

**BOROUGH OF PENNINGTON
ORDINANCE 2018-1**

**AN ORDINANCE PERTAINING TO PEDDLING AND SOLICITING AND AMENDING
CHAPTER 147 OF THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Pennington Borough Council seeks to revise and supersede the present provisions of Chapter 147 of the Code of the Borough of Pennington, governing peddling and soliciting, with a view toward simplifying and improving regulation to better protect the safety and privacy of residents;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 147 of the Borough Code is hereby deleted in its entirety and replaced by the following:

1. **Purpose.** The purpose of this chapter is to protect the persons, property, privacy and wellbeing of Borough residents. The regulations contained in this chapter are intended to accomplish this purpose by ensuring that before entering upon the properties of residents or approaching them in their homes all peddlers, solicitors and canvassers, whether commercial or non-profit, have a permit to do so. The regulations seek to promote the privacy of residents by enabling them to register their residence on a “do-not-solicit” list maintained by the Borough. Commercial vendors are also required to obtain a permit to approach residents in the streets or other public places of the Borough or to work from a stationary location in a public place.

2. **Definitions.** As used in this chapter, the following terms have the meanings indicated.

A. “Peddling” means the selling or attempted selling of goods or services by a commercial vendor when done from a stationary location on a street or other public place or by traveling from house to house, place to place or street to street. A “Peddler” is an individual engaged in peddling.

B. “Soliciting” means the taking or attempted taking of orders by a commercial vendor for the sale of goods or services to be delivered or performed at a future time when done from a stationary location on a street or other public place or by traveling from house to house, place to place or street to street. A “Solicitor” is an individual engaged in soliciting.

C. “Canvassing” means communicating or attempting to communicate with residents to promote, distribute information about, seek support or solicit money for any religious, charitable, educational, civic, fraternal, political or other not-for-profit organization or cause, when done by traveling from house to house. A “Canvasser” is one engaged in house-to-house canvassing.

D. “Commercial Vendor” means any person providing goods or services whose normal business involves the sale, rental, lease or provision of those goods or services.

3. **Permit Required.**

A. It shall be unlawful for any individual to engage in peddling or soliciting in the Borough of Pennington without first obtaining a permit for that purpose as further provided in this chapter. The permit shall be common for both peddlers and solicitors and be known as a “Solicitor’s Permit.” The only exceptions to this requirement shall be individuals possessing a peddler or similar license pursuant to New Jersey statute, N.J.S.A. 45:24-1, et seq..

B. It shall be unlawful for any individual to engage in canvassing house-to-house in the Borough without first obtaining a permit for that purpose as further provided in this chapter. The permit shall be common for all canvassers and be known as a “Canvasser’s Permit.”

4. **Application Procedure for Solicitor’s Permit.** An individual seeking a solicitor’s permit under this chapter shall file an application with the Borough Clerk on the applicable form supplied by the Borough Clerk or found on the Borough website. The application shall contain (a) the applicant’s name and current address, (b) contact information, (c) any previous name or alias, (d) age, weight, eye color and hair color, (e) date of birth, (f) driver’s license number and state of licensure, (g) vehicle registration and state of registration, if applicable, (h) purpose of requested permit, including nature of business and goods and services to be sold, rented, leased or otherwise provided, (i) name, address and contact information for applicant’s employer, if applicable, (j) name, address and contact information for at least two character references, (k) disclosure whether applicant has ever been convicted of any crime, misdemeanor or disorderly persons offense, with description of the nature, location and date of same, if applicable, (l) social security number and (m) a signed statement under oath swearing to or affirming the truth of the supplied information. The completed application form shall be submitted together with a two-inch square photograph of the applicant, a letter or other written statement from any individual, firm or organization represented by the applicant certifying that the applicant is authorized to act as its representative, and the appropriate permit fee as set forth in Article VI of Chapter 98 of the Code.

5. **Investigation.** The original application for solicitor’s permit and related documents shall be referred to the Pennington Borough Police Department for investigation. The application shall be approved or disapproved by the Director of Public Safety of the Borough or his designee within fourteen (14) days, except the application may be disapproved only if the Director or his designee makes one or

more of the following findings with respect to the applicant: (a) conviction of a crime of moral turpitude; (b) prior violation of an ordinance or law pertaining to peddlers, solicitors or canvassers; (c) previous fraudulent acts or conduct; (d) record of breaches of solicited contracts; or (e) concrete evidence of bad character.

