



APPLICATION FOR COMMERCIAL SOLICITATION

Submitted on _____

Date issued _____

Expiration date _____

1. Full Name and Address of Applicant's organization, firm partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

2. Proposed location of Solicitation.

3. Make, model and license plate number of any vehicle being used during the Solicitation.

4. Name of supervisor of the agents or employees soliciting.

5. Names of all agents or employees soliciting within the Borough of Waldwick on behalf of the Applicant. (If you need additional space, please attach list to this application)

6. Place of residence for each of the Solicitor's agents/employees. (If you need additional space, please attach the list to this application)



7. Each agent/employee's sex, age, height, color of eyes and hair. (If you need additional space, please attach the list to this application)

8. Whether the Solicitor's agent/employee is a citizen of the United States.

9. Whether the Solicitor's agent/employee has ever been convicted of a crime.

10. Whether the driver's license issued by any State to the Solicitor's agent/employee had ever been suspended or revoked, and if so, for what reason(s).

CHECKLIST

_____ Each application for a Solicitor's agent/employee shall be accompanied by one (1) recent photograph of agent/employee. The photograph shall be two (2) inches by two (2) inches.

_____ Criminal History Background Check – no more than 30 days prior to filing of the application. SEE ATTACHED SHEET FOR DETAILED INSTRUCTIONS.

_____ \$100.00 per person, per Application. (Non-refundable whether license is issued or not)

_____ Badges must be returned to the Borough Clerk's Office upon the 30-day period for which they are valid.

BACKGROUND CHECK PROCEDURE

Form 212A must be submitted electronically no more than 30 days prior to filing of the application in the Clerk's office at <https://www.njportal.com/njsp/criminalrecords/>

The link will request an ORI. Waldwick PD ORI is NJ0026400.

This process must be completed for each solicitor.

There is a \$20.00 processing fee.

STATE OF NEW JERSEY
NEW JERSEY STATE POLICE
CRIMINAL HISTORY RECORD REQUEST

STATE POLICE NJ

Login Help Home

Request for a Criminal History Record Information for a Noncriminal Justice Purposes

Service Information

****ATTENTION FIREARMS APPLICANTS****
Criminal Record checks for Firearms Applications are to be submitted through the online [Firearms Application and Registration System](#). The only type of Firearms Applicants permitted to continue with this Online Form 212A submission are Firearms Dealers Renewals and Firearms Dealer Employees.

Requests for a Criminal History Record Information (CHRI), for Non Criminal Justice purposes can be submitted here.

The online 212A Form should be used only after consultation with your local Police Department or the State Agency that is responsible for the type of licensing needed. You must first obtain an Originating Agency Identifier (ORI) Number from the licensing department to complete this form. Incorrect ORI Number may result in non-processing of your form.

Each submission costs \$20.00, payable by Visa, MasterCard, Discover, or American Express credit or debit card.

This form can't be used for a personal background check.

What is the purpose of this form?

Form 212A is used exclusively for the purpose of local Police Department and State Agencies, to obtain background information for the purposes of employment, licensing and local ordinances.

How do I find out the local licensing authority for my application?

Will I receive the Criminal History Record information requested?

What is an ORI Number and why is it important?

Online Form 212A -->

STATE OF NEW JERSEY
NEW JERSEY STATE POLICE
CRIMINAL HISTORY RECORD REQUEST

STATE POLICE NJ

Login Help Home

Request for a Criminal History Record Information for a Noncriminal Justice Purposes

Complete All Required Fields [*]

ORI Personal Address Filing Review

ORI Information:

ORI Number is the identifier for the local licensing authority for the jurisdiction of your residential address. Correct ORI Number is essential for processing of this form.

ORI Number *
NJ0026400

The selected ORI Number is associated with City/Agency - WALDWICK PD

Enter Waldwick ORI Number

Continue --> x Cancel Filing

Follow the prompts for the remainder of the process. Once completed, the Waldwick Police Department will receive for acceptance and results will be sent directly to them. An application without Form 212A submitted prior to filing will not be accepted.

ARTICLE I
Commercial Solicitation

§ 66-1. (Reserved)

§ 66-2. Definitions; word usage.

For the purpose of this section, the following terms, words and phrases shall be interpreted as follows:

AGENT/EMPLOYEE — Any individual receiving compensation, in any form whatsoever, from an entity for engaging in solicitation within the Borough.

APPLICANT — Any person, organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group seeking to obtain a license for commercial solicitation.

CANVASSER — Any person who travels, either by foot or automobile or any other type of conveyance, from place to place, from house to house, from business to business or from street to street to seek or develop support for, to conduct market research about, to determine feelings or opinions about, to conduct a survey about, or explain a position about and on behalf of any commercial product, cause or organization.

