

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2526-19
AN ORDINANCE OF THE TOWNSHIP OF MILLBURN, COUNTY OF ESSEX, STATE OF NEW JERSEY,
AMENDING THE GENERAL LICENSING ORDINANCE OF THE TOWNSHIP OF MILLBURN
CONCERNING CANVASSERS AND SOLICITORS**

STATEMENT OF PURPOSE: *The purpose of this Ordinance is to enact a comprehensive revision of the Township's door-to-door canvassing and solicitation regulations and to bring them into conformance with controlling constitutional case law.*

WHEREAS, the Township Committee has determined that the ordinance provisions in the Revised General Ordinances of the Township of Millburn which regulate door-to-door canvassing and soliciting require substantial revision so as to implement legitimate control of such activities while observing the requirements of constitutional protection for such persons engaged in these activities pursuant to the First Amendment of the U.S. Constitution; and

WHEREAS, the Township Committee has determined that it is lawful and appropriate to provide for the protection of its residents' privacy concerns through the adoption of provisions to make available a "no knock" list supplemented by premises signage; and

WHEREAS, the Township Committee intends to adopt hereby a comprehensive revision of the current Ordinance governing Canvassers and Solicitors.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Millburn in the County of Essex and State of New Jersey, as follows:

Section 1. Chapter IV entitled "General Licensing" is hereby amended at Section 4-8 "Canvassers, Solicitors, Transient Merchants and Peddlers" and more particularly Part I thereof entitled "Canvassers and Solicitors" which is hereby amended in its entirety to read as follows:

PART I. CANVASSERS AND SOLICITORS

4-8.1 Definition.

As used in this section:

Canvassers and solicitors shall mean any individual, organization, group, association, partnership, corporation or any combination of them who, in person or by representation by one (1) or a group of volunteer or professional workers, without invitation calls or applies at homes, dwellings, residences or business establishments in the Township with the intent or for the purpose, actual or implied, of soliciting from an occupant or the owner of any such home, dwelling, residence or business establishment, the payment, contribution or donation of, or undertaking to pay money, the purchase, sale acceptance or donation of any goods or orders for the same, or subscriptions to, or endorsement of any publication, undertaking, project, cause, or candidacy, 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 the subject of such sale, or whether or not he is collecting advance payment on such sales or services; provided, that the term "canvasser" or "solicitor" shall not be deemed to include any duly accredited

representative of any municipal or governmental authority or agency thereof, nor any person who, by or under any ordinance of the Township or law of the State, or of the United States, is licensed or otherwise authorized to engage in any of the activities hereinbefore enumerated, nor any person engaged in delivering to any home, dwelling or residence in the Township, goods, wares or merchandise previously ordered or requested by an occupant or the owner of the premises or in exchange for any such goods, wares or merchandise, nor any person engaged in making, receiving or lawfully endeavoring to obtain payment for goods, wares, merchandise or other property or services sold or rendered to or by any such occupant or owner.

(1967 Code § 8-1-1; Ord. No. 6-18-73 § 1)

4-8.2 Permit Required; Term of Permits.

No person shall engage in the business or occupation of canvasser or solicitor without first having obtained a permit therefor. The permit shall be issued for a period of one year from the date of issuance.

(1967 Code § 8-1-2; Ord. No. 6-18-73 § 2; New)

4-8.3 Commercial Permit Application and Fee.

Every person applying for a commercial permit under this section shall file with the Township Clerk a sworn application in writing, on a form to be furnished by the Township. The form shall contain the following information:

- a. Name of the applicant. If applicant will be canvassing or soliciting on behalf of an organization, then the application shall also contain the name and address of the organization;
- b. Address of the applicant to which all notices and communications are to be addressed;
- c. A copy of a form of photo identification, such as drivers license, passport or other similar identification;
- d. Payment of an application fee of twenty-five dollars (\$25.00) per applicant for the use of the Township to defray the cost of processing and issuing the permit.

(1967 Code § 8-1-3, § 8-1-6; Ord. No. 6-18-73 §§ 3, 6; Ord. No. 3-84 §§ 1, 4; New)

4-8.4 Disposition of Applications for Permits Generally.

