

Ord. #13-2016

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING TOWNSHIP CODE CHAPTER 294. "PEDDLING AND SOLICITING", ARTICLE I. "GENERAL PROVISIONS" TO ADD A CODE OF CONDUCT SECTION AND METHODS FOR RESIDENT COMPLAINTS

WHEREAS, the Township Code contains procedures and requirements regarding peddling and soliciting within the Township; and

WHEREAS, solicitors and peddlers are expected to abide by all laws of the State of New Jersey and the Code of the Township of Mount Olive; and

WHEREAS, the Township Council has received several complaints from Township residents regarding aggressive and intimidating tactics utilized by certain solicitors and/or peddlers; and

WHEREAS, currently the Township Code does not contain any process by which a resident of the Township can complain about a particular solicitor or peddler and have that solicitor or peddler penalized for his or her actions; and

WHEREAS, the Township Council believes it is in the best interest to amend Chapter 294 to include a code of conduct and methods for residents to complain about the actions of solicitors or peddlers.

BE IT ORDAINED by the Township Council of the Township of Mount Olive, in the County of Morris, State of New Jersey that Chapter 294. "PEDDLING AND SOLICITING", ARTICLE I. "GENERAL PROVISIONS" is amended as follows:

SECTION 1.

Code of Conduct.

Every individual issued a license under this article shall conduct himself or herself according to the following code of conduct:

- A. He or she shall not enter or remain upon any resident's property upon which is posted that solicitors are not permitted, or notice of similar content. He or she shall not create any sound in a manner calculated to attract the attention of any occupant of the residence on which such notice is posted.
- B. He or she shall not enter or remain upon any resident's property without the express permission and invitation of the homeowner.
- C. He or she shall not use intimidation, threats, or pressure to gain access to any resident's property.
- D. He or she shall display his or her badge and/or license in a visible manner as set forth in §294-6 above.
- E. He or she shall immediately leave the resident's property upon request by the resident to do so.
- F. He or she shall not leave on or about the resident's property, any circular, samples or other matter or material unless same is handed directly to an occupant of the property.
- G. He or she shall not indicate or represent that the Township endorses or sponsors any of the views expressed or the organization for which support or contribution is sought.
- H. He or she shall not make any false claims, misrepresentations or materially incorrect statements concerning the solicitation, organizations represented or the use to be made of the amount solicited.
- I. He or she shall not engage in any course of alarming conduct or conduct himself or herself in a manner so as to reasonably alarm or annoy the occupant of the dwelling.
- J. He or she shall not engage in any conduct which is prohibited by any statute, regulation or ordinance in effect in the Township of Mount Olive.
- K. He or she shall have a complete copy of this Chapter of the Township Code in his or her possession at all times.
- L. He or she shall be wearing a reflective vest and carrying a functioning flashlight if engaging in his or her activities at dusk or later.
- M. Upon expiration of the license, the licensee shall surrender same together with any badge or identification card issued by the Township, to the Township Clerk forthwith.
- N. Prohibited Practices of Licensee:
 - 1. He or she shall not enter a roadway for the purpose of approaching occupants of motor vehicles using the roadway or approach such occupants; have any exclusive right to any location; operate or conduct any of his or her business from a fixed location; or be permitted to operate in any congested area where his or her operations might impede or inconvenience the public.
 - (a) For purposes of this subsection, the judgment of a police officer, exercised in good faith, shall be deemed presumptive as to whether the area is congested or the public impeded or inconvenienced by the actions of the licensee.
 - (b) As used herein, a licensee shall be deemed to be operating from a fixed location if he or she has been in the same location, or within 200 feet in

- any direction of the location, or remains on the same lot for more than 30 consecutive minutes.
2. He or she shall not solicit any goods or services, including but not limited to food, ice cream and soft drinks, within 1,000 feet of any commercial establishment or machine selling vending or dispensing the same or substantially similar goods or services.
 3. He or she shall not solicit any goods or services, including but not limited to food, ice cream and soft drinks, in any municipal park or other place of recreation or cultural activity or upon any public street or right-of-way adjacent to such municipal park or place of recreational or cultural activity.

SECTION 2. Section 294-10 shall be amended to add new subsections as follows:

C. Resident Complaints.

Any resident experiencing a solicitor or peddler who has violated the Code of Conduct may make a complaint against said solicitor or peddler to the Township Clerk, the Township Police Department or any member of the Township Council.

1. Residents should obtain the individual's name, the license number, and the name of the organization for which he or she is soliciting.
2. Complaints may be verbal or written.
3. Complaints should be as detailed as possible with regard to the activities causing the resident to complain.
4. If the complaint is made to anyone other than the Clerk, the Township Clerk shall be notified immediately of the complaint.
5. The Township Clerk shall follow up with the licensee and advise of the complaint.
6. The Township Clerk shall keep track of all complaints for each and every licensee.
7. If a licensee receives more than one resident complaint within the time period for which the license was issued, he or she shall have the license suspended for one business day.
8. More than two (2) resident complaints within the time period for which the license was issued will result in revocation in accordance with the procedures noted in subsection B above. Any appeals from revocation of a license are to be conducted in accordance with §294-11.

The remaining sections of this Chapter remain unchanged.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced:

Adopted:

Effective Date:

TOWNSHIP OF MOUNT OLIVE

Joe Nicastro, Mount Olive Council President

ATTEST:

Michelle Masser, Township Clerk