

CITY COUNCIL**The City of Orange Township, New Jersey**

DATE _____

NUMBER 62-2022

TITLE: AN ORDINANCE TO AMEND CHAPTER 152 ARTICLE III ENTITLED CANVASSERS AND SOLICITORS OF THE CITY OF ORANGE TOWNSHIP MUNICIPAL CODE (Submitted by Councilmember-At-Large Adrienne Wooten)

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

CANVASSER OR SOLICITOR

Includes itinerant vendors of merchandise who shall go from door to door in the City of Orange soliciting sales, offering for sale or taking orders for present or future delivery of merchandise of any description whatsoever. "Canvasser" or "solicitor" also includes a person offering to purchase any real property or any interest in real property either on his own behalf or as an agent or broker on behalf of any third party. "Canvasser" or "solicitor" shall also be deemed to include one who is not in the business of selling goods, but one who makes surveys for research purposes, analyses, opinion polls, rating data and any such similar work for which by its nature involves a door-to-door or place-to-place activity, and shall include persons going from door to door or place to place for the purpose of contributions, donations or alms from any person or organization.

[Amended 7-6-2017 by Ord. No. 43-2017]

MERCHANDISE

Includes magazines, periodicals, books and orders or contracts for a home improvement or alteration service.

[Amended 7-6-2017 by Ord. No. 43-2017]

§ 152-14 Purpose.

The purpose of this Article is to prevent fraud, crime, unethical and dishonest business practices and is for the general protection of the health and welfare of the residents of the City of Orange.

§ 152-15 License required.

No person, except as provided hereto, shall canvass, solicit, distribute circulars or other matter or call from door to door or place to place in the City of Orange without first obtaining a license from the City Clerk.

§ 152-16 Application for license.

A. Each applicant shall, at the time of applying, file with the City Clerk an application in writing which shall give the following information:

- (1) Name, age and physical description of the applicant.
- (2) Complete permanent home and local address of the applicant.
- (3) Name and address of the organization or person for whom solicitation is being made.
- (4) Description of the nature of the business and the goods, services or wares to be sold, and sufficient information to determine whether or not the business to be transacted is interstate or intrastate commerce.
- (5) Two (2) photographs of the applicant, which shall be approximately two and one-half by two



and one-half (2 1/2 x 2 1/2) inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner.

- (6) The days, dates and route of his business in the City of Orange (which shall be between the hours of 9:00 a.m. and 5:00 p.m.).
 - (7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or disorderly conduct offense; where and when so convicted; nature of the offense and penalty, if any.
 - (8) Make, model, year, color and license plate number of automobiles used by the applicant during the period of solicitation within the city, and the driver's license number.
- B. Separate registration for each solicitor. A separate registration must be made for every solicitor, agent or employee soliciting within the city limits.

§ 152-17 License fees, expiration and issuance.

A. Fees.

- (1) Each applicant, upon filing of his/her application, shall immediately pay to the City of Orange a license fee as provided in Chapter 88, Fees.
 - (2) All fees and licenses shall be for the calendar year and shall expire on December 31 of the year of issue.
- B. All license applications shall be forwarded to the Chief of Police, who shall investigate all the facts set forth in said application.
- C. Upon approval of said application by the Director of the Department of Public Safety, the application shall be forwarded to the Director of the Finance Department for approval.
- D. Upon approval of said application by the Director of the Finance Department, said license shall be issued.
- E. The license shall have affixed thereto one (1) photograph of the applicant signed by the Chief of Police so that part of his signature covers part of the photograph.

§ 152-18 Possession and exhibition of license.

Each applicant shall carry the license at all times when in the City of Orange and shall exhibit the same to any person or persons or police officer upon request.

§ 152-19 Disapproval of application.

In the event that an application for canvassing or soliciting is disapproved by the Chief of Police for reasons of reported unethical business practices or a previous conviction of crime, the applicant may appeal said denial to the City Council of the City of Orange, who shall set forth the time and place of hearing, which hearing shall be held within ten (10) days after the filing of the appeal by the applicant, at which hearing the applicant will be given an opportunity to present his reasons why said license should be issued. The decision of the City Council is final.

§ 152-20 Rules and regulations.

Every person to whom a license is issued under the terms of this Article shall be governed by the

following rules and regulations:

- A. All circulars, samples or other matter shall be handed to the occupant of the property or left in a secure place on the premises.
- B. No person subject to the provisions of this Article shall canvass, solicit or distribute circulars or other matter except during the hours of 9:00 a.m. through 5:00 p.m., Monday through Saturday.
- C. No person subject to the terms of this Article shall enter or attempt to enter the house or apartment of any resident in the City of Orange without an express invitation from the occupant of the house or apartment.
- D. No person subject to the terms of this Article shall conduct himself in such a manner as to become objectionable or annoy any person while soliciting within the city limits.
- E. No person subject to this Article shall make any solicitation within the limits of the City of Orange without first properly obtaining a license therefor.

§ 152-21 Exemptions; requirements.

