

#2015-01

**ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN
AND STATE OF NEW JERSEY REGULATING HAWKERS, PEDDLERS,
SOLICITORS, CANVASSERS AND ITINERANT VENDORS**

WHEREAS, the Borough of Audubon Park (“Borough”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, rules and regulations governing the conduct of peddlers and solicitors in the Borough are codified in Ordinance #7; and

WHEREAS, the Governing Body has deemed it in the best interest of the public health, safety and welfare of the residents to update these rules and regulations; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Audubon Park, County of Camden, and State of New Jersey, as follows:

SECTION 1: Ordinance #7 is hereby repealed in its entirety and replaced with the following:

ARTICLE I - SOLICITING

1. Purpose

The purpose of this Article is to prevent fraud, crimes, undue public inconvenience or annoyance, and unethical and/or dishonest soliciting, distributing, peddling, or merchandising practice within the Borough of Audubon Park. All application fees to be charged for the issuance of permits are not to be considered as revenue, but are charges for the purpose of covering the expenses of administering this section.

2. Definitions.

Whenever used in this article, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

CHARITABLE - Includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported.

CHIEF OF POLICE - The Chief of Police, or a representative authorized by the Chief of Police to perform the acts of the Chief of Police, of the police department providing police services for the Borough.

CONTRIBUTIONS - Includes the words alms, food, clothing, money, subscription, property or donation, under the guise of a loan of money or property.

PERSON - Any individual, firm, partnership, corporation, company, association, or joint-stock association, church, religious sect, religious denomination, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof.

RELIGIOUS and RELIGION - As used herein, shall not mean and include the word “charitable” as herein defined but shall be given their commonly accepted definitions.

SOLICIT and SOLICITATION - The request, directly or indirectly, of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable or religious purpose as those purposes are defined in this article.

3. Permit required.

No person, except as provided for herein, shall solicit, distribute, peddle or call from house to house in the Borough of Audubon Park in an attempt to sell or for the purpose of selling goods by sample or to take or attempt to take orders for the future delivery of goods, merchandise, wares or any personal property of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed in the future, without first having received a written permit from the Chief of Police or his designee.

4. Application for permit; fee; investigation of applicant.

A. Any person desiring a permit to peddle, distribute or solicit as aforesaid in the Borough shall file, on a form to be supplied by the Borough Clerk, an application with the Chief of Police or officer in charge at police headquarters, stating:

- (1) Name of the applicant.
- (2) Permanent home address.
- (3) Name and address of employer or firm represented.
- (4) Place or places of residence of the applicant for the preceding three years.
- (5) Date on which he desires to commence peddling, canvassing or soliciting.

(6) Nature of merchandise to be sold or offered for sale or the nature of the service to be furnished.

(7) Whether or not the applicant has ever been convicted of a crime, misdemeanor or violation of any ordinance concerning peddling, canvassing or soliciting, and if so, when, where and the nature of the offense.

B. Said application shall also be accompanied by a letter or other written statement from the individual, firm or corporation employing the applicant, certifying that the applicant is authorized to act as the employer's representative.

C. No such application shall be filed more than six months prior to the time such peddling or soliciting shall commence.

D. Upon the filing of the application, a fee in the amount of \$75.00 shall be paid by the applicant to the Borough Clerk for the use of the Borough to defray the cost of investigating, photographing, fingerprinting, processing and issuing said permit.

E. Two photographs taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the individual who will engaging in the soliciting, distributing, peddling or calling from house to house as provided for herein.

F. The Chief of Police shall cause such investigation to be made of the applicant's business and moral character as he deems necessary for the protection of the public good. This investigation shall include the photographing and fingerprinting of the applicant. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse his disapproval and the reasons therefor on the application and the permit shall not issue. If, as a result of such investigation, the applicant's character and business responsibility are found to be satisfactory, the Chief of Police shall endorse his approval and execute a permit to be formally issued by the Borough Clerk. Said permit shall show the name, address, photograph and thumbprint of the permittee, the kind of goods or services to be sold or performed thereunder, the date of issuance and the date on which said permit shall expire, which shall be no later than ninety (90) days from the date of issuance. The permit shall be signed and sealed by the Borough Clerk.