GOODS AND/OR SERVICES — Includes but is not limited to food (including but not limited to ice cream, refreshments and farm products), magazines and periodicals, advertisements, commercial handbills, personal property, coupons, products, merchandise, wares, orders or contracts for a service, home or business improvement or alterations, as well as offering or seeking to purchase real property when such real property is not listed for sale.

ITINERANT VENDOR OR SOLICITOR — Any person who travels, either by foot or automobile or any other type of conveyance, from place to place, from house to house or from street to street taking or attempting to take orders for the sale of goods 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 he/she is collecting advance payments on such sales; but shall not include wholesalers calling on retail merchants.

LICENSE — A license for commercial solicitation issued by the Borough of Waldwick pursuant to the provisions of this article.

NONPROFIT ORGANIZATION — (1) Any organization tax exempt under § 501(c)(3) of the Internal Revenue Code; (2) any organization created under or otherwise subject to the provisions of Title 15A of the New Jersey Statutes; (3) any organization, whether or not

qualified under § 501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes, whose primary purpose is to benefit the school age children of the Borough of Waldwick, including but not limited to schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts and similar youth groups; (4) any organization whose primary purpose is to advocate for religious or political causes, whether or not qualified under § 501(c)(3) of the Internal Revenue Code or subject to Title 15A of the New Jersey Statutes; (5) any department within the Borough of Waldwick's municipal governmental structure, including, but not limited to, the Police Department and any volunteer fire or first aid company that is located in, has a substantial membership from or serves the Borough of Waldwick; or (6) any federal or state governmental agency.

PEDDLER OR HAWKER — Any person who travels, either by foot or automobile or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods for the purpose of selling and delivering them to prospective customers.

PERSON — Not only an individual, but also any organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

SOLICITATION or SOLICIT — To go in or upon the streets, roads, and semi-private and private property in the Borough of Waldwick without having been invited to do so by the owner or occupant of the property for the purpose of advertising, promoting or selling any products, goods or services, seeking to purchase real estate that isn't advertised for sale or conducting market research or a market or opinion survey regarding commercial goods or services. Solicitors shall include but shall not be limited to itinerant vendors, peddlers, hawkers and canvassers of commercial products or services. Solicitation shall include the placement upon private property of handbills or other written material advertising goods or services for sale. Solicitation shall also include the sale of goods or services which the solicitor promises to donate or deliver to a charitable or other nonprofit institution on behalf of the purchaser.

SOLICITOR — Any individual agent or employee soliciting on behalf of any organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

§ 66-3. Exemptions.

A. This chapter shall not affect any of the following persons or activities:

- (1) Any person engaged in the delivery, in the regular course of business, of goods, wares, merchandise, or other articles of personal property to the premises of persons who had previously ordered same or were entitled to receive same by reason of prior agreement.
- (2) Any nonprofit organization, as defined in § 66-2 of this chapter, engaged in the solicitation of funds for charitable purposes solely from its members.
- (3) Any person engaged in the solicitation of funds for a nonprofit organization, when solicitation occurs on premises owned or controlled by the person soliciting funds or with the permission of the person who owns or controls the premises.
- (4) Federal census-taking and surveys taken pursuant to federal, state or local laws.
- (5) Any public utility, or its employees, which is subject to the regulation of the State Board of Public Utility Commissioners; provided, however, such employees shall display the identification badge or card issued by the employer.
- (6) Children enrolled in public and private elementary and secondary schools in the Borough of Waldwick, including children peddling or soliciting for schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts, and similar youth groups.
- (7) Any person engaged in the delivery or solicitation of subscriptions for a print media organization; provided, however, that said person shall adhere to the general regulations set forth in § 66-11 hereinbelow and in addition such persons shall display an identification badge (subject to the approval by the Clerk) provided by the print media and an information sheet shall be filed with the Police Department and Borough Clerk containing:
 - (a) The proposed location of solicitation;
 - (b) The make, model and license plate number of any vehicle being used during such solicitation;
 - (c) The name of the supervisor of the persons soliciting; and

(d) The names of all those soliciting within the Borough of Waldwick on behalf of said print media.

(8) Any individual campaigning for elected public office or support/opposition to a public question which is to be voted upon in the Borough of Waldwick during a primary, general, school board or special election, in a local, state or national election.

§ 66-4. License required.

Except as otherwise provided in § 66-3 above, it shall be unlawful for any person to solicit, sell or dispose of or to offer to sell or dispose of any goods, or to solicit orders for the performance of any service or to engage in commercial canvassing within the corporate limits of the Borough of Waldwick without first obtaining a license therefor in compliance with the provisions of this section. Such license shall not be transferable from the person to whom issued to any other person. A separate license shall be obtained by each solicitor, itinerant vendor, hawker, peddler or canvasser for every agent or employee working for him/her.

