

ORDINANCE NO. 2-13

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 243 OF THE CODE OF THE TOWNSHIP ENTITLED SOLICITORS, CANVASSERS AND ITINERANT VENDORS WITH THE INCLUSION OF A NEW PROVISION RELATED TO THE FINGERPRINTING OF APPLICANTS

WHEREAS, the Township of Hanover desires to provide protection for its residents from criminally minded solicitors; and

WHEREAS, to do so, the Township seeks to prevent fraud and dishonest dealing by criminally minded solicitors and to prevent such persons from gaining access and admittance to private homes; and

WHEREAS, as part of the trade solicitation licensing procedure, the investigation process shall include the fingerprinting of applicants.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, as follows:

SECTION 1. §243-3., entitled "Trade Solicitation Licensing Procedure" under Chapter 243 of the Code of the Township entitled Solicitors, Canvassers and Itinerant Vendors, is hereby amended and supplemented to read in its entirety as follows:

CHAPTER 243, SOLICITORS, CANVASSERS AND ITINERANT VENDORS

ARTICLE I. SOLICITORS AND CANVASSERS.

§ 243-3. Trade Solicitation Licensing Procedure.

- A. The applicant shall submit to the Hanover Township Detective Bureau a completed trade solicitor's license application form. Such forms shall be kept on file by the Detective Bureau and shall be made available upon request.
- B. The trade solicitor's license application form shall contain space for the following information:
 - (1) The applicant's full name, place and date of birth and social security number.
 - (2) The applicant's permanent home address and the applicant's addresses for the past three years.
 - (3) The organization or company, if any, upon whose behalf solicitation is being conducted and its address, including verification of such, which may be satisfied by submission of a letter to that effect upon company letterhead.
 - (4) A description of any vehicle to be used and its license plate number.
 - (5) The route planned to be taken by the solicitor and a corresponding list of days the person will be soliciting along that route.

- (6) A statement as to whether or not the person has ever been convicted of a crime, disorderly persons offense, misdemeanor or violation of municipal ordinance, the nature of the offense and the penalty imposed therefor.
 - (7) The name and address of two New Jersey residents as references who will certify as to the good character and business responsibility of the applicant.
 - (8) A list of the last five municipalities in which the applicant has conducted trade solicitations.
 - (9) Proof of a current New Jersey Sales Tax identification number.
 - (10) A copy of a food handler's license issued by the Board of Health of the Township of Hanover pursuant to either § 318-6 or 318-7 of the Code of the Township of Hanover if the solicitation will involve the sale of food or food products.
- C. The Detective Bureau shall conduct an investigation of the applicant. **The investigation shall include the fingerprinting of the applicant.** Upon review of the application, the Chief of Police shall determine as to the good character and business responsibility of the applicant. In making such determination, the Chief of Police shall review the solicitor's license application and the investigation file compiled pursuant to this subsection. If the Chief of Police denies the application for a license, he shall set forth in writing his reasons therefor, which writing shall be submitted to the applicant.
- D. The Chief of Police shall either grant or deny issuance of a license within 20 days after submission of a completed solicitor's license application. The Detective Bureau shall issue a license to the applicant upon receipt of approval of same by the Chief of Police and upon receipt of payment of a fee as provided in Chapter 125, Fees, of the Code of the Township of Hanover. The applicant shall obtain a laminated identification card from the Detective Bureau and shall wear it at all times while soliciting. If the applicant is dissatisfied with the decision of the Chief of Police, he may appeal that decision to the Township Committee by requesting a hearing, in writing, and filing the request with the Detective Bureau. Said hearing shall be scheduled by the Township Committee and shall be conducted within 14 days of the receipt of said request by the Detective Bureau, if there is a regularly scheduled Township Committee meeting scheduled to be held within 14 days. If there is no meeting scheduled to be held within 14 days, then the hearing must occur no later than the next regularly scheduled Township Committee meeting. After the hearing, the Township Committee shall, by majority vote, either affirm or overrule the decision of the Chief of Police. If the decision is affirmed, no license shall be issued. If the decision is overruled, the Detective Bureau shall immediately cause said license to be issued.
- E. Revocation of license; appeal.
- (1) The license issued to any person may be revoked at any time by the Chief of Police if:
 - (a) Any section of this chapter is violated.

- (b) The holder of such license is convicted of any crime.
 - (c) The holder of such license conducts himself/herself so as to create a public disturbance.
 - (d) The holder of such license is guilty of fraudulent acts.
 - (e) The holder of such license has or establishes a record of continual breaches of solicited contracts.
 - (f) The holder of such license conducts business in an 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.
 - (g) The holder of such license is guilty of fraud, misrepresentation or false statements in the license application.
- (2) The holder of any license to be revoked shall be notified, in writing, by the Chief of Police of the revocation and the reasons therefor. If the holder of any license so revoked is dissatisfied with the decision of the Chief of Police, he/she may appeal the decision to the Township Committee by requesting, in writing, a hearing. Such request must be filed with the Township Clerk. The Township Committee shall conduct said hearing within 14 business days of the filing of the request.
- (3) The Township Committee shall, by majority vote, either affirm or override the revocation by the Chief of Police.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION 5. This ordinance shall take effect immediately upon final passage and publication as required by law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATE OF INTRODUCTION: January 10, 2013
DATE OF ADOPTION: January 24, 2013

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 10th day of January, 2013, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 24th day of January, 2013, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATED: January 17, 2013