gift cards, furniture, clothing or other valuable articles.

**“TRANSIENT BUYER”** means a dealer who has not been in any retail business continuously for at least six (6) months at that address in the municipality where the dealer is required to register or who intends to close or discontinue all retail business in the Township of Pennsville within six (6) months, or as so defined in NJS 51:6A-5 and NJAC 13:47C-1,1.

## **Sec. 11.11-2            REGISTRATION AND ISSUANCE OF LICENSE**

No person shall buy or sell precious metals or secondhand goods without having first obtained a license therefor from the Township Clerk, after the application for said license has been approved by the Township Committee, which license shall bear a number issued by the Township Clerk and shall be prominently displayed within the licensed premises.

- A. Dealers who buy or sell precious metals or secondhand goods shall, prior to buying, attempting to buy or offering to buy such precious metals or

secondhand goods, register with the Chief of Police, providing the following information on an application prescribed by the Police Department:

1. Name and address of dealer,
2. Address from which the dealer shall conduct business, and
3. Copy of valid permit from the Township of Pennsville.

**Sec. 11.11-3            LICENSE FEES; NON-TRANSFERABILITY**

- A. All license fees shall be due and payable to the Township Clerk on or before February 1 of each year and all licenses shall expire on January 31 of the year following. For example, for the year 2016 all license fees shall be due by February 1, 2016, and shall expire by January 31, 2017. There shall be no proration of license fees.
- B. Annual fee will be \$275.00

**Sec. 11.11-4            REVOCATION OF LICENSE**

- A. Licenses issued under the provisions of this chapter may be revoked by the Chief of Police after a hearing upon notice to the applicant for any of the following causes:
  1. Fraud, misrepresentation, or false statement contained in the application for license.
  2. Fraud, misrepresentation, or false statement made in the course of carrying on the business of purchasing secondhand precious metals, gems, and jewelry.
  3. Any violation of this chapter.
  4. Conviction of any crime or disorderly person's offense involving moral turpitude.
  5. Conducting the business of soliciting or canvassing in any unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

**Sec. 11.11-5 DEALER'S RESPONSIBILITIES, REQUIREMENTS AND RECORD KEEPING.**

Every dealer within the Township of Pennsville shall, upon the purchase of any previous metals or secondhand goods from the public, will be required to do as follows:

- A. Record on a numbered receipt the name, address and telephone number of the seller; the name, address and telephone number of the purchaser; the time and date of the transaction, and in the case of precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals, fineness in terms of karats for gold and sterling, or coin for silver, in accordance with NJS 51:5-1 et seq and NJS 51:6-1 et seq. this information is to be documented through the use of an electronic database software system as designated by the Chief of Police. These records shall be subject to the inspection of any authorized police officer of the Township of Pennsville.
- B. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, enter all transactions into the electronic database within forty-eight (48) hours from the date of purchase. The information entered will contain the information in Sec. 11.11-4, subsection A above, plus the following:
  1. A physical description of the seller.
  2. The receipt number.
  3. A full description of the item or items purchased, including but not limited to marks, numbers, dates, sizes, shapes, initials, monograms and serial numbers.
  4. The price paid for the item.
  5. The form must be signed by the seller.
  6. The form must be legibly initialed by the clerk or the dealer who made the transaction so as to readily identify that individual.
  7. A color photograph or color image of the seller's presented identification.
  8. A color photograph or color image of all items sold. When photographing or imaging, all items must be positioned in a manner that make them readily and easily identifiable.
- C. The precious metals or secondhand goods are to be made available for inspection by the Chief of Police of Pennsville Township for a period of fourteen (14) days from the date the information required above is received by the Chief

of Police on the approved form. The precious metals and secondhand goods shall remain in the same condition as when purchased and shall not be changed, modified, melted or disposed of by the purchaser until a sixteen (16) day period has expired. If the property is such that it would create a hardship on the dealer by holding the previous metals or secondhand goods for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police an investigation be implemented. The Chief of Police has the authority to grant the dealer a waiver of the requirement under this section.

- D. In the event of a database failure or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police. In the event that paper forms are utilized, the dealer is responsible to enter all transaction information into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of the ordinance and subsequently being subject to the penalties for doing so.
- E. Dealer payment to sellers in cash shall be limited to two (2) transactions during a seven (7) day period for the same seller. The seven (7) day period will commence on the day of the first transaction and end seven (7) days after the transaction. I.e., if transaction #1 occurs on Monday, the seven (7) day period ends on Sunday. Furthermore, no cash payments shall be made to the same seller who makes more than five (5) transactions in any given thirty (30) day period. Sellers making transactions over the number of proscribed weekly and monthly periods will be paid by the dealer by means of a bank check drawn from the dealer's business account.
- F. It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the Pennsville Police Department to examine any database, book, ledger, or any other records on the premises relating to the purchase of precious metals or secondhand goods from the public, as well as the articles purchased or received, and to take possession of any article known by the police officer or official to be missing or to have been stolen, or where the officer or official has probable cause to believe the article is missing or stolen.