5. Solicitations for funds.

A. No person, firm or organization shall solicit or call from house to house, or engage or request individuals on its behalf to solicit or call from house to house, within the Borough, for financial contributions, pledges or promises or agreements to pledge or contribute funds or other valuable items of property to or for the benefit of any religious, educational, charitable, fraternal, patriotic, political or service organization, without having first received a written permit for such solicitation.

B. Any person, firm or organization desiring to canvass or solicit for contributions, funds, pledges or donations of items of valuable property shall first file, on a form to be supplied by the Borough Clerk, an application with the Chief of Police for a permit. Said application shall set forth information required in Section 4A of this Article.

C. After due investigation thereof as provided in Section 4F, the Chief of Police shall issue a permit to such applicant. No fee shall be required for such permit.

D. In the event any regular bona fide religious, educational, charitable, fraternal, political or service organization located and established in the Borough of Audubon Park shall desire to canvass or solicit for funds or pledges as aforesaid or shall desire to sell tickets from house to house for any fund-raising activities, then such organization shall cause notice to be given to the Chief of Police of its intention to solicit and canvass within the Borough. The Chief of Police shall automatically issue a permit therefor without need of investigation and without payment of a permit fee.

E. All organizations which may be of a national character or be associated with the Community Chest which desire to solicit within the Borough on annual fund-raising drives may do so upon filing notice of such intention with the Chief of Police and filing with him samples of credentials given to such solicitors or canvassers on behalf of such fund drives. In the event that the Chief of Police desires further information or proof of the nature, character, identity or purpose of such organization, he may cause and require such organization to furnish details thereof and cause such investigation to be made of such organization, its personnel, canvassers or solicitors before issuing a permit to such organization.

6. Credentials of solicitor.

All persons to whom permits have been issued under this article shall furnish proper credentials to their agents and solicitors for such solicitation. Such credentials shall include the name of the permit holder, the date, a statement describing the nature of the activity to be performed by the solicitor, a description of the purpose of the solicitation, the signature of the permit holder or of the holder's chief executive officer and the name, address, age, sex and signature of the solicitor to whom such credentials are issued. A copy of such credentials must be submitted to the Borough Clerk at the time the application for a permit is filed and must be approved the Chief of Police prior to the permit being issued. No person shall solicit under any permit granted under this article without the credentials required by this section and a copy of said permit in his or her possession. Said credentials and copy of the permit must be shown, upon request, to all persons solicited and to any police officer providing services for the Borough.

7. Hearings; appeals.

Within five days after receiving notifications by registered mail that his or her application for a permit to solicit under this article has been denied, with the reasons for the denial set forth on said notification, any applicant may file a written request for a public hearing on the application before the Public Safety Director, or his designee, together with written exceptions to

the findings of fact upon which the Chief of Police based his or her denial of the application. Upon the filing of such a request, the Borough Clerk shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within five days after the request is filed. Within 10 days after the conclusion of the hearing, the Public Safety Director, or his designee, shall render a written report either granting or denying the application for a permit. In this report, the Public Safety Director shall state the facts upon which his decision is based.

8. Suspension of permit.

Whenever the Chief of Police shall have probable cause to believe that any person to whom a permit has been issued under this article has violated any of the provisions of this article or that any promoter, agent or solicitor of a permit holder has misrepresented the purpose of the solicitation, the Chief of Police shall immediately suspend the permit and give the permit holder written notice by registered mail of a hearing to be held within two days of such suspension to determine whether or not the permit should be revoked. This notice must contain a statement of the facts upon which the Chief of Police has acted in suspending the permit. If, after such hearing, the Chief of Police finds that any provision of this article has been violated and/or that the purpose of the solicitation has been misrepresented, he or she shall, within two days after the hearing, revoke the permit and give the applicant written notice of the revocation and the reasons therefor. Such revocation shall be appealable to the Public Safety Director in the manner set forth in Section 7 of this Article, except that the Chief of Police shall bear the burden of proof. Any conviction of the permit holder, its employees, agents or representatives of a violation of any provision of this article shall be prima facie grounds for revocation.

