

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

ORDINANCE NO. 2019-14

AN ORDINANCE TO REPEALING CHAPTER 104 (PEDDLERS AND SOLICITORS), ESTABLISHING A NEW CHAPTER 104 (PEDDLERS AND SOLICITORS), AND AMENDING CHAPTER A175-1 (SCHEDULE OF FEES) OF THE CODE OF THE TOWNSHIP OF VERONA

BE IT ORDAINED by the Township Council of the Township of Verona, in the County of Essex, New Jersey, as follows:

SECTION 1. The language currently contained in Chapter 104 (Peddlers and Solicitors), of the Code of the Township of Verona, is hereby deleted in its entirety.

SECTION 2. There is hereby established a new Chapter 104 (Peddlers and Solicitors) of the Code of the Township of Verona, to read as follows:

§104. PEDDLERS AND SOLICITORS.

§104-1. Definitions.

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

Applicant – shall mean 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 – shall mean 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.

Agent and/or Employee – shall mean any individual receiving compensation, in any form whatsoever, from an entity for engaging in solicitation within the Township.

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 – shall mean 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; not shall not include wholesalers calling on retail merchants.

License – shall mean a license of commercial solicitation issued by the Township pursuant to the provisions of this article.

Nonprofit Organization – shall mean (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 the 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 Township, included but not limited to schools, school clubs and organizations, Scouts and similar youth group; (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 Township's municipal government structure, including, but not limited to, the Police Department and any volunteer fire, first aid or rescue organization that is located in, has substantial membership from or serves the Township; or (6) and Federal, State or County government agency.

Peddler or Hawker - shall mean 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 - shall mean not only an individual, but also any organization firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

Solicitor - shall mean 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.

Solicitation or Solicit - shall mean to go in or upon the streets, roads and semi-private and private property in the Township 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 is not advertised for sale of 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.

§104-2. Exemptions.

- A. This ordinance 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 §104-1 of this Code, 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 agents and employees, which is subject to the regulation of the State Board of Public Utility; provided, however, such agents or employees shall display the identification badge or card issued by the utility.
 - 6. Children enrolled in public and private elementary and secondary schools in the Township, including children peddling or soliciting for schools, school clubs and organizations, 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 §104-10 and in addition such persons shall display an identification badge (subject to the approval of the Township Clerk)

provided by the print media organization and an information sheet shall be filed with the Police Department and the Township 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 Township on behalf of said print media organization.

8. Any individual campaigning for elected public office or support/opposition to a public question which is to be voted upon in the Township during a primary, general, school board, municipal or special election, in a local, State or National election.

§104-3. License Required.

Except as otherwise provided in §104-2, 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 geographical limits of the Township without first obtaining a license therefor in compliance with the provisions of this Chapter. Such license shall not be transferable from 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.

§104-4. Application for License.

- A. Every applicant for license under this section shall be 18 years of age or older and shall follow the procedures.
- B. Any person desiring a license required by this Chapter shall file with the Township Clerk an application each license. The following information and must be under oath:
 1. Name of applicant.
 2. Permanent home address.
 3. Name and address of firm represented, the names and addresses of the person from which goods making up the stock were or are to be purchased.
 4. Three (3) business/personal references – not including the current employer.
 5. The home addresses of the applicant for the preceding three (3) calendar years.
 6. The length of time for which the license is desired.
 7. A description of the wares to be offered for sale.
 8. The number of arrests or convictions for misdemeanors or crimes and the nature of the offenses for which arrested or convicted.
 9. 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.
 10. To the application must be appended a letter from the firm for which the purports to work, authorizing the applicant to act as its representative. Such applicant shall also submit a recent photograph of the applicant. The photograph shall be submitted in digital format at a standard required by the Township Clerk.

§104-5. 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 §104-4 and *N.J.S.A. 45:17A-18 et seq.*; and
 2. The applicant or its agents or 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.

§104-6. License Application Fee, Duration of License.

- A. License fees for licenses authorized to be issued by this Chapter shall be as provided for in Chapter A175-1 (Schedule of Fees).
- B. License fees must be submitted at the time of application. The fee is nonrefundable whether the license is approved or denied.

§104-7. Duration of License.

- A. Duration of License. All Solicitation Licenses shall be valid for ninety (90) calendar days from the date of issuance.
- B. Ice Cream Truck Vendors. All licenses issued to ice cream truck vendors shall be valid for six months from the date of issuance.

§104-8. Carrying and Displaying of License.

- A. Each Solicitor 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 Township Clerk and shall be uniform in style and design. The following information shall be printed on the license:
 - 1. Name of organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group; and
 - 2. Name of Solicitor; and
 - 3. Name of the organization on whose behalf the solicitation is made; and
 - 4. Expiration date of the license; and
 - 5. A statement that the Township has licensed the solicitation but neither approves nor disapproves of the organization and/or its activities.

§104-9. Code of Conduct.

- A. 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:
 - 1. He/she shall not enter or remain upon any resident's property that is on the "Do Not Knock Registry" established pursuant to this Chapter or upon which it is posted that Solicitors are not permitted or notice of similar content.
 - 2. He/she shall carry the license at all times and will present same upon request.
 - 3. He/she shall display his/her license in a visible manner.
 - 4. He/she shall not enter or attempt to enter any dwelling unit without the expressed invitation from the occupant therein.
 - 5. He/she shall immediately leave the resident's property or business property upon request by the occupant or business owner or employee to do so.
 - 6. 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.
 - 7. He/she shall not indicate that the Township endorses or sponsors any of the views expressed or the organization for which support of contribution is sought.
 - 8. 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.
 - 9. 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.
 - 10. He/she shall not engage in any conduct which is prohibited by any statute, regulation or ordinance in effect in the Township.
 - 11. He/she shall present written receipts.
 - 12. He/she shall have a complete copy of this section in his/her possession at all times.