[Amended 7-6-2017 by Ord. No. 43-2017]

- A. Any person, organization, society or association of a charitable, religious, patriotic, philanthropic or community nature desiring to solicit or have solicited in its name money, property or financial assistance for which no merchandise, wares or services are required shall be exempt from obtaining a license, provided that there is filed with the Chief of Police an application in writing giving the following information:
 - (1) Names of solicitors and the purpose or cause for which the application is being made.
 - (2) Names and addresses of the officers of the organization.
 - (3) Names and addresses of the agents or representatives who will solicit, canvass or distribute literature in the City.
- B. Each solicitor or canvasser for such organization, society or association shall carry proper identification and shall display the same upon request.
- C. Persons delivering goods, wares or merchandise in the regular course of business to the premises of a person ordering or entitled to receive same shall also be exempt and do not have to provide information to the Chief of Police.

§ 152-21.1 Establishment of a No-Knock Registry.

[Added 7-6-2017 by Ord. No. 43-2017]

- A. For the purpose of protecting residents from criminal activities and safeguarding their privacy, there is hereby established a No-Knock Registry of properties where canvassing and soliciting are prohibited. The No-Knock Registry shall be maintained by the City Clerk.
- B. The City Clerk shall prepare a list of addresses of those premises whose owners or occupants have notified the Clerk that canvassing or soliciting are not permitted on their premises.

Notification shall be by the completion of a form, available online and at the City Clerk's office during normal business hours. The premises shall remain on the Registry unless the owners or occupants notify the City Clerk in writing that they wish the property to be removed from the Registry. The City Clerk shall update the list monthly. The inclusion of a premises on the Registry shall be deemed a revocation of any privilege or license to enter or attempt to enter the property.

- C. Owners or occupants who have requested to be listed on the City of Orange's No-Knock Registry pursuant to Subsection A herein, may procure from the Clerk's office a notice for display on the premises indicating the enlistment on the City of Orange's No-Knock Registry. The notice shall indicate which solicitors may contact residents and shall read substantially as follows:

"These premises are listed on the City of Orange's 'No-Knock Registry' (Orange City Code § 152-21.1). You may not enter or attempt to enter these premises for the purpose of canvassing or soliciting, which includes offering to purchase real estate on behalf of any person or organization. Charitable, political, religious organizations are exempt from this law. Violation of Orange City Code § 152-21.1, may result in a fine of up to \$2,000 and/or up to 90 days of community service."

- D. The first notice shall be provided free of charge and may be picked up in person during regular business hours. If a replacement notice is required, the individual may pick up the replacement notice at the Clerk's office for a fee of five dollars (\$5.), which shall be payable to the City Clerk. A fee of an additional one dollar (\$1.) per notice will be applied for any individual who desires to have a notice mailed to him or her, payable to the City Clerk. Pursuant to N.J.S.A. 2C:18-3, "any owner or occupant who has listed his or her premises on this registry shall be deemed to have revoked any express or implied legal privilege or license to enter or attempt to enter the premises."
- E. The City Clerk shall distribute the current City of Orange's No-Knock Registry to a licensed canvasser or solicitor at the time of issuance of a license.
- F. Although the most current list of registrants on the City of Orange's No-Knock Registry shall be provided by the City Clerk, it is the responsibility of the canvasser or solicitor to have the most up-to-date list prior to engaging in any canvassing or soliciting.
- G. A notice shall be published on all Municipal websites and updated according to State Statute and/or Municipal Code.
- ~~G. Any person convicted of violating this section upon competent evidence by an owner, occupant or other person with personal knowledge of such violation shall be subject to the following:~~
- H. Any person convicted of violating this section upon competent evidence by an owner, occupant or other person with personal knowledge of such violation shall be subject to the following:
- (1) First offense: a minimum fine of \$100 with a maximum of up to \$1,250;
 - (2) Subsequent offense: a minimum fine of \$100 with a maximum of up to \$2,000 for each offense, together with community service for a period of up to 90 days; and
 - (3) Any offense: in addition to the above, a permanent revocation of any license issued under the

within chapter.

- H. The City shall post a No-Knock Registry application on the City webpage and distribute to other media outlets as designated by the City. The City shall provide copies of the application to the public and undertake reasonable efforts in education and distribution, in order to further public awareness of the No-Knock Registry.
- I. This section does not preclude an owner or occupant from filing any other appropriate complaint with the Prosecutor, including a complaint for trespass.

§ 152-22 Violations and penalties.
[Amended 7-6-2017 by Ord. No. 43-2017]

Except for violations of § 152-21.1, any person violating the terms of this Article, whether as an individual, principal or agent or employer of another, shall, upon conviction in the Municipal Court of the City of Orange, be subjected to a fine not to exceed five hundred dollars (\$500.) or to imprisonment for a term not to exceed ninety (90) days, or both, in the discretion of the Municipal Court.

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

Approved:

Dwayne D. Warrant, Esq
Mayor

Dated: _____