The Township Clerk shall issue a commercial permit within twenty (20) days after receipt of a complete commercial permit application and fee per subsection 4-8.3 hereof. Upon issuance of the permit, the Township Clerk shall provide the permittee with a copy of the nonsolicitation list per subsection 4-8.6.

(1967 Code § 8-1-5; Ord. No. 6-18-73 § 5; New)

4-8.5 Regulations Governing Canvassing and Soliciting.

- a. No commercial canvassing or soliciting shall be done except between the hours of 9:00 a.m. and 9:00 p.m., Monday through Sunday.
- b. Upon going onto any premises in the Township, canvassers and solicitors shall first examine any notice, as described below, which may be attached to said property and shall be governed by the statement contained on any such notice by immediately and peacefully departing from the premises.
- c. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of the occupant of such a residence for the purpose of securing an audience with the occupant thereof and engaging in canvassing or soliciting, as herein defined, in defiance of any notice as defined below.
- d. Every person desiring to secure the protection provided by this subsection 4-8.5 shall notify the Township of his or her desire to be placed on the nonsolicitation list maintained by the Township Clerk, and may also exhibit at the front edge of the property or upon or near the main entrance door to his or her residence a notice indicating the words "no solicitors" or "no soliciting." The letters shall be at least one inch in height, and the notice shall be at least three inches by six inches in size.
- e. The permittee shall carry and exhibit his/her permit at all times while canvassing or soliciting.
- f. The permit shall be signed and sealed by the Township Clerk, or designee and shall show:
 1. Name and address of the permittee, with a copy of the photo identification produced by the applicant, pursuant to Section 4-8.3 (c);
 2. Date of issuance of the permit and date the permit shall expire;
 3. Kind of goods to be sold or services to be furnished or performed;
 4. Amount of fee paid.

(1967 Code § 8-1-6; Ord. No. 3-84 § 4)

4-8.6 Nonsolicitation List

- a. The Township Clerk shall collect, prepare and maintain a list of addresses of those premises where the owner and/or occupant has notified the Township that he or she does not wish for any solicitor or canvasser to enter upon his or her property for solicitation or canvassing purposes.
 1. To be included on this nonsolicitation list, residents must complete a form which will be made available by the Township, and must submit the completed form to the Township Clerk.
 2. This list shall be available to the general public.
 3. No canvasser or solicitor shall enter upon any private property that is included upon the nonsolicitation list.

4. In the event that a new owner/occupant of a property identified on the nonsolicitation list desires to have that address removed from the list, the Township Clerk shall remove the same upon receipt of a written request from the new owner/occupant.

4-8.7 Unauthorized Canvassing or Soliciting.

No person shall canvass or solicit:

- a. Under any permit issued to him/her as a canvasser or solicitor for any other person, organization, society, association or corporation for whom or for which he/she is not, at the time of such canvassing or soliciting, a duly authorized canvasser or solicitor; or
- b. Under any permit issued to him/her as the result of any material misrepresentation; or
- c. Under a permit not issued to him/her.

(1967 Code § 8-1-7; Ord. No. 6-18-73 § 7)

4-8.8 Nonprofit Canvassing or Soliciting.

The requirements of this section shall not apply to any canvassing or solicitation conducted by any political candidate or a religious, charitable, civic, political, veteran or fraternal organization or association, service club, volunteer fire or first aid company provided that the requirements of subsection 4-8.6 shall apply.

(1967 Code § 8-1-3.2; 7-16.63, § 1; Ord. 3-84, § 3)

4-8.9 Violations and Penalties

If any of the requirements of this Part are not complied with:

- a) the Township may initiate prosecution for a violation pursuant to Chapter I, Section 1-5 "General Penalty", as applicable; and/or
- b) the Township shall have the right to commence litigation in a court of competent jurisdiction; and/or
- c) such other actions may be initiated as permitted by law.

Section 2. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. This Ordinance shall take effect after final passage and publication as required by law.

Introduced: 3/5/2019