

**BOROUGH OF PENNINGTON  
ORDINANCE 2018-11**

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

**WHEREAS**, Pennington Borough Council seeks to revise the present provisions of Chapter 147 of the Code of the Borough of Pennington, governing peddling and soliciting, to substitute for the permitting process the requirement that all peddlers, solicitors and canvassers be registered with the Borough, eliminate background investigations from the registration process, limit the hours of solicitation door to door, insert penalties for the employers of non-compliant registrants and generally augment penalties for non-compliance, and to make various related edits in the language of the ordinance

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that Chapter 147 of the Borough Code is hereby amended as follows:

**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 been registered with the Borough. In addition, 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 register with the Borough in order 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.

E. “Employer” as used in this chapter shall include all individuals and entities using representatives to engage in peddling, soliciting or canvassing on their behalf, regardless of whether or how the representatives are compensated or the nature of the employment or contractual relationship. All affiliated companies, organizations and enterprises shall constitute a single employer. An “Employee” as used in this chapter shall include all such authorized representatives of an individual or entity.

**3. Registration Required.**

It shall be unlawful for any individual to engage in peddling, ~~or~~ soliciting or canvassing in the Borough of Pennington without first registering for that purpose as further provided in this chapter. 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.

**4. Registration Procedure.**

A. An individual seeking to register as a peddler, solicitor or canvasser 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) the purpose of the intended Peddling, Soliciting or Canvassing and a description of any goods or services to be sold or given away as part of the solicitation or canvass, (d) the name, address and contact information of the 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 to the Borough Clerk together with state-issued photo identification, which will be copied and immediately returned to the applicant, and in the case of peddlers, solicitors and canvassers working on behalf of an Employer, a signed consent on a form supplied by the Borough by which the Employer consents to be served by mail with any summons or complaint relating to the conduct of the registrant in violation of this ordinance. Peddlers and Solicitors shall also submit to the Borough Clerk the appropriate registration fee as set forth in Article VI of Chapter 98 of the Code. There shall be no fee for registration of Canvassers.

B. Upon the applicant's submission of a complete registration application, the required identification, the Employer's consent to be served by mail, if applicable, and any applicable fee, the Borough Clerk shall return to the applicant a copy of the application, which the applicant must retain as proof of registration, as well as a copy of the Employer's consent to service. The Clerk shall retain on file the original application, the original consent to service, and a copy of the applicant's state-issued identification.

#### **5. Display of Registration Application and Personal Identification Upon Request.**

Any person registered as a peddler, solicitor or canvasser shall carry a copy of the completed registration application together with state-issued personal identification at all times while acting as or carrying on the business of a peddler, solicitor or canvasser and shall display the same upon request.

#### **6. Expiration of Registration Permits.**

Registration pursuant to this chapter shall expire on December 31 next succeeding the date of registration.

#### **7. Permitted Hours of Peddling, Solicitation and Canvassing.**

No activity permitted in accordance with this chapter shall occur ~~(a)~~ before 9:00 A.M. or after 9:00 P.M.

#### **8. 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. All residents who have registered on a Do-Not-Solicit list may obtain from the Borough Clerk at no charge a sticker for display on their property warning that the property is on a No-Solicit list. Display of a sticker is not required for enforcement of the no-solicit ban.

C. It shall be unlawful for a Peddler, Solicitor or Canvasser 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 an applicable Do-Not-Solicit list.

D. All peddlers, solicitors and canvassers shall be required to obtain the most current applicable Do-Not-Solicit list from the Borough Clerk.

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

F. The Borough Clerk shall maintain ~~copies of~~ the two "Do-Not-Solicit" lists and provide copies ~~them~~ to all individuals who register as a Peddler, Solicitor or Canvasser. The Clerk shall thereafter provide these individuals with updated copies of the lists upon request. .

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

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

#### **9. Enforcement.**

Enforcement of this chapter shall be the responsibility of the Pennington Police Department.

#### **10. Violations and Penalties.**

A. Any individual violating any of the provisions of this chapter shall, upon conviction, be subject to a fine as follows:

- a. First violation - \$100
- b. Second violation - \$500
- c. Third violation - \$1000 and prohibition from all future peddling, soliciting and canvassing for a period of three (3) years.

Each act constituting Peddling, Soliciting or Canvassing when performed without first registering with the Borough as required by this chapter, or after or before the hours permitted by this chapter, shall be considered a separate offense. Each instance in which a Peddler, Solicitor or Canvasser enters upon the property of a residence on an applicable Do-Not-Solicit list shall also be considered a separate offense.

B. Any person who submits false information as part of the registration process shall be subject to a fine of up to \$1,000.00.

C. Employers of individuals who violate or are charged with violating this chapter shall be charged with a violation as well if the violations of one or more of the Employees occurred or is alleged to have occurred over an aggregate of three or more days within a period of three years. The name of the Employer on whose behalf individuals are accused or convicted of peddling, soliciting or canvassing in violation of this chapter, when applicable, shall be stated in the summons or complaint and in the record of conviction of the violating individual or individuals, respectively. The Employer shall be sent by mail a copy of the summons and complaint and record of conviction of each affected individual.

D. If one or more Employees of an Employer are convicted of committing violations of this chapter over an aggregate of three or more calendar days within a three-year period, that Employer, after notice and opportunity to be heard, shall be prohibited from future peddling, soliciting and canvassing in the Borough for three years. The notice to the Employer shall be by summons or complaint sent by mail in accordance with the signed consent supplied as part of the registration process. For the purpose of this ordinance, being “convicted” of a violation of this ordinance shall include failing to appear in response to summons or complaint. “Employer” and “Employees” shall be defined as set forth above.

**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:

Registration fee for Peddler or Solicitor 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: \_\_\_\_\_  
Advertised: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Published: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

\_\_\_\_\_  
Anthony Persichilli, Mayor