13. He/she shall be wearing a reflective vest and carrying a functioning flashlight at dusk or later.
14. He/she shall have in his/her possession at all times a copy of the Township's "Do Not Knock" Registry that is no more than thirty (30) days old.

§104-10. Prohibited Practices.

- A. It shall be unlawful for a person to:
1. To solicit any person at his or her residence before 9:00 a.m. and one (1) hour after sunset or 9:00 p.m., whichever is earlier.
 2. To solicit on Sundays or on recognized holidays by the Federal Government and the State of New Jersey.
 3. Have exclusive rights to any location on public property.
 4. 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.
 5. Attempt to solicit any individual or residence listed on the Township's "Do Not Knock" registry.
 6. Refuse to leave a private dwelling or property after having been requested to do so by the owner or occupant thereof.
 7. Distribute obscene merchandise or printed material, or printed material that advocated unlawful conduct.
 8. Litter the streets, public places or other property within the Township by any merchandise or printed material.
 9. Station, place or set up or maintain a cart, wagon, motor vehicle or other vehicle or allow it to remain on any sidewalk that would:
 - a. Restrict, obstruct, interfere with or impede any pedestrian's right of way;
 - b. Restrict, obstruct, interfere with or impede the ingress or egress from the abutting property;
 - c. Increase traffic congestion, cause or increase traffic delay or hazard;
 - d. Cause, create, or constitute a danger to health, safety, or welfare.

§104-11. Written Receipts Required.

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

§104-12-20. Reserved.

§104-21. "DO NOT KNOCK" Registry.

All definitions in §104-1 shall apply to this Section.

§104-22. Registration of Property.

Any person or entity who owns or rents property within the geographical borders of the Township may register such property to be included on the "Do Not Knock" registry by registering through the Township Clerk's office.

§104-23. Maintenance of List.

Maintenance of the "Do Not Knock" registry shall be as follows:

- A. The "Do Not Knock" registry shall be maintained by the Township Clerk. The list shall be available through the official Township website.
- B. The "Do Not Knock" registry shall consist solely of property addresses and shall include no further identifying information concerning the ownership of each property.

- C. The Tax Assessor shall notify the Township Clerk of any change in ownership of property within the Township. The Township Clerk shall remove from the "Do Not Knock" registry any property which has changed ownership.
- D. Other than by sale of property, a property, once listed, may only be removed from the registry by submitting a written, sworn and notarized request to the Township Clerk.

§104-24. Duties of the Township Clerk's Office.

The Township Clerk shall:

- A. Post a current copy of the "Do Not Knock" registry on the official Township website.
- B. Provide a dated copy of the "Do Not Knock" registry to every applicant to whom a license is issued pursuant to this Chapter.
- C. Provide a copy of the "Do Not Knock" registry to any organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group notifying the Township Clerk's office who engage in commercial soliciting or canvassing within the geographical borders of the Township. The failure of the Township Clerk to provide the "Do Not Knock" registry to such person or the failure of such person to have received a copy of the "Do Not Knock" registry from the Municipal Clerk shall not provide a defense to the requirement of having in his/her possession a copy of the updated "Do Not Knock" registry.

§104-25. Solicitation Prohibited.

It is prohibited for any person to conduct any commercial solicitation at any property listed on the "Do Not Knock" registry.

§104-26. Exclusion to Prohibition.

The prohibition of this Section shall not apply to the visiting of the property where the owner or occupant of such property has directly or implicitly indicated to the solicitor or canvasser, through prior interaction, that his/her visit would be welcomed. The burden of persuasion shall be on the person claiming this exemption.

§104-27-30. Reserved.

§104-31. Enforcement.

It shall be the duty of any Police Officer of the Township, the Code Enforcement Officer, the Zoning Officer or any other employee/officer designated by the Township Manager to enforce the provision of this Chapter.

§104-32. Violations and Penalties.

- A. Any act committed while within the scope of the license issued by the Township Clerk pursuant to this Chapter, resulting in the issuance of a municipal summons or criminal complaint shall constitute a violation of this section. Such violation will carry the following penalties:
 1. 1st violation - \$1,500 fine and possible suspension of license and/or denial of future license.
 2. 2nd violation - \$2,000 fine.
 3. 3rd or subsequent violation - \$2,500 fine.

SECTION 3. The language currently contained in Chapter A175-1 (Schedule of Fees) of the Code of the Township of Verona is hereby amended in part to read as follows:

§A175-1. Schedule of Fees

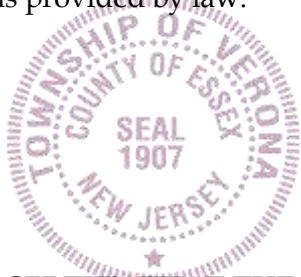
Ch. 104, Peddlers and Solicitors

License Fee	\$50.00
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SECTION 4. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.



ATTEST:

Jennifer Kiernan
JENNIFER KIERNAN
MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE VERONA-CEDAR GROVE TIMES, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF APRIL 11, 2019 AND APRIL 25, 2019.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

INTRODUCTION: April 8, 2019
PUBLIC HEARING: April 22, 2019
EFFECTIVE DATE: May 10, 2019