

**TOWNSHIP OF LONG HILL
ORDINANCE #441-19**

**AN ORDINANCE CONCERNING COMMERCIAL CANVASSERS, SOLICITORS AND
PEDDLERS AND AMENDING SECTION 4-3 OF THE TOWNSHIP CODE**

WHEREAS, the Township must amend its solicitor ordinance to bring it into compliance with several recent court decisions;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter IV of the Township Code entitled “General Licensing” is hereby supplemented and amended as follows:

Section 1. Section 4-3 of the Township Code entitled “Canvassers, Solicitors, and Peddlers” is hereby amended to read as follows:

4-3 CANVASSERS, SOLICITORS, AND PEDDLERS.

4-3.1 Commercial Canvassers, Solicitors and Peddlers.

a. *Permit Required.* No person, firm or corporation shall canvass, solicit, distribute circulars or other matter or call from house to house in the Township of Long Hill to sell, promote the sale of or attempt to sell goods by sample or to take or attempt to take orders for the future delivery of goods, merchandise, wares or any property, personal or real, of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed presently or in the future without first having obtained a written permit therefor from the Police Department of the Township of Long Hill. In the case of a firm or corporation, a permit shall be required for each individual who is to conduct such activities.

b. *Exemptions.*

1. Any person engaging in religious proselytizing, anonymous political speech or the distribution of political or religious handbills or circulars or any person, firm or corporation canvassing or soliciting on behalf of a bona fide religious, charitable or political organization shall be subject to the permitted hours of operation set forth in paragraph c. of subsection 4-3.3 below, ~~but shall be exempt from all other provisions of this section. Such persons or groups, however, must give twenty-four (24) hours’ notice to the Police Department advising the department of the dates, times and neighborhoods in which they will be canvassing or soliciting.~~

As used in this section, the following terms shall have the meanings indicated:

Bona fide religious, charitable, educational or political organization shall mean any

organization that is qualified under State or Federal law as a tax exempt, nonprofit organization or any organization or group that espouses or advocates a position or belief on any subject of public interest or on behalf of any candidate for public office.

Canvass shall mean to call upon persons to elicit or determine opinions, feelings, sentiments or information of any nature.

Solicit shall mean to call upon persons to seek donations or contributions to such bona fide religious, charitable, educational or political organizations.

2. Candidates for Political Office Exempt. Any candidate for public office or person campaigning on behalf of such a candidate, where such candidate is seeking election to an office to be voted upon by the residents of the Township of Long Hill who are duly registered to vote in elections in accordance with the laws of the State of New Jersey, shall be exempt from the requirements of this section.

3. Any person, firm or corporation delivering goods or performing services which have previously been ordered by the person owning, leasing or occupying the property where such delivery is made, or service performed shall be exempt from the requirements of this section.

4. Any person, firm or corporation calling upon or soliciting from commercial establishments located in the Township of Long Hill shall be exempt from the requirements of this section.

5. Any minor employed by a newspaper as a carrier, who has been issued a minor's carrier permit pursuant to N.J.S.A. 34:2-21.15 and who has been previously registered with the Police Department by the employing newspaper, shall be exempt from the requirements of this section.

6. Any person engaging in any activity found by the Federal or State courts to be exempt from the requirements of obtaining a permit under this section.

c. *Application.*

1. The application form for a permit under this section shall require the following information:

- (a) Name of the applicant.
- (b) Permanent home address.
- (c) Temporary address.
- (d) Name and address and telephone number of the employer or firm represented.
- (e) Place or places of residence of the applicant for the preceding three (3) years.
- (f) Date on which soliciting or canvassing is to commence and end.
- (g) Nature of goods or merchandise to be sold or offered for sale or the nature of the services to be furnished.
- (h) Whether the applicant has been convicted of a crime, disorderly persons offense or violation of any ordinance relating to canvassing or soliciting and, if so, when,

where, and the nature of the offense.

(i) The names of other municipalities in New Jersey where the applicant has been issued a permit to solicit in the past two (2) years.

