

TOWNSHIP OF WATERFORD

ORDINANCE NO. 2018-9

**ORDINANCE OF THE TOWNSHIP OF WATERFORD,
COUNTY OF CAMDEN, STATE OF NEW JERSEY
AMENDING CHAPTER 208 OF THE CODE OF THE TOWNSHIP OF WATERFORD
CAPTIONED "PEDDLING AND SOLICITING"**

WHEREAS, on a periodic basis the Township of Waterford reviews its Ordinances to determine if any revisions should be made to same; and

WHEREAS, as a result of a review of Chapter 208 captioned "Peddling and Soliciting", it has been determined that revisions are required to said Chapter.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, as follows:

Section 1. Chapter 208-1 of the Code of the Township of Waterford captioned "Peddling and Soliciting" shall be amended as follows:

The caption of Article I shall be amended to read:

**PEDDLERS, HAWKERS, VENDORS, SOLICITORS, CANVASSERS,
SEASONAL SALES VENDORS, TRANSIENT MERCHANTS AND
NON-PROFIT MAKING VENDORS.**

Section 208-2 captioned "Purpose" shall be amended to read as follows:

"The purpose and intent of this Article is to establish Regulations relative to intermittent, temporary and part-time sales of goods and merchandise. This Article is also to establish Regulations during specific "seasonal time periods" defined as Christmas, Valentine's Day, Easter and Mother's Day, and to prohibit seasonal sales in all residential zoned classifications as set forth in the Zoning Code of the Township of Waterford. This Article also prohibits stationary vendors from selling merchandise and goods outdoors without receiving required Planning/Zoning approval or obtaining a Permit from the Township Clerk. This

Article shall set forth the application/approval process for licensing for peddlers, hawkers, vendors, solicitors, canvassers, transient merchants and seasonal sales. Furthermore, this Article is to preserve Township esthetics and zoning, alleviate traffic congestion, protect against pedestrian and motor vehicle accidents and generally protect the health, safety and welfare of the public of the Township of Waterford.”

Section 208-3 captioned “Definitions” shall be amended to include the following:

Itinerant and Transient Merchants and Peddlers shall be included in the definition of Hawker, Peddler, Vendor, Solicitor and Canvasser.

Non-Profit Seasonal Sales Vendors shall now be amended to indicate Non-Profit Seasonal Sales Vendors-Non-Profit Making Vendors

A definition for transient merchants shall be included as follows:

Transient Merchants.

Include the terms “Itinerant Merchant” and “Itinerant Vendor” and shall mean any person who engages in a temporary business of selling articles of value within the Township of Waterford and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, boat, public rooms and hotels, lodging houses, apartments, shops or any street, alley or other public place within the Township for the exhibition and sales of such articles of value, either privately or at public auction.

Section 208-4 captioned “Fixed Location Sale; Prohibitions” shall be amended to read as follows:

“Fixed location sale; prohibitions, except as permitted in this Code.”

Section 208-4, paragraph A captioned “Fixed Location Sale; Prohibitions” shall be amended to read as follows:

“No peddler, hawker, canvasser, solicitor, transient merchant or vendor shall sell or offer for sale to the general public any goods or merchandise, beverages or food products from a fixed location utilizing public or quasi-public streets and sidewalks within the Township of Waterford. In addition, the sale of merchandise and goods from stationary locations is prohibited,

with the exception of seasonal sales licensed under this Article and transient merchants in compliance with this Chapter. A person shall be deemed to be selling from a fixed location if such person remains at a fixed location for a period of 15 minutes or longer, unless extended as provided below.”

Section 208-4, paragraph B (1) captioned “Extension” shall be amended to read as follows:

“The fifteen-minute time limitation is extended beyond 15 minutes, but not to exceed 30 minutes in total, for such periods of time that customers or prospective customers are being serviced by the vendor wherein the customers or prospective customers are.”

Section 208-5 captioned “License Required” shall be amended to include the words “transient merchant”.

Section 208-6 captioned “Application for License,” paragraph B shall be amended to read as follows:

“The name, address, telephone number and description of those individuals to be employed and engaged in peddling, hawking, soliciting, canvassing or being a transient merchant.”

Section 208-6, paragraph C shall be amended to read as follows:

“The place or places of residence of the organization and/or business applying for a license, as well as those individuals engaged by the organization and/or business in conducting peddling, hawking, vending, soliciting, canvassing activities and being a transient merchant.”