**Sec. 11.11-6           NON-APPLICABILITY**

This chapter shall not apply to purchases made by jewelers or other dealers from wholesalers or other suppliers, but shall only apply to those purchases made from the public or other retail purchases. The dealer shall keep records of all wholesale purchase for a period of six (6) months from the date of such purchase, which records shall be opened to investigation by the Pennsville Police Department.

**Sec. 11.11-7 PURCHASES FROM MINORS**

No dealer within the Township of Pennsville shall purchase any precious metals from any person under the age of eighteen (18) years.

**Sec. 11.11-8 VIOLATIONS AND PENALTIES**

Violation of any provision of this chapter shall, upon conviction hereof, be punished by a minimum fine of \$100.00 or a maximum fine of \$2,000.00 or by imprisonment for a term not exceeding ninety (90) days or by period of community service not exceeding ninety (90) days. Each and every violation shall be considered a separate violation. Every day that a violation continues shall be a separate violation. Each violation shall result in an additional ten (10) day suspension. Any person who is convicted of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than a minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.



## **ARTICLE 12**

## **CHARITABLE SOLICITATION ON ROADWAYS**

### **Sec. 11.12-1            DEFINITIONS**

The following words and terms when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

*“Charitable Organization”* means:

1. Any person determined by the Federal Internal Service to be a tax exempt organization to Section 501(c) (3) of the Internal Revenue Code of 1986, 26 U.S.C. 501 (c) (3); or
2. Any person who is, or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other charitable purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal, which has a tendency to suggest there is a charitable purpose to any such solicitation.

*“Charitable purpose”* means:

1. Any purpose described in section 501 (c) (3) of the Internal Revenue Code of 1986, 26 U.S.C. 501 (c) (3); or
2. Any benevolent, philanthropic, humane, social welfare, public health, or other charitable purpose, or an objective that benefits law enforcement personnel, firefighters, or other persons who protect the public safety.

*“Charitable solicitation permit”* means a permit issued by the Department pursuant to this chapter.

*“Department”* means the New Jersey Department of Transportation.

*“Freeway”* means a multi-lane, divided highway having a minimum of two lanes in each direction and limited access.

*“Highway”* means a public right-of-way, whether open or improved or not, including all existing factors of improvements.

### **Sec. 11.12-2            GENERAL PROVISIONS AND RESTRICTIONS**

- A. All permits for charitable solicitations on a State highway or its intersections must be approved by the New Jersey Department of Transportation and in compliance with the provisions of NJSA 39:4-60 and NJAC 16:40-4.2 and by the Township Clerk of the Township of Pennsville.
- B. 1. To obtain approval from the Department, the charitable organization shall obtain a charitable solicitation permit from the Operations Permit Office, subject to the provisions of this chapter.

2. To obtain approval from the Township Clerk of the Township of Pennsville, a charitable organization shall obtain a charitable solicitation permit from the Township Clerk upon the filing of an appropriate application.
- C. Charitable solicitation permits shall be granted only to charitable organizations soliciting for charitable purposes.
  - D. Each person soliciting charitable contributions on behalf of the charitable organizations shall be at least 18 years of age.
  - E. Solicitation shall be subject to the specific terms and conditions of each permit granted.
  - F. Permits shall be in possession of the solicitor during all times of solicitation and be available for inspection by local, county and State police enforcement personnel.
  - G. Solicitations shall be permitted on State right-of-way, but is strongly encouraged to be off the traveled way.
  - H. Solicitation shall not stop traffic or impeded the flow of traffic. Traffic shall already be stopped before solicitation may occur and shall cease while traffic is moving. Use of flagmen or any traffic control device, either portable or permanent, shall be prohibited.
  - I. The charitable organization shall be responsible for cleaning up any debris from the right-of-way that resulted from the solicitation activity.
  - J. Solicitation shall only be permitted during daylight hours.
  - K. State, county, local police, or the Department may suspend solicitation operations at any time if any condition of the permit is violated, or, if in the police officer's or the Department's sole discretion, traffic is being impeded or delayed or the public safety is at risk.
  - L. Solicitors shall not drink alcoholic beverages, use drugs, or be under the influence of drugs or alcohol when soliciting. Solicitors shall not harass the public.
  - M. The Department shall not be liable in any civil action for damages for property damage or personal injury arising out of the solicitation activity conducted by charitable organizations in highway right-of-way.
  - N. Permits are valid for 12 calendar days from the start date of the event. Permits will be granted on a first come, first serve basis.