9. Misrepresentation.

No person shall, directly or indirectly, solicit contributions for any purpose by misrepresentation of his/her/its name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose in the Borough of Audubon Park or in any application or report filed under this article.

10. Hours.

It shall be unlawful for peddlers and solicitors to engage in their business of peddling, soliciting or calling from house to house in the Borough of Audubon Park other than between the hours of 10:00 a.m. and 5:00 p.m. on weekdays, and any such peddling or soliciting within the Borough of Audubon Park, except within the hours authorized and by licensed personnel, shall be deemed a public nuisance and a violation of this article.

11. Violations and penalties.

A. Any person violating any of the provisions of this article, or filing or causing to be filed an application for a permit under this article containing false or fraudulent misstatement,

shall be subject to a fine not exceeding \$1,000 or be imprisoned in the county jail for a term not exceeding 90 days, or both, for each offense, in the discretion of the court.

B. Any person not displaying his or her permit and photo identification card issued in accordance with this article shall be subject to fine of \$100.00 for a first offense, \$200.00 for a second offense, and an additional \$100.00 fine for each offense thereafter.

ARTICLE II - CHARITABLE ROADWAY SOLICITATIONS

1. Prohibited acts.

No person shall stand in or beside any public road or right-of-way to stop, impede, hinder or delay the progress of a vehicle, or to otherwise interact with the occupants of any vehicle on any public road or right-of-way, for the purpose of soliciting the purchase of goods, merchandise or tickets or for the purpose of soliciting contributions for any cause.

2. Violations and penalties.

Any person violating any provision of this article shall be liable for a fine not to exceed \$100 for each day of such violation.

ARTICLE III - HAWKING, PEDDLING, VENDING AND CANVASSING

1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPLICANTS - Includes "owners," as defined herein, as well as those actually involved in and/or engaging in the activity of going door to door for the purpose of sales enterprising.

CANVASSER - The practice of going from house to house for the purpose of obtaining the views of any person upon any economic or social question or project or for the purpose of distributing literature, pamphlets, circulars, samples and the like, for the purpose of information, advertising or for commercial purpose or other purposes.

CHIEF OF POLICE - The Chief of Police, or a representative authorized by the Chief of Police to perform the acts of the Chief of Police, of the police department providing police services for the Borough.

CRIMINAL HISTORY RECORD BACKGROUND CHECK - A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the State Bureau of Identification in the Division of State Police.

DOOR-TO-DOOR SALES ENTERPRISE - Any public or private business, corporation or partnership that produces earnings primarily through door-to-door sales. Door-to-door sales enterprise shall include businesses, corporations or partnerships that participate in canvassing, itinerant vending and/or peddling, as defined herein.

ITINERANT VENDOR - Any person who goes from place to place by traveling on the streets and roads or from house to house taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not he or she is collecting advance payments on such sales; shall not include wholesalers calling on retail merchants.

MERCHANDISE - All goods, wares, food, fruit, refreshments, ice cream, vegetables, farm products, magazines, periodicals and all kinds of articles of personal property for domestic use; and orders or contracts for a service home improvement or alterations shall be considered merchandise within the terms of this article.

OWNER(S) OF DOOR-TO-DOOR SALES ENTERPRISE - Includes all principals who own 10% or more of the equity in the corporation or business trust, partners and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

PEDDLER - Any person who goes from place to place by traveling on the streets and roads or from house to house carrying, conveying or transporting goods, wares, or merchandise for the purpose of selling and delivering them to customers. The word "peddler" shall include the words "hawker" and "huckster."

PERSON - Includes the masculine and feminine gender and the singular and the plural, and shall be construed to mean and include any individual, firm, partnership, corporation, association, club or any other organization or any principal or agent thereof.

2. Purpose.

The purpose of this Article is to prevent unfair competition and dishonest business practices by requiring persons intending to engage in any of the occupations to be licensed by this article to furnish certain preliminary information, to conform to the requirements of this article and, to the extent set forth in this article, to regulate the conduct of persons engaged in any of such occupations.