§ 66-5. Application for license.

- A. Every applicant for a license under this section shall be 18 years of age or older and shall follow the procedures set forth in Chapter 17, Licenses and Permits.
- B. Each applicant for a license shall secure through a private agency a criminal history background check, conducted not more than 30 days prior to the filing of the application. Such criminal history background check must be submitted (as part of the application) directly from the private agency to the Borough Clerk or Chief of Police. The criminal history background check shall be in sufficient detail and scope to reveal any criminal history recorded with the State Bureau of Identification or with the Federal Bureau of Investigation and to allow the Chief of Police to reach an informed decision as required by § 66-6 below.
- C. Every application shall be verified under oath, and shall contain the following:
 - (1) Full name and address of the applicant organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group;

- (2) The proposed location of solicitation;
- (3) The make, model and license plate number of any vehicle being used during such solicitation;
- (4) The name of the supervisor of the agents or employees soliciting;
- (5) The names of all agents or employees soliciting within the Borough of Waldwick on behalf of applicant;
- (6) Place of residence for each of the solicitor's agents/employees;
- (7) Each agent's/employee's sex, age, height, color of eyes and hair;
- (8) Whether the solicitor's agent/employee is a citizen of the United States;
- (9) Whether the solicitor's agent/employee has ever been convicted of a crime;
- (10) Whether a driver's license issued by any state to the solicitor's agent/employee had ever been suspended or revoked, and if so, for what reason; and
- (11) Each application for a solicitor's agent/employee shall be accompanied by one recent photograph of the applicant. The photograph shall be two inches by two inches.

§ 66-6. investigation and approval of application.

- A. The investigation required shall be limited to that sufficient for the Chief of Police or their designee to make a determination that:
 - (1) The issuance of a license is in accordance with the provisions of § 66-3 above and N.J.S.A. 45:17A-18 et seq.; and
 - (2) The applicant or its agents/employees have not been convicted of any criminal offense or a violation of a municipal ordinance relating adversely to the registrant's fitness to perform activities regulated by this section, including those involving violence or the threat of violence.
- B. For the purpose of this section, a plea of guilty, nolo contendere or any other similar disposition of alleged criminal activity shall be deemed a violation.

§ 66-7. License application fee; duration of license.

A license application fee of \$100 per person, per license, must be submitted at the time of application. The fee is nonrefundable whether the license is approved or denied.

- A. Duration of license. Other than licenses issued to mobile food vendors, all solicitation licenses shall expire at the end of 30 days following the date of issuance.
- B. Mobile food vendors. All solicitation licenses issued to mobile food vendors shall expire at midnight on December 31 of the calendar year in which the license was issued, or upon expiration, revocation, or suspension of the vendor's retail food establishment license.

§ 66-8. Time restrictions.

Solicitation shall take place within the Borough only during daylight hours but no earlier than 9:00 a.m. and no later than one hour after sunset or 9:00 p.m. (whichever is earlier) on Mondays through Saturdays. Solicitation shall be prohibited on Sundays.

- A. Exception: Mobile food vendors with a valid solicitation license and a valid retail food establishment license issued by the Board of Health may operate at any location on public or private property which mobile retail food vending equipment occupies or where the mobile retail food vendor conducts business in any manner for a total cumulative time period of no more than one hour in any twenty-four-hour period, commencing at 12:00 midnight. Any interruption or removal of equipment and/or of the vendor during any twenty-four-hour period shall not constitute the commencement of a new one-hour period.

§ 66-9. Carrying and displaying of license.

Each individual and/or member of any organization permitted to conduct solicitations shall carry the approved license at all times and will present same upon request. The license shall be prepared by the Borough Clerk and shall be uniform in style and design. The following information shall be printed on the license:

- A. Name of the organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group;
- B. Name of the agent/employee;

- C. Name and address of the organization on whose behalf the solicitation is made. The municipal and state address of the organization shall be the most conspicuous writing on the license and shall be at least twice as large as any other printed matter contained on the license;
- D. Expiration date of the license;
- E. A statement that the Borough of Waldwick has licensed the solicitation but neither approves nor disapproves of the organization and/or its activities; and
- F. The applicant shall provide the Clerk with a current two-inch by two-inch color photograph of each licensee for inclusion on the license.

§ 66-9.1. Display of badge.