(j) Whether any motor vehicle will be used in connection with the canvassing or soliciting and, if so, the make, year, color, type and license plate number.

(k) Physical description of the applicant.

2. The application shall be accompanied by a letter or other written statement from the individual, firm or corporation employing the applicant certifying that the applicant is authorized to act as the representative of the individual, firm or corporation.

~~3. All applicants under this section shall be fingerprinted and photographed by the Long Hill Township Police Department.~~

d. *Permit Fee; Term.* Each applicant for a permit shall pay the fee of twenty (\$20.00) dollars for an annual permit. In the case of a firm or corporation, a permit shall be required for each individual who is to conduct such activities. The permit shall expire on December 31 of each year, and no permit fee shall be prorated for part of a year.
(Ord. No. 147-04 § 1)

4-3.2 Administration; Regulations.

a. Administration.

1. Any person, firm or corporation seeking a permit to canvass or solicit shall file an application with the Long Hill Township Police Department on a form supplied by the Department. The application shall include the names and addresses of all persons who will be soliciting or canvassing on behalf of the applicant along with a certification by the applicant that it has conducted a background check on all of those persons and none of them has been convicted of any of the following crimes and offenses:

a. A crime or offense bearing upon or involving a sexual offense or child molestation or endangering the welfare of children or incompetents.

b. A crime or offense within the last twenty (20) years involving the manufacture, transportation, sale, possession or habitual use of a "controlled dangerous substance" as defined in the New Jersey Controlled Dangerous Substance Act, N.J.S.A. 2C:35-1, et seq.

c. A crime or offense involving the use of force or the threat of force to or upon a person or property including armed robbery, assault, kidnapping, arson, manslaughter and murder.

d. A crime or offense involving theft and related offenses or forgery and fraudulent practices under Chapters 26 or 27 of the Title 2C of the New Jersey Statutes.

2. The Long Hill Township Police Department shall accept applications for processing only between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. No applications shall be processed on weekends or holidays.

b. *Issuance of Permits.* ~~The Long Hill Township Police Chief or his designee shall ordinarily act on all applications within forty eight (48) hours after submission of a complete application. Saturdays, Sundays and holidays shall be excluded from such computation. If the Police Chief or his designee feels that the application should be denied, then the application shall be submitted to the Township Committee in accordance with the provisions of paragraph f. below.~~ The Long Hill Township Police department shall issue a Permit within 48 hours of a complete application that satisfies all of the requirements set forth in paragraph “a” above.

c. *Permitted Hours of Peddling, Soliciting and Canvassing.* Peddling, soliciting and canvassing shall be allowed only between the hours of 9:00 a.m. and 9:00 p.m.

d. *Display of Permit.* Each permittee shall be issued a permit which shall be prominently displayed upon the person of the permittee whenever such permittee is engaged in canvassing or soliciting.

e. *Permit Not Transferable.* No permit shall be transferable. In the case of a firm or corporation, each person representing such firm or corporation shall be issued a separate permit.

~~f. *Action by Chief of Police Regarding Revocation, Denial or Suspension of Permit.*~~

~~1.—In any case where, in the opinion of the Chief of Police or his designee, a permit should be revoked or should not be issued, the Chief shall immediately forward such matter to the Township Committee for its consideration. Such transmittal shall include the application together with supporting data and information and the reasons which form the basis of his recommendation for revocation or denial. The Township Committee may deny or revoke a permit where it finds the applicant or permittee has failed to comply with any of the provisions of this section or has been convicted of a crime, disorderly person's offense or ordinance violation which relates adversely to the activity for which the permit has or would be issued.~~

~~2.—In cases where a permit is subject to revocation for any reason provided for in this section, the Chief of Police may temporarily suspend such permit, pending consideration of the matter by the Township Committee.~~

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, June 12, 2019, amended at the public hearing on July 17, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, August 14, 2019 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Deborah Brooks, RMC, CMR, Clerk

First Reading and Introduction: June 12th, 2019

1st Publication: June 20, 2019

Second Reading and Adoption: August 14, 2019

2nd Publication: August 22, 2019