3. Licenses required.

Except as otherwise provided in Section 4 of this Article hereof, it shall be unlawful for any itinerant vendor, hawker or peddler to sell or dispose of or to offer to sell or dispose of any goods, wares, or merchandise or to solicit orders for the performance of any service or to engage in canvassing, within the corporate limits of the Borough of Audubon Park, without first obtaining a license therefor in compliance with the provisions of this article. Such licenses shall not be transferable from the person to whom issued to any other person. A separate license shall be obtained by a licensed itinerant vendor, hawker or peddler for every agent or employee working for him.

4. Exceptions from license.

The requirements of this article shall not apply to the following:

A. Any charitable, educational, nonprofit or religious body that shall conduct sales of personal property when the proceeds thereof shall be applied to the payments of the expenses thereof and to the charitable, educational, nonprofit or religious body for which the body exists.

B. Any public utility or its employees, which said utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that such employees shall wear a plainly visible identification badge on the upper left corner of their torso, pursuant to the requirements of N.J.S.A. 48:3-42 et seq.

C. Any person not otherwise subject hereto, engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business, to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.

D. Any person canvassing for a governmental agency.

5. Application for license.

An application for a license as provided by Section 3 of this Article shall be made to the Chief of Police upon forms provided by the Borough Clerk. Such application shall be sworn to and filed with the Clerk at least 30 days prior to the time at which the license applied for shall become effective. The application herein required shall contain the following information and shall be updated by the applicants as shall become necessary:

A. The name, description, address or headquarters of the person applying for the license.

B. If the applicant is not an individual, the names and addresses of the applicant's principal officers, operating managers and all members of the applicant's Board of Directors.

C. If the applicant is a corporation of the State of New Jersey, a certified copy of its certificate of incorporation, together with any amendments or supplements thereto.

D. If the application is a corporation, an in-state registered agent must be identified by name and street address.

E. If the applicant is an individual, the permanent home address and full local address of the applicant.

F. If the applicant is employed, the name and address of the employer, together with credentials establishing the exact relationship.

G. A brief statement of the nature of the business and description of the merchandise or service to be sold.

H. The name and address of the person or persons who will be in direct charge of conducting the sale or offer of merchandise or service(s) and the names of all promoters connected or to be connected with the proposed sale or offer.

I. An outline of the method or methods to be used in conducting the sale or offer of merchandise or service(s).

J. The length of time for which the license is desired, giving the preferred dates for the beginning and ending of said license.

K. If a vehicle or vehicles are to be used, a description of such vehicles and license numbers.

L. The place where the goods or property to be sold or offered for sale are manufactured or produced, where such goods or property are located at the time such application is filed and the proposed method of delivery.

M. If the applicant is an individual, two photographs of the applicant taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two inches by two inches, and a set of fingerprints to be taken by the Borough Police Department.

N. Two business or banking references located in the County of Camden, State of New Jersey.

O. A statement to the effect that if a license is granted, it will not be used or represented in any way as an endorsement by the Borough of Audubon Park or by any department or officer thereof.

P. A signed statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

Q. Such other information as may be reasonably required by the Chief of Police in order for him to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of and not inimical to the public welfare.

R. Applicants shall maintain and produce proof of insurance coverage in the minimum amounts of \$100,000 per person for personal injuries, \$300,000 per occurrence for personal injuries and \$50,000 for property damage. The Borough of Audubon Park shall be named as an additional insured on all such insurance policies. The insurance coverages shall not be terminated or canceled prior to the expiration date thereon unless 30 days' advance written notice is provided to the Borough of Audubon Park.

S. A temporary license may be issued for a period not to exceed 60 days upon the written recommendation of the Chief of Police.

6. Criminal history record background check.

A. The Chief of Police shall initiate criminal history record background checks of present and prospective canvassers, peddlers, itinerant venders or owners and employees of a door-to-door sales enterprise as set forth in this article.

B. No person shall be licensed as a canvasser, peddler, itinerant vender or owner or employee of a door-to-door sales enterprise unless the Chief of Police certifies that the person has no New Jersey criminal history record of a conviction for an offense enumerated in Subsection C(1) below.