**Sec. 11.12-3**

**APPLICATION PROCESS FOR PERMIT ISSUANCE**

- A. An applicant shall complete the application form and submit it to the Operations Permit Office. The form is available on the Departments website at: <http://www.state.nj.us/transportation/eng/forms>. In addition, the applicant shall complete an application form and submit it to the Township Clerk. The forms shall be available at the Clerk's office during normal working hours.
- B. An application shall not be considered to have been submitted, and review of a permit application shall not begin until the proper application fee has been submitted.
- C. All applications shall be reviewed and either approved or denied within 30 days of their submission. Upon Department approval for the issuance of the permit, the applicant will be notified in writing and provided with a checklist of further required documentation. The time for the Department to review may be extended with the written consent of the applicant. Upon approval by the Township Clerk, the applicant will be notified in writing and provided with a checklist of any further required documentation.
- D. The following documentation is required:
  - 1. A sealed copy of a municipal ordinance authorizing the signing of the permit on behalf of the municipality by the local police chief or whoever is responsible for municipal police services and states that the entity will be responsible for supervising the solicitation and enforcing the terms of the charitable solicitation permit; and
  - 2. The State highway traffic control plan, documentation of local authority endorsement, local law enforcement commitment for traffic control, and the solicitation route.
- E. The following documentation may be required, if applicable:
  - 1. If the charitable solicitation is proposed at the intersection of a State highway and a county route, the application form shall also be accompanied by written approval from the County Board of Chosen Freeholders.
  - 2. If the charitable solicitation is on the border of the two or more municipalities and/or counties, municipal ordinances and county freeholder approvals from each municipality and each county shall accompany the application. The county freeholder approvals shall only be required if the conditions set forth in (e) 1 above apply.
- F. The application form, municipal ordinance, and county approval shall specify the location, date, duration, and time of the proposed solicitation. One application form may cover multiple dates during the same calendar year. Seasonal applications are encouraged by the Department.

**Sec. 11.12-4 SAFETY CRITERIA**

- A. All solicitors shall wear safety vests labeled as meeting the ANSI 107-2010 standard performance, incorporated herein by reference, as amended and supplemented, for Class 2 risk exposure. The ANSI standards are available at <http://webstore.ansi.org/>.
- B. Parking of vehicles shall comply with applicable traffic regulations. The Department recommends off-site parking.
- C. The Department strongly recommends coin tosses using blankets located off the traveled way as the safest method of solicitation.
- D. The Solicitor shall not install any traffic control device.

**Sec. 11.12-5 SIGNAGE REQUIREMENTS**

- A. Signs advertising the roadway solicitation are permitted, but they must be of a temporary construction and breakaway to the extent possible.
- B. Signs shall be a maximum of 16 square feet.
- C. Signage shall be in accordance with the temporary signage standards contained in the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), 2009 editions, which is incorporated herein by reference, as amended and supplemented. The MUTCD is available on the Federal Highway Administration website at: <http://mutcd.fwha.dot.gov/> or on the American Association of State Highway and Transportation (ASHTO) website at: <http://bookstore.transportation.org/>.
- D. At least two warning signs shall be placed as follows:
  - 1. "CHARITABLE SOLICITATION 500 FEET AHEAD"; and
  - 2. A second sign following identifying the name of the organization soliciting.
- E. Signs shall not be permitted in the traveled way or in the medial less than eight feet in width.
- F. All signs warning, noticing, or advertising a solicitation shall be removed immediately following the solicitation event.

**Sec. 11.12-6            CRITERIA FOR DENIAL**

- A. The Department of the Township Clerk may deny a permit based on the following reasons:
  - 1. To ensure that traffic flow is not unreasonably impeded, interrupted or delayed;
  - 2. The design of the particular highway and/or intersection, turning movements, traffic densities, and/or speeds do not permit the safe interaction between the solicitor and vehicular traffic;
  - 3. The solicitation would interfere with the construction activity; or
  - 4. To protect the public safety.
  
- B. If the Department of the Township Clerk denies a permit the notice of denial will set forth the reasons for the denial and the applicant will be notified in writing.

**Sec. 11.12-7            FEE SCHEDULE**

- A. The fee schedule is as follows for both the Department of Transportation and the Township of Pennsville (the below list of amounts to be paid to both):
  - 1. Application fee, \$25.00; and
  - 2. Permit fee, \$10.00
  
- B. Fees are nonrefundable

**Sec. 11.12-8            PENALTY FOR VIOLATIONS**

Pursuant to NJSA 39:4-60, any person guilty of violating any provision of this chapter shall be liable for a fine not to exceed \$100.00 for each day of the violation. Tickets may be issued by the State, County or local police. The Department, in the name of the State, may recover fines in any court of competent jurisdiction. The State may recover the cost of prosecution in any civil action.