6. **Application Procedure for Canvasser's Permit.** An individual seeking a canvasser's permit under this chapter shall file an application with the Borough Clerk on the applicable form supplied by the Borough Clerk or found on the Borough website. The application shall contain (a) the applicant's name and current address, (b) contact information, (c) purpose of the canvass and a description of any goods or services to be sold or given away as part of the canvass, (d) name, address and contact information for applicant's employer, if applicable, and (e) a signed statement under oath swearing to or affirming the truth of the supplied information. The completed application form shall be submitted together with a two-inch square photograph of the applicant and a letter or other written statement from any individual, firm or organization represented by the applicant certifying that the applicant is authorized to act as its representative. There shall be no fee for a Canvasser's Permit and no investigation required for approval of a Canvasser's Permit.

7. **Display of Approved Permit Upon Request.** Any person to whom a permit has been issued shall carry the same at all times while acting as or carrying on the business of a peddler, solicitor or canvasser and shall display the same upon request.

8. **Expiration of Permits.** All permits issued pursuant to this chapter shall expire on December 31 next succeeding the date of issuance.

9. **Revocation of Permit.** Any permit issued pursuant to this chapter may be revoked by the Director of Public Safety or his designee for conviction of a crime of moral turpitude, falsification of statements made in the application process, violation of any of the terms of this chapter, misrepresentations or fraudulent conduct while engaged in activities authorized by the permit, and other unlawful activity bearing on the safety or privacy of residents.

10. **Appeals of Denial or Revocation of Permit.** An applicant or holder of a permit may appeal the denial or revocation of a permit to Borough Council, which shall hold an informal hearing to resolve the appeal no later than its next regular meeting.

11. **Do Not Solicit List.**

A. All residents of the Borough may register their name and address with the Borough Clerk together with a request to be placed on one of two "Do-Not-Solicit" lists to be maintained by the Borough. One list shall register residents who do not wish to be approached at their residence or within the perimeter of their property by any Peddler, Solicitor or Canvasser without exception. The second list shall register residents who do not wish to be approached at their residence or within the perimeter of their property by any Peddler or Solicitor only.

B. It shall be unlawful for the holder of a permit to approach or seek personal contact with the occupant of any residence either at the residence or within the perimeter of the property if the residence is registered on a Do-Not-Solicit list applicable to that permittee.

C. Residents shall remain on the Do-Not-Solicit list until they request to be removed or move from the registered address.

D. The Borough Clerk shall maintain copies of the two "Do-Not-Solicit" lists and provide them to all individuals who obtain a Solicitor's or Canvasser's permit.

E. The Borough Clerk shall also maintain copies of the lists on the Borough website.

F. The Borough Clerk shall forward copies of the lists and list updates to the Director of Public Safety for enforcement purposes.

12. **Enforcement.** Enforcement of this chapter, with respect to both soliciting or canvassing without a permit and soliciting or canvassing at residences on a Do-Not-Solicit list shall be the responsibility of the Pennington Police Department.

13. **Violations and Penalties.** Any individual violating any of the provisions of this chapter shall, upon conviction, be subject to a fine:

- a. First violation - \$50.00
- b. Second violation - \$100.00
- c. Third violation - \$100.00 and prohibition from all future peddling, soliciting and canvassing.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be severable, such that if any provision is deemed invalid the remaining provisions shall remain fully effective.

AND BE IT FURTHER ORDAINED that Chapter 98 of the Code, at Article VI, Section 98.30, Miscellaneous Fees, is hereby amended as set forth below.

- 1. Sub-Section 98-30. B is amended as follows:

“Solicitor’s Permit as required by Chapter 147 of this Code: \$100.

AND BE IT FURTHER ORDAINED that this Ordinance shall be effective upon passage and publication as provided by law.

Introduced:	<u>May 7, 2018</u>
Advertised:	<u>May 11, 2018</u>
Public Hearing:	<u>June 4, 2018</u>
Adopted:	<u>June 4, 2018</u>
Published:	<u>June 8, 2018</u>

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor