

ORDINANCE No. 12 –2018

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 217
PEDDLING AND SOLICITING BY ESTABLISHING A NEW ARTICLE DOOR TO
DOOR SOLICITATION AND ESTABLISHING A “DO NOT KNOCK LIST”

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

Bold and italicized language is added
[Bracketed language is deleted.]

SECTION 1 – Chapter 217 - Article I – Peddlers; Article II – Canvassers and Solicitors; and Article III – Distributors, are hereby deleted and replaced with a new Article I Door to Door Solicitation and Article II Do Not Knock List.

§217-I. Definitions.

***Commercial Canvasser or Commercial Solicitor.** A person who, traveling by foot or motor vehicle goes from place to place from house to house or from street to street and who takes or attempts to take orders for the sale of goods, wares, merchandise, books, magazines, or other tangible personal property of any nature whatsoever for current or future delivery or for services to be furnished or performed in the future whether or not such individual has, carries or exposes for sale a sample of these subject of such sale or whether or not he is collecting advance payments on such sales or services.*

***Distributor.** Each individual who personally hands out or goes from place to place or house to house to hand out any circulars, posters, pamphlets, samples of merchandise or any other matter, without the previous request of the recipient of such matter.*

***Peddler.** A person, commonly and variously referred to as a “peddler” or “hawker” who goes from place to place by traveling on foot or by car on the streets or sidewalks or from house to house carries with him goods, wares or merchandise for the purpose of selling and delivering them to customers.*

***Sunset.** The time designated as “sunset” by the national weather service for northern New Jersey.*

***§217-II. Permit Required.** No person shall engage in the activity of distributor, peddler, commercial canvasser or commercial solicitor in the Township without having first obtained a permit as herein provided.*

***§217-III. Application Information.** An application for a permit shall be made to the Township Clerk on the forms to be supplied by the Clerk stating:*

A. Name, birthdate, social security number and driver’s license of the applicant.

- B. Permanent home address.*
- C. Name and address of firm represented.*
- D. Length of time for which permit is desired.*
- E. Description of any services for the goods or wares to be offered for sale or the project for which he or she is canvassing or soliciting.*
- F. License plate of vehicle to be used.*

§217-IV. There shall be a fee of \$50.00 per person for each permit. Registration and the payment of this fee shall be required on an annual basis and all registrations shall expire at the end of the calendar year.

§217-V. Background Check. Each applicant shall supply to the Clerk a letter from his or her employer indicating that they have successfully passed a background check and a statement from the employer that they will assume responsibility for the action of their employee.

§217-VI. Attachment of Photo to Permit. A copy of the permittees photograph shall be carried on his permit which permit and photograph shall upon request be shown to any member of the public or the police department.

§217-VII. Conduct of Permittee. No permittee shall (1) perform any activity other than described in the application; (2) delay his departure for any unreasonable length of time after the owner, tenant, resident or other person has signified his lack of intention to enter any conversation; (3) annoy or harass any owner, tenant, resident or other persons by the use of indecent, offensive or insulting remarks, actions or gestures or approach any building or property except on the walks or paths leading to the front door of such buildings or property without crossing any lawns, shrubbery, flowers or private grounds; (4) no activity shall commence before 10:00 a.m. and shall end no later than one hour after sunset from October 1st through March 31st and at sunset the remainder of the year.

§217-VIII. Exemptions from Permit.

A. This article shall not affect any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of a person ordering or entitled to receive the same.

B. This article shall apply only to commercial canvassers, solicitors and peddlers, non-commercial religious and/or political canvassers or solicitors protected by the First Amendment to the United State Constitution are not required to obtain a permit, provided that the non-commercial, religious and/or political canvassing or soliciting does not encompass generally accepted definition of commercial activity.

C. The time restrictions set forth in §217-VII shall apply only to commercial canvassers and solicitors, distributors and peddlers. The non-commercial, religious and/or political canvassers and solicitors protected by the First Amendment to the United States Constitution shall be permitted to perform those activities from 9:00 a.m. to 9:00 p.m. on weekends and weekdays.

§217-IX. Revocation of Suspension of Permit. *Permits issued under this article may be revoked by the Township after notice and hearing for any of the following causes:*

- A. Fraud, misrepresentation or false statements in the application for the license.*
- B. Fraud, misrepresentation or false statements made in the course of carrying on the permitted activity in the Township.*
- C. Any violation of this article.*
- D. Conviction of any crime involving any ordinance concerning canvassing or soliciting.*
- E. Conducting the permitted activity in the Township in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.*

§217-X. Violations and Penalties. *Any person, firm, corporation or representative thereof who violates any provision of this article shall upon conviction be punished by a fine not exceeding \$500.00 or by imprisonment. Separate offense shall be deemed committed on each day during or on which a violation occurs or continues.*

Article II. Do Not Knock List.

§217-XI. Inclusion of Property Owner List. *Any person who owns or rents property within the Township may register for their property to be included in the “do not knock” list by registering with the Township Clerk’s Office. A “do not knock” decal will be issued to place on person’s front door.*

§217-XII. Maintenance of Lists. *Maintenance of the “do not knock” list shall be as follows:*

- A. The “do not knock” list shall be maintained by the Township Clerk. The list shall be available through the official Township website.*
- B. The “do not knock” list shall consist solely of the property addresses and shall include no further identifying information concerning the ownership of each property.*
- C. Other than by sale of property, a property once listed may only be removed from the list by submitting a written request to the Township Clerk.*

§217-XIII. Duties of Township Clerk. *The Township Clerk shall provide a copy of the “do not knock list” to any person notifying the Township Clerk’s office pursuant to this article of his or her intention to engage in solicitation, distribution or peddling within the Township. The failure of the Township Clerk to provide the “do not knock” to such person or the failure of such person to have received a copy of the “do not knock” list from the Clerk shall not*

provide a defense for the requirements of having in his or her possession a copy of the updated "do not knock" list.

§217-XIV. Solicitation and List of Properties Prohibited. *It is unlawful to solicit or sell or services in any property listed on the "do not knock" list.*

§217-XV. Suspension of Door to Door Solicitation Privileges. *A person found by the Township Clerk to have engaged in door to door solicitation on a property listed on the "do not knock" list shall after notice and opportunity be heard have his or her right to solicit and the right of any person for which he or she employed while soliciting within the Township shall be suspended for a period of 30 days for the first offense, 60 days for the second and indefinitely after the third. The individual shall have the right to appeal the suspension to the Township Manager which shall hear the appeal at its next regularly scheduled meeting. The suspension shall be in addition to any other penalties for violation of this article which may be imposed by the Municipal Court.*

SECTION 2. *Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.*

SECTION 3. *This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.*

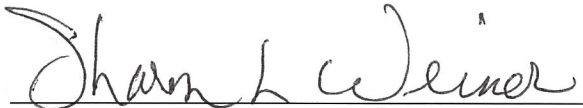


EDWARD MEINHARDT, Mayor



GLENN R. TURTLETAUB, Township Clerk

Approved as to form:



SHARON L. WEINER, Township Attorney

Introduced: 8/21/18

Adopted: 9/4/18