



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-21-20

AN ORDINANCE AMENDING CHAPTER 4-2 OF THE BOROUGH CODE
CONCERNING THE LICENSING OF PEDDLERS, HAWKERS AND
VENDORS

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents and businesses alike to amend the aforesaid Code provision with respect to the licensing of peddlers, hawkers and vendors.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

Chapter 4, Licensing-General, Section 4-2, Peddlers, Hawkers and Vendors, is hereby amended to read as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ***strikeovers in bold italics***.

§ 4-2 PEDDLERS, HAWKERS AND VENDORS. MOBILE VENDORS

§ 4-2.1 Definition.

As used in this section;

PEDDLER MOBILE VENDOR

Means any person, whether a resident of the Borough or not, traveling by foot, ***bicycle***, wagon, 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, meats, fish, vegetables, fruits, food, ice cream, fruit ices, soda water, garden farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers. "Hawkers," "lucksters" and "vendors" are included. selling goods and/or services that are listed as permitted in the Central Business District Zone.***

§ 4-2.2 License Required.

It shall be unlawful for any person to engage in the business of a ***peddler Mobile Vendor*** within the Borough limits without first obtaining a license.

§ 4-2.3 Fees.

The license fee for a ***peddler Mobile Vendor*** on foot shall be \$25.00 dollars per year. The license fee for a ***peddler Mobile Vendor*** with a vehicle shall be \$50.00 dollars per year. ***These fees are for the purpose of raising revenues.*** No portion of the fee shall be prorated for any part of the year.

§ 4-2.4 Use of Streets.

No ~~peddler~~ **Mobile Vendor** shall have any exclusive right to any location, nor shall be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

§ 4-2.5 Time Restrictions.

No person shall ~~sell, offer for sale hawk or peddle~~ **operate as a Mobile Vendor** in the borough ~~any of the items listed in subsection 4-2.1~~ before ~~9:00~~ **5:00** a.m. or after ~~sunset~~ **midnight**.

§ 4-2.6 Duty of Police To Enforce.

It shall be the duty of any Borough police officer to require any person seen ~~peddling~~ **operating as a Mobile Vendor**, and who is not known by such officer to be duly licensed, to produce ~~his peddler's~~ **a Mobile Vendor** license and to enforce the provisions of this section against any person found to be violating the same.

§ 4-2.7 Exceptions.

This section shall not be construed to include:

- a. The delivery of milk, eggs, bread, newspapers or such other necessary and perishable articles of food or merchandise of the type commonly delivered on a house to house basis at intervals of less than one week.
- b. Federal census takers and polls or surveys taken pursuant to Federal, State or local laws.

Any veteran or volunteer fireman who holds a special license issued pursuant to N.J.S.A. 45:24-9 shall be exempt from application for a license, but shall be required to comply with all other applicable sections of this chapter.

§ 4-2.8 Inspection of Equipment.

The equipment used or employed by ~~peddlers~~ **a Mobile Vendor** of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and be subject to the inspection of the board of health or its authorized agents. Any violation found and not immediately corrected shall be grounds for revocation of the license.

§ 4-2.9 Number of Food and Non-Food Mobile Vendor Licenses to Be Issued.

The number of licenses to be issued at any time in the Borough of Highlands for ~~vending carts for the sale of food or goods~~ **Mobile Vendors** shall be limited to not more than ~~ten (10)~~ **fifteen (15)** licenses. The licenses shall be issued on January 1 of each year for applications which have been submitted not later than the preceding December 1. In the event the number of applications exceeds the number of licenses, licenses shall be awarded first to licensees who held a valid vendor's license during the preceding calendar year and remaining available licenses shall be selected on a lottery basis by the borough administrator.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN			X			
MAZZOLA			X			
MELNYK			X			
OLSZEWSKI		X	X			
BROULLON	X		X			

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: May 19, 2021

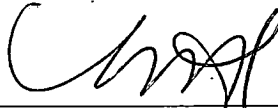


Michelle Hutchinson Acting Municipal Clerk
Borough of Highlands

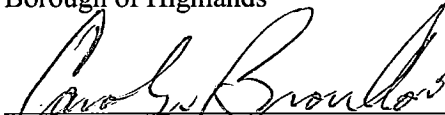
	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN						X
MAZZOLA			X			
MELNYK		X	X			
OLSZEWSKI			X			
BROULLON	X		X			

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: June 2, 2021



Michelle Hutchinson Acting Municipal Clerk
Borough of Highlands



Carolyn Brouillon, Mayor