

ORDINANCE NO. 2260

**AN ORDINANCE AMENDING ARTICLE IV, SECTION 4-10, PEDDLERS,
CANVASSERS AND TRANSIENT MERCHANTS, OF THE CODE OF THE
BOROUGH OF ROSELLE PARK FOR
RULES AND REGULATIONS**

WHEREAS, the Borough of Roselle Park was named as a Defendant in the Federal District unit entitled, New Jersey Environmental Federation (NJEF) v. Borough of Roselle Park, Civil Action No. 08-3687; and

WHEREAS, the parties (i.e., Plaintiff and Defendant) has settled this matter on mutually agreeable terms and conditions; and

WHEREAS, as part and parcel of the settlement, the Borough of Roselle Park agreed to amend Article IV, Section 4-10 as follows:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park that Article IV, Section 4-10 is amended as follows:

SECTION 1:

4-10 Solicitors and Canvassers.

a. *Permit Required.* No person, except as otherwise provided in this subsection, shall engage in commercial sales or solicitation of any kind, including solicitation for contractual agreements or donations, from house to house in the Borough without having received a permit and without having first deposited a letter from the individual partnership or corporation for which he or she purports to work, authorizing the applicant to act as a representative.

b. *Application for Permit.* Prior to the issuance of the permit required herein, the applicant shall present his request in writing to the Chief of Police or other officer in charge of Police Headquarters giving the following information:

1. Name;
2. Specific address for the past three (3) years;
3. Date and place of birth and citizenship;
4. Marital status;

5. Arrest or conviction at any time of any crime or disorderly conduct, or of any municipal ordinance or regulation;
6. Name and addresses of employers for the past three (3) years and respective dates of employment;
7. Identification and location of the sponsor of the project for which this permit is sought.

c. Investigation; Issuance of Permit; Fee. The Chief of Police or Officer in charge of the Police Headquarters shall receive and file the application together with two (2) current photographs of the applicant to be one inch by one inch (1" x 1") in size, to be furnished by the applicant. The application shall be investigated by the Chief of Police, or such other officer delegated by him, or the Officer in charge of the headquarters. If the investigation indicates that the applicant has truthfully submitted the information and has never been convicted of a criminal offense, (and is not subject to any outstanding criminal warrants or indictments) relating to fraud, deception, theft or assault, and that he is selling or soliciting for a project free from fraud, a permit shall be issued, under the signature of the Chief of Police or the Officer in charge of Police Headquarters. The permit shall expire one (1) year from the date of the application and the fee shall be the sum of twenty-five (\$25.00) dollars per annum. No permit shall be issued until the fees are paid.

d. Exhibiting Permit. Each permit shall display its expiration date, and copy of the permittee's photograph shall be attached to the permit. The permittee shall carry said permit and shall exhibit the permit to any officer or resident of the Borough of Roselle Park upon request. To the extent possible, the permittee shall advise the Police Department weekly of the specific location and/or locations he or she intends to canvas. The person giving this information shall do so by providing to the Police Department his or her name, permit number, name of organization, if any, and specific location and/or locations he or she or others shall canvas. Every permit shall be returned to the Officer in charge at Police Headquarters at the end of each day of canvassing and shall be redelivered on such day that such permit is to be used by the person so soliciting or canvassing. The Police Department shall require a five (\$5.00) dollar deposit upon issuance of the badge, which deposit shall be returned at the time the badge is turned in at the conclusion of the canvassing period. Any person who shall fail to abide by the provisions of this section and shall fail to forthwith deposit the permit after concluding his canvassing and soliciting for the day and who shall fail to give a justifiable excuse, in addition to other penalties herein provided, will forfeit his right to solicit or canvass in the Borough for a period of one (1) year thereafter.

e. Hours of Operation; Conduct. After issuance of the permit, canvassing and soliciting may be carried out during the effective period of the permit between the hours of 9:00 a.m. and 5:00 p.m., except Sundays. The permittee shall be courteous to all persons in canvassing and shall not importune or annoy any of the inhabitants of the Borough and shall conduct himself in a lawful manner.

f. Exceptions.

1. This subsection shall not apply to employees of any public utility which is subject to the regulation of the Board of Public Utilities of the State of New Jersey; provided, however, that such employee shall display the identification badge or card issued by his employer and provided he shall not canvass or solicit between 8:00 p.m. and 8:00 a.m.

2. Nonprofit Organizations.

(a) This subsection shall not apply to members or representatives of any church, or social, civic, political, fraternal, or philanthropic nonprofit organization which may engage in its activities between the hours of 9:00 a.m. to 9:00 p.m.

g. Limitations

1. The Borough may establish a non-solicitation list of all residents and property owners who have notified the Borough that they do not authorize any person or entity to solicit or canvas at their residence or property. Such list shall be limited to the addresses where solicitation or canvassing is not authorized and shall be made available by the Borough Clerk to anyone seeking to solicit or canvass in the Borough. The Tax Assessor, shall, upon being advised of a transfer of ownership of a residential premises, notify the Borough Clerk of said conveyance whereupon the Borough Clerk shall remove the premises so transferred from the non-solicitation list.

2. A Borough resident or property owner may post a no-soliciting sign on its property.

h. Violations and Penalties. Any person violating this subsection shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

(1980 Code §§ 162-10–162-16; New Jersey)

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: January 15, 2009

Adopted:

Mayor

Attest: _____
Borough Clerk