C. A person subject to subsection B above whose criminal history record background check reveals a conviction for any of the following crimes and offenses shall be disqualified from receiving a license to conduct, canvass, peddle, itinerant vend or perform door-to-door sales:

(1) If the conviction was in New Jersey, for a crime:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq. or N.J.S.A. 2C:15-1 et seq.; or

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq. or N.J.S.A. 2C:25-17 et seq.; or

(c) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or

(d) Involving any controlled dangerous substance or analog as set forth in Chapter 35 of Title 2C of the New Jersey statutes except Paragraph (4) of Subsection a of N.J.S.A. 2C:35-10.

(2) If the conviction was in any other state or jurisdiction, for conduct constituting any of the crimes described in subsection C(1) of this subsection.

(3) The Chief of Police is authorized to receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable state and federal laws, rules and regulations. The applicant shall bear the cost, if any, for the criminal history record background check, including all costs of administering and processing the check.

(4) Consent required; notification of results.

(a) A criminal history record background check shall not be initiated pursuant to this article without the written consent of the person. The consent required under this section shall be in the manner and form prescribed by the Chief of Police and shall include, but not be limited to, the signature, name, address and fingerprints of the person.

(b) The Borough Solicitor shall promptly notify a person whose criminal history record background check reveals a disqualifying criminal conviction of the results of the background check. The person shall have 30 days from the receipt of that notice to petition the Borough. If the person successfully challenges the accuracy of the criminal history record information indicating a criminal conviction or the person demonstrates affirmatively to the Governing Body clear and convincing evidence of rehabilitation, the Clerk may issue a certificate indicating that the person has successfully cleared a background check. In determining whether the rehabilitation of a person has been affirmatively demonstrated, the governing body shall consider:

[1] The nature and seriousness of the offense;

[2] The circumstances under which the offense occurred;

[3] The date of the offense;

[4] The age of the person when the offense was committed;

[5] Whether the offense was repeated;

[6] Social conditions which may have contributed to the offense; and

[7] Any evidence of rehabilitation, including good conduct in the community, counseling, psychological or psychiatric treatment, additional academic or vocational training or personal recommendations.

(c) In the case of a door-to-door sales enterprise, a copy of the notification required under subsection C(4)(b) above also shall be forwarded to the owner of the enterprise.

(d) The Clerk shall not certify a person subject to the provisions of this article who refuses to consent to, or cooperate in, the securing of a criminal history record background check.

7. License fee.

Upon the filing of the application, a fee in the amount of \$500.00 shall be paid by the applicant to the Borough Clerk for the use of the Borough to defray the cost of investigating, photographing, fingerprinting, processing and issuing said permit. The fees payable hereunder shall not apply to applicants possessing licenses issued pursuant to N.J.S.A. 45:24-9 and 45:24-10.

8. Issuance of license.

When the aforesaid application is properly filled out and signed by the applicant, and the license fee is paid, the Borough Clerk shall issue the license to the applicant, provided that the Board of Health shall have theretofore issued a food handler's license, if required. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued, the kind of goods or services to be sold thereunder, the date of issue, the length of time the license shall be operative and the license number and other identifying description of any vehicle used in the peddling, soliciting or canvassing activity licensed.

9. Appointment of Borough Clerk as agent for service of process.

Before a license shall issue hereunder, the applicant shall file with the Clerk an instrument in writing nominating and appointing the Borough Clerk his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of the applicant in respect to any civil matters connected with or arising out of actions of the licensee in the municipality. Such instrument shall also contain recitals to the effect that the applicant consents and agrees that service of any notice or process may be made upon such agent, and when so made shall be as valid as if personally served upon the applicant according to the laws of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. The Borough Clerk shall by certified mail forward such notice of process to the address shown on said application.

