

ORDINANCE 2019-12

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING CHAPTER IV, TITLED “GENERAL
LICENSING” TO ADD A NEW CHAPTER IVA, TITLED “DO NOT KNOCK/DO NOT
DROP OFF REGISTRY” AND AMENDING SECTION 4-1 TITLED “LICENSING OF
PEDDLERS, SOLICITORS AND CANVASSERS”, SUBSECTION 4-1.20 TITLED
“EXEMPT PERSONS” TO BE CONSISTENT WITH THE DO NOT KNOCK/DO NOT
DROP OFF REGISTRY**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that Chapter IV is amended to add a new Chapter IVA, titled “Do Not Knock/Do Not Drop Off Registry” as follows:

Section 1. Chapter IV, titled “General Licensing”, of the Revised General Ordinances is amended to add a new Chapter IVA, titled “Do Not Knock/Do Not Drop Off Registry” as follows:

4A-1 DO NOT KNOCK/DO NOT DROP OFF REGISTRY.

4A-1.1 Definitions

As used in this section:

Canvasser shall mean any person, other than a peddler and solicitor, traveling by foot or vehicle of any kind, who distributes printed matter or any other thing from house to house or who calls in person upon the occupants of houses seeking contributions or anything of value.

Peddler shall mean any person, other than a solicitor or canvasser, traveling by foot or vehicle of any kind, who conveys or transports goods, articles or property of any kind or description for the purpose of offering for sale, selling and delivering the same to customers or offering to render immediate services of any kind or description. The term peddler shall include the words “hawker” and “huckster”, but excludes any person under contract with a school or the Township.

Person shall include the singular and the plural and shall mean any individual, firm, partnership, corporation, association, club, society or other organization.

Solicitor shall mean any person, traveling by foot or vehicle of any kind, who sells or offers to sell goods, articles or property of any kind or description by sample or otherwise for future delivery, or who offers to render services at some time in the future, with or without accepting payment or partial payment for the same.

Township shall mean the Township of Chatham in the County of Morris, New Jersey.

4A-1.2 Preparation of Do Not Knock/Do Not Drop Off Registry

The Township Clerk shall prepare and maintain a list of those residents who notify the Clerk by completing a form that no peddling, soliciting and canvassing, nor the placement of literature, leaflets, pamphlets, advertisements, circulars, samples, door hangers or other written material (other than those requested by the resident) is permitted at their premises. Upon the adoption of Chapter IVA of the Revised General Ordinances of the Township of Chatham, the Clerk shall publicize its adoption and shall prepare the required form which shall be available on

the Township's website or at the Clerk's Office during normal business hours, Mondays through Fridays from 8:30 A.M. to 4:30 P.M., except legal holidays.

4A-1.3 Submission of the Registry to Chief of Police

The Clerk shall submit the Do Not Knock/Do Not Drop Off Registry to the Chief of Police as the Registry is updated and the Registry shall be distributed to applicants seeking a license to peddle, solicit or canvass pursuant to the provisions of Chapter IV of the Revised General Ordinances of the Township.

4A-1.4 Effect of Registry

- a. Do Not Knock - peddlers, solicitors, and canvassers shall not peddle, solicit or canvass on the premises of those residents on the Do Not Knock/Do Not Drop Off Registry.
- b. Do Not Drop Off - peddlers, solicitors, and canvassers shall not place literature, leaflets, pamphlets, advertisements, circulars, samples, door hangers or other written material (other than those requested by the resident) on the premises of those residents on the Do Not Knock/Do Not Drop Off Registry.

4A-1.5 Updating the Registry

- a. The Clerk shall update the Registry as registrations are received by the Clerk to add properties or delete properties. However, once a premises is registered with the Clerk, the property may only be removed from the Registry by the property owner submitting a written request to the Clerk or as a result of a sale of the property.
- b. The Registry shall consist solely of the premises addresses and shall include no further identifying information concerning the ownership of each property.