Section 208-6, paragraph D shall be amended to read as follows:

“The Social Security Numbers and Driver License Numbers of individuals of the organization and/or business engaged in the activities of peddling, hawking, vending, soliciting, canvassing or being a transient merchant.”

Section 208-6, paragraph E shall be amended to read as follows:

“The Social Security Numbers and Driver License Numbers of those individuals engaged in peddling, hawking, vending, soliciting, canvassing and acting as a transient merchant for the

organization and/or business applying for a license to conduct said activities.”

The caption of Section 208-9 captioned “Grounds for Denial of a Peddler, Hawker, Vendor, Solicitor, Canvasser and Seasonal Sales Vendor License” shall be amended to read as follows:

“Grounds for Denial of a Peddler, Hawker, Vendor, Solicitor, Canvasser, Transient Merchant and Seasonal Sales Vendor License.”

A new Article III shall be added to Chapter 208 which shall read as follows:

Article III. OUTDOOR SALES AND DISPLAYS

208-28. Issuance of permit.

On application to the Township Administrator, or his or her designee, the Township Administrator, or his or her designee, may permit, at their discretion, an outdoor display and/or sale on sidewalks, adjacent to an applicant's commercial premises, subject to the conditions contained herein.

208-29. Conditions for issuance of permits.

A permit for an outdoor display and sale shall only be given if the applicant satisfies all of the following criteria:

A. No food or foodstuffs shall be displayed or offered for sale except by a merchant whose normal business includes the sale of such items; said merchant shall also provide a trash receptacle of at least 25 gallons' capacity within five feet of his/her display area.

B. The outdoor display and sale shall be restricted to areas zoned for commercial business and shall otherwise be in accord with all zoning regulations pertaining thereto.

C. The outdoor display sale shall not block pedestrian or motor vehicle traffic. Specifically, it shall not impede the flow of pedestrian traffic, including the handicapped, and said display shall in no way threaten the safety of the public. This includes, but is not limited to, ensuring that motorists are not visually or physically obstructed in an unsafe manner.

D. All participating displayers or sellers shall own or lease permanent premises within 25 feet of the place where the outdoor display or sale is/will conducted.

E. The applicant shall demonstrate that the outdoor display and sale serves the public purpose of furthering the commercial and mercantile growth and stability and/or aesthetics of the Township at large.

F. The permit shall not adversely affect the public welfare.

G. The goods to be sold shall be related to the principal use of the commercial property.

208-30. Duration of permit.

Any permit issued hereunder shall be issued for a period of 30 consecutive days, with dates and time of display and sale subject to the approval of the Township Administrator.

208-31. Permit fee.

The applicant shall pay a fee of \$100 for the initial thirty-day permit and \$25 for each additional permit thereafter within a twelve-month period.

208-32. Application information.

The applicant shall include with its application its name, location to be used for sale and display and a list of the goods to be displayed and offered for sale.

208-33. Waiver.

Permits for outdoor displays and sales are waived for:

A. Township-endorsed festivals

B. Carnivals, festivals, circuses and similar events. Conducted or endorsed as a fundraiser for a nonprofit entity, school or religious entity.

C. Businesses that inherently display their goods and merchandise outdoors for which planning and zoning approvals for said outdoor display have been specifically obtained.

D. Farms and farm stands accessory to a farm.

E. Displays not exceeding an aggregate of 16 square feet of the business operation's leasehold sidewalk area; provided the conditions listed in 208-29 above are met.

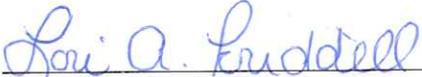
208-34. Enforcement.

This Chapter shall be enforced by the Construction Code Official or his designee.

Section 2. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance, are hereby repealed to the extent of such inconsistency only.

Section 4. This Ordinance shall take effect immediately after final adoption and publication as required by law.


Lori A. Friddell, RMC, Township Clerk


William A. Richardson, Jr., Mayor

Introduced: April 11, 2018
Public Hearing: April 25, 2018
Adopted: April 25, 2018

ORDINANCE NO. 2018-9

UPON INTRODUCTION ON 4-11-2018					
	GIANGIULIO	HANNA	SURA	YEATMAN	RICHARDSON
YES	X	X		X	X
ABSTAIN					
NO					
ABSENT			X		
UPON ADOPTION ON 4-25-2018					
	GIANGIULIO	HANNA	SURA	YEATMAN	RICHARDSON
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a Meeting held on April 25, 2018.

Dated: April 25, 2018


 Lori A. Friddell, RMC, Township Clerk