10. Duties of licensee.

Every holder of a license issued by the Borough Clerk under the authority of this Article, or by the Clerk of the County of Camden under the authority of N.J.S.A. 45:24-9, shall be required to carry such license with him or her while engaged in the business or activity licensed within the corporate limits of the Borough of Audubon Park. He or she shall produce such

license at the request of any official of said Borough or of any resident of said Borough with whom he or she wishes to conduct his or her said business or activity. Every such licensee shall restrict his or her activity within the Borough of Audubon Park to the hours between 10:00 a.m. and 5:00 p.m. prevailing time on Mondays through Fridays.

11. Prohibited practices; violations and penalties.

A. No person regulated hereunder shall hawk, peddle or vend any goods, wares or merchandise, including but not limited to food, ice cream and soft drinks, within 1,000 feet of any store, establishment or machine selling, vending or dispensing the same or substantially similar goods, wares or merchandise.

B. No person regulated hereunder nor a holder of a license under statutory authority (see Sections 4B and 4C of this Article) shall hawk, peddle or vend any goods, wares or merchandise, including but not limited to food, ice cream and soft drinks, upon any municipal park, pool or other place of recreational or cultural activity or upon any public street or right-of-way thereof adjacent to such municipal park, pool or place of recreational or cultural activity.

C. No person shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system, upon any of the streets, alleys, parks or other public places of this municipality or upon any private premises, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

D. No person shall have any exclusive right to any location in or upon the public streets or rights-of-way thereof, nor shall any vested or proscriptive rights arise from the continuous or other use of any location, and no person shall be permitted to operate in any location or area where his or her presence presents a public hazard, danger or inconvenience, contributes to vehicular or pedestrian congestion or constitutes a public nuisance.

E. No person regulated hereunder shall set up, maintain or permit the use of any table, crate, sign, carton, rack or other device to increase the selling or display capacity of the vending unit. No person regulated hereunder shall stack or place the items offered for sale upon any sidewalk, street or upon the ground. All materials, signs and/or items offered for sale shall be located solely on the vending unit.

F. No person regulated hereunder nor a holder of a license under statutory authority shall remain in one location in excess of 1/2 hour.

12. Records.

The Borough Clerk shall maintain a record of all licenses issued under the provisions of this article and shall record therein all convictions for violations of this article and other pertinent circumstances and incidents reported by the Chief of Police.

13. Revocation of licenses.

A. Licenses issued under the provisions of this article may be revoked by the Chief of Police, in writing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement by the licensee in the course of conducting the business licensed.
- (3) Any violation of this article.
- (4) Conviction of any crime involving moral turpitude.
- (5) Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

B. Revocation of a license may be appealed to the Governing Body in the same manner as set forth in Section 14 below for an appeal of a denial of a license. The licensee may not operate the business or enterprise licensed during the pendency of said appeal.

14. Appeals.

Any person aggrieved by the denial of a license as provided for in Section 8 of this Article shall have the right of appeal to the Governing Body. Such appeal shall be taken by filing with the Governing Body, within 10 days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Governing Body shall set a time and place for hearing on such appeal, and notify the aggrieved person thereof. The decision of the Governing Body on such appeal shall be final and conclusive.

15. Expiration and renewal of license.

All licenses issued under the provisions of this Article shall expire December 31 of the calendar year in which they are issued. Any such license may be renewed upon payment of the license fee as stated in Section 7 and upon submission by the licensee of a new application in conformity with the requirements of Section 5 of this Article or, in lieu thereof, a sworn statement in writing setting forth all changes in the information contained in the application for the expired license which are necessary to bring said application completely up to date.

16. Violations and penalties.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject to a fine not to exceed \$1,000.00 or to imprisonment not to exceed 90 days, or both. Each and every day that a violation of the provisions of this article shall continue after issuance

of the initial summons or complaint shall be deemed and considered a separate and specific violation of this article.

SECTION 2: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 3: 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 4: This Ordinance shall take effect upon passage and publication according to law.

Attest:

BOROUGH OF AUDUBON PARK

Introduced: January 5, 2015
Adopted: February 2, 2015

LAWRENCE E. PENNOCK, MAYOR

Certified to be a true copy of an Ordinance adopted by the Mayor and Borough Council of the Borough of Audubon Park at a regular meeting held on February 2, 2015.

DAWN M. PENNOCK, MUNICIPAL CLERK