- A. Every solicitor shall also receive a badge prepared by the Borough Clerk utilizing the information received from the solicitation application and license, as established in §§ 66-5 and 66-9 above. The badge shall be not smaller than two inches by 3 1/2 inches with letters and figures at least 1/4 inch high on contrasting background and displayed so that the information thereon is easily discernible from a distance of seven feet. The badge shall be displayed on the front outer layer of the solicitor's clothing.
- B. The following information shall be printed on the badge:
 - (1) Name of the solicitor.
 - (2) Picture of the solicitor.
 - (3) The name of the company, entity or group shall be printed on the badge.
- C. All badges upon expiration of the thirty-day period for which they are valid shall be returned to the Borough Clerk's Office.

§ 66-10. Code of conduct.

Every organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group issued a license under this section and their agents and employees thereof shall conduct himself/herself according to the following code of conduct:

- A. He/she shall not enter or remain upon any resident's property that is on the "do not solicit" list (See § 66-15 of this chapter) or upon which it is posted that solicitors are not permitted or notice of similar content.
- B. He/she shall carry the license/badge at all times and will present same upon request as described in § 66-9.
- C. He/she shall display his/her badge in a visible manner as described in § 66-9.1.
- D. He/she shall not enter or attempt to enter any dwelling unit without express invitation from the occupant therein.
- E. He/she shall immediately leave the resident's property or business property upon request by the resident or business owner or employee to do so.
- F. He/she shall not leave, on or about the resident's property, any circular, samples or other matter or material unless same is handed to an occupant of the property.
- G. He/she shall not indicate that the Borough endorses or sponsors any of the views expressed or the organization for which support of contribution is sought.
- H. He/she shall not make false claims, misrepresentations or materially incorrect statements concerning the solicitation, organizations represented or the use to be made of the amount solicited.
- I. He/she shall not engage in any course of alarming conduct or conduct himself/herself so as to reasonably alarm or annoy the occupant of the dwelling.
- J. He/she shall not engage in any conduct which is prohibited by any statute, regulation or ordinance in effect in the Borough of Waldwick.
- K. He/she shall present written receipts in accordance with § 66-12.
- L. He/she shall have a complete copy of this section in his/her possession at all times.
- M. He/she shall be wearing a reflective vest and carrying a functioning flashlight at dusk or later.
- N. He/she shall have in his/her possession at all times a copy of the "do not solicit" list (See § 66-15 of this chapter) that is no more

than 30 days old. A current copy of the updated "do not solicit" list shall be accessible on the Borough's official website.

§ 66-11. Prohibited practices.

It shall be unlawful for a person to:

- A. To solicit any person at his or her residence before 9:00 a.m. or one hour after sunset or 9:00 p.m., whichever is earlier.
- B. To solicit on Sundays or on holidays recognized by the Borough of Waldwick.
- C. Have exclusive right to any location on public property.
- D. Enter or attempt to enter the land of any resident where such resident has posted or placed a clearly visible sign indicating that such resident does not wish to be disturbed by peddlers or solicitors.
- E. Attempt to solicit any individual or residence listed on the "do not solicit" list, as described in § 66-15 below.
- F. Refuse to leave a private dwelling or property after having been requested to do so by the owner or occupant thereof.
- G. Distribute obscene merchandise or printed material, or printed material that advocates unlawful conduct.
- H. Litter the streets, public places or other property within the municipality by any merchandise or printed material.
- I. Station, place, set up or maintain a cart, wagon, motor vehicle or other vehicle, or allow it to remain on any sidewalk in a way that would:
 - (1) Restrict, obstruct, interfere with or impede any pedestrian's right-of-way;
 - (2) Restrict, obstruct, interfere with or impede the ingress or egress from the abutting property;
 - (3) Increase traffic congestion, cause or increase traffic delay or hazard;
 - (4) Cause or create or constitute a danger to life, health or property.

§ 66-12. Written receipts required.

Any person receiving money or any other thing for a value of \$1 or more from any contributor under a solicitation made pursuant to this section shall give to the contributor a written receipt signed by the solicitor showing the date and the amount received, provided that this subsection shall not apply to any contribution collected by means of a closed box or receptacle used in solicitation where the use thereof has been approved by the Borough in accordance with this section where it is impractical to determine the amount of each contribution. Copies of such receipts shall be kept and available for inspection upon the request of a police officer.

§ 66-13. Enforcement.

It shall be the duty of any police officer of the Borough of Waldwick or the Code Enforcement Officer to enforce the provisions of this section.

§ 66-14. Violations and penalties.

Any act committed while within the scope of the license issued by the Clerk pursuant to § 66-4 above resulting in the issuance of a municipal citation or criminal complaint shall constitute a violation of this section. Such a violation will carry the following penalties:

- A. First violation: \$500 fine.
- B. Second violation: \$1,500 fine.
- C. Third or subsequent violation: \$2,500 fine and possible suspension of license and/or denial of future license.