4A-1.6 Notice for Display

- a. Those who have requested to be listed on the Township's Registry may procure from the Clerk's office a notice for display on the premises on the Registry stating that the premises is on the Township's Do Not Knock/Do Not Drop Off Registry. The notice for display shall be substantially as follows:

These premises are listed on the Township of Chatham Do Not Knock/Do Not Drop Off Registry. You may not enter these premises to peddle, solicit or canvass on behalf of any person or organization. Those engaged in the delivery of goods to premises of persons previously ordering or entitled to receive such goods, charitable, educational, non-profit organizations, political, religious organizations are exempt and may be permitted.

- b. The first notice for display for a particular premises shall be provided free of charge and shall be picked-up in person from the Clerk's Office during regular business hours. If a replacement notice is required, there shall be a fee of \$5.00, which shall be payable to the Clerk's Office.
- c. The failure of an owner or occupant of premises listed on the Registry to have a Notice displayed on the premises shall not serve as a defense because it is the sole responsibility of the canvasser, peddler or solicitor to obtain the current Registry from the Clerk prior to canvassing, peddling or soliciting.

4A-1.7 Exempt Persons

The following persons are expressly exempted from the provisions of Chapter IVA:

- a. Any person who, as part of a regular course of business, is engaged in the delivery of goods to the premises of persons previously ordering or entitled to receive such goods.
- b. Any person who, as a member of any public, civic, charitable, educational or non-profit organization, is engaged in any fund-raising or other activity of such organization.
- c. Any officer, employee, agent or representative of any public, charitable, educational or non-profit organization.
- d. Any honorably discharged veteran who holds a license issued by the Clerk of Morris County pursuant to N.J.S.A. 45:24-9.
- e. Any exempt member of a volunteer fire department holding an exemption certificate as provided in N.J.S.A. 45:24-9.
- f. Any member, officer, employee, agent or representative of a religious or political organization, including candidates, engaged in any door-to-door canvassing on behalf of or for such organization or candidate.

4A-1.8 Enforcement

The Police Department shall enforce this Ordinance. However, this does not preclude an owner or occupant of premises listed on the Registry from filing an appropriate Summons with the Municipal Court Administrator nor does it preclude an owner or occupant of premises listed on the Registry from filing any other appropriate legal action.

4A-1.9 Penalties

- a. Any person violating any of the provisions of this Chapter IVA shall be liable upon conviction to the penalty stated in Chapter I, Section 1-5.
- b. Any peddler, solicitor or canvasser violating any of the provisions of this Chapter IVA is subject to revocation of that license pursuant to the revocation procedures set forth in Chapter IV.

Section 2. Chapter IV, titled “General Licensing”, Section 4-1 titled “Licensing of Peddlers, Solicitors and Canvassers, Subsection 4-1.20 titled “Exempt Persons” is amended to be consistent with the exemptions to Section 4A-1.7, titled “Exempt Persons” as follows:

- a. Any person who, as part of a regular course of business, is engaged in the delivery of goods to the premises of persons previously ordering or entitled to receive such goods.
- b. Any person who, as a member of any public, civic, charitable, educational or non-profit organization, is engaged in any fund-raising or other activity of such organization.
- c. Any officer, employee, agent or representative of any public, charitable, educational or non-profit organization.
- d. Any honorably discharged veteran who holds a license issued by the Clerk of Morris County pursuant to N.J.S.A. 45:24-9.
- e. Any exempt member of a volunteer fire department holding an exemption certificate as provided in N.J.S.A. 45:24-9.

- f. Any member, officer, employee, agent or representative of a religious or political organization, who is engaged in any door-to-door canvassing on behalf of or for such organization.

Section 3. If any article, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 4. This Ordinance shall take effect upon final adoption and publication according to law.

Introduced: June 13, 2019

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adopted: June 27, 2019

Attest:

BY: _____
Tayfun Selen, Mayor

Gregory J. LaConte, Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of an ordinance adopted by the Township Committee of the Township of Chatham at a regular meeting held on June 27, 2019.

Date Issued: _____

Township Clerk