

CITY COUNCIL

The City of Orange Township, New Jersey

DATE _____

NUMBER 13-2020

**TITLE: AN ORDINANCE TO ESTABLISH ARTICLE V OF CHAPTER 152
PEDDLING AND SOLICITING OF THE CITY OF ORANGE TOWNSHIP
NEW JERSEY, 2020 (Presented by City Councilmember Adrienne Wooten)**

WHEREAS, the City of Orange Township recognizes each individual's first amendment right of free speech and that elements of solicitation, panhandling, begging and peddling are protected speech in a free society, and

WHEREAS, the City of Orange Township also recognizes that solicitation, panhandling, begging and peddling involve conduct and secondary effects which can be detrimental to the public health, safety, and welfare, and

WHEREAS, the City of Orange Township recognizes and embraces the significant governmental interests in vehicular safety and the free flow of pedestrian and vehicular traffic, and

WHEREAS, solicitation and peddling in streets, sidewalks and parking lots and garages are inherently dangerous activities which compromise both vehicular and pedestrian safety and create dangers such as driver distraction, the solicitor or peddler causing an accident or being the victim of an accident, and

WHEREAS, the time necessary to complete a transaction involving solicitation or peddling to the occupant of a vehicle may cause the driver of a motor vehicle to delay proceeding in accordance with traffic signals or cause a solicitor or peddler in or at the edge of a vehicular right of way while traffic is stopped temporarily to remain there as a danger to himself and a distraction to drivers after traffic resumes movement, and

WHEREAS, the occupants of a motor vehicle are unable to see all the actions of persons close to the vehicle, and if the vehicle driver perceives a solicitor or peddler to be a potential threat he or she can rapidly accelerate or turn the vehicle risking injury to the solicitor or others, and

WHEREAS, the City finds that an increase in the aggressive solicitation or peddling throughout the City has become extremely disturbing and disruptive to residents and visitors and had contributed to the loss of access to the enjoyment of public places and enhances a sense of fear, intimidation, and disorder; and

WHEREAS, aggressive solicitation or peddling includes approaching or following pedestrians, the use of abusive language, uninvited physical contact, intentional or negligent blocking of pedestrian or vehicular traffic similar actions; and

WHEREAS, the presence of persons who peddle or solicit for money from persons as or near banks or automated teller machines or check cashing businesses creates anxiety to persons having, or may perceive to have cash with them at those locations and poses a risk or confrontation and a danger to all concerned; and

WHEREAS, the presence of persons who solicit or peddle to persons in places or circumstances where it is difficult or impossible for the person approached to exercise his or her own right to decline simply by leaving to avoid the solicitor or peddler, is especially threatening to the persons approached, and dangerous; and

WHEREAS, the City of Orange Township is interested in improving living and working conditions in the City for all residents, business owners, and visitors, and

WHEREAS, the objective is to enforce quality of life violations throughout the City in order to reduce crime and disorderly conduct.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, NEW JERSEY, THAT:

Chapter 150, entitled **“Peace and Good Order of the City of Orange Township, New Jersey”** is hereby amended and supplemented as follows:

PROHIBITION AGAINST CERTAIN FORMS OF AGGRESSIVE SOLICITATION.

a. *Definitions.* As used in this section:

Aggressive manner shall mean:

1. Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to (i) fear bodily harm to oneself or to another, damage to or loss of property, or the commission of any offense as defined in the Code of Criminal Justice 2C:33-2 and 4 upon oneself or another, or (ii) otherwise be intimidated into giving money or anything of value, or (iii) suffer unreasonable inconvenience, annoyance or alarm;
2. Intentionally touching or causing physical contact with another person, or an occupied vehicle without that person's consent in the course of soliciting, asking or begging;
3. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including but not limited to unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact; or
4. Using violent or threatening gestures toward a person solicited.

Automated teller machine shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

Automated teller machine facility shall mean the area comprised of one (1) or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

Bank shall mean any banking corporation as defined in State Statutes.

Check cashing business shall mean any person duly licensed by the Superintendent of Banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of Article 9-A of the banking law.

Public place shall mean a place to which the public or a substantial group of persons has access and includes, but is not limited to, any street, sidewalk, highway, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any hallway, lobby and other portion of an apartment house or hotel not constituting a room or apartment designed for actual residence.

Solicit, ask or beg shall include using the spoken, written or printed word, or bodily gestures, signs or other means with the purpose of obtaining money or anything of value or soliciting the sale of goods or services.

b. Prohibited Acts.

1. No person shall solicit, ask or beg in an aggressive manner in any public place.

2. No person shall solicit, ask or beg within ten (10) feet of any entrance or exit of any bank or check cashing business during its business hours or within ten (10) feet of any automated teller machine during the time available for customers' use. Provided, however, that when an automated teller machine is located within or around an automated teller facility, such distance shall be measured from the entrance or exit of the automated teller machine facility. Provided further that no person shall solicit, ask or beg within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or person using such facility. Nothing in this paragraph shall be construed to prohibit the lawful vending of goods and services within such areas.

3. No person shall approach an operator or other occupant of a motor vehicle while such vehicle is located on any street or other public area for the purpose of either performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services, if such approaching, performing, offering or soliciting is done in an aggressive manner as defined in paragraph 1. of subdivision a. of this section. Provided, however, that this paragraph shall not apply to services rendered in connection with the lawful towing of such vehicle or in connection with emergency repairs requested by the operator or other occupant of such vehicle.

Violations and penalties

Any person who violates any of the provisions of this Article shall upon conviction thereof, be subject to a fine not exceeding five hundred dollars(\$500) or imprisonment for a period not exceeding ninety (90) days or both. Each day that such sale shall continue either after notification of violation or without being duty licensed, shall be considered separate violations at five hundred dollars (500) per day.

Purpose

To protect citizens from fear and intimidation accompanying certain kinds of solicitation that have become unwelcome and overwhelming presence in the City of Orange Township.

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

Approved:

Dwayne D. Warren, Esq.
Mayor

Dated: _____

ORDINANCE NO 13-2020

REGULAR MEETING –MARCH 24, 2020

INTRODUCTION-FIRST READING

MOTION TO POSTPONE: Williams

SECOND: Wooten

YEAS: Coley, Jackson, Summers-Johnson, Williams, Wooten & Council Pres. Eason

NAYS: None

ABSTENTIONS: None

ABSENCES: Johnson, Jr.

REGULAR MEETING –APRIL 7, 2020

MOTION TO POSTPONE: Wooten

SECOND: Williams

YEAS: Coley, Jackson, Johnson, Jr., Summers-Johnson, Williams, Wooten & Council Pres. Eason

NAYS: None

ABSTENTIONS: None

ABSENCES: None

SECOND READING PUBLIC /FINAL HEARING MAY 5, 2020