

BOROUGH OF ELMER
COUNTY OF SALEM, NEW JERSEY
ORDINANCE NO. 2024 - 3

AN ORDINANCE OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY ADOPTING CHAPTER 4, SECTION 3, CANVASSER OR SOLICITOR

WHEREAS, it is the purpose of this Ordinance to protect the safety of residents of the Borough of Elmer, to prevent fraud from being perpetrated upon them and to protect their privacy, while balancing such interests against the opportunity for commercial, political, religious, charitable and non-profit organization to exercise their rights of free speech; and

WHEREAS, the Borough of Elmer desires to establish criteria for the registration of canvassers and or solicitors for the public health, safety and welfare of the residents; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Elmer, County of Salem, State of New Jersey, as follows:

SECTION I: ADOPT – CHAPTER 4, SECTION 3 – CANVASSER OR SOLICITOR

§4-3.1 Canvasser or solicitor defined.

The term "canvasser or solicitor" means any individual, whether resident of the Borough or not, who travels by foot or by means of conveyance from place to place, from house to house, or by street to street for the purpose of:

- a. selling or taking or attempting to take orders for the sale of food, foodstuffs, goods, wares and merchandise for present or future delivery; or
- b. for selling services to be performed now and in the future, whether or not a sample is carried or displayed, and whether or not advance payments are collected; or
- c. for conducting market research or a market or opinion survey regarding commercial products or services

The terms shall not apply to a person canvassing or soliciting a business establishment for the purpose of selling goods, wares and merchandise to be resold at retail in the business establishment.

§4-3.2 – License Required.

It is unlawful for any canvasser or solicitor as defined in this chapter to engage in canvassing and soliciting within the Borough without first obtaining a permit and license. Failure to obtain a permit prior to solicitor shall constitute a violation of the Ordinance. Each day of solicitation without a valid permit shall constitute a separate violation of the Ordinance.

§4-3.3 –Exemptions from Provisions of this Ordinance.

Door to door canvassing, solicitation, campaigning, advocacy, education or other entry upon private property by individuals representing any entity which (1) qualifies for tax-exempt statute under the Internal Revenue Code; (2) qualifies for exemption from property tax under N.J.S.A. 54:4-3.6; (3) qualifies for exemption from sales tax under N.J.S.A. 54:32B-9 or (4) was created under or is otherwise subject other provision of the Title 15A of the New Jersey Statutes, shall be exempted from the provision of this Ordinance. Solicitation of donations by any such organization shall not constitute solicitation as defined by this Ordinance.

§4-3.4 – Application.

The application for a solicitor's license shall be made to the Borough Chief of Police. It shall indicate the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time of application and the proposed method of delivery. The application shall be required to produce photo identification, which the police department will photocopy and attach to the application form. The application form shall be signed by the applicant, under penalty of perjury. All application forms, including photo identification, shall be retained by the police department with a copy forwarded to the Borough Clerk. The applicant shall furnish two references as to his or her good character and business responsibility.

§4-3.5 – Fees.

There shall be a fee of one hundred dollars (\$100.00) payable in connection with the license application. If issued, the license will be effective for a period of thirty (30) days from the date of issuance. The application fee is non-refundable. In the event a license holder applies for a renewal of a license issued by the township, a new fee of one hundred dollars (\$100.00) shall be due for a thirty-day (30) extension. Upon issuance of the license, the licensee shall be issued a permit including a serial number. The licensee shall have the permit in their possession at all times while engaged in any business under the license.

§4-3.6 – Expiration - Renewal.

A license shall expire thirty (30) days after the date of issuance. If a licensee desires to renew a license which is near expiration or which has expired, the licensee shall file with the Borough Police Chief a statement to the effect that all the statements and other information made in his or her previous application are still true and complete. If, through changed circumstances, the previous application does not contain true up-to-date information, then, the licensee shall state what changes, if any, should be made. Upon the filing of the renewal statement, the Police Chief shall issue a renewal license for an additional 30 days. A copy of the renewal application statement shall also be given to the Borough Clerk.

§4-3.7 – Hours

No licensee shall canvass or solicit in the Borough, except between the hours of nine a.m. and six p.m. on Mondays through Saturdays. No canvassing or solicitation shall occur on Sundays. The licensee shall exhibit his or her button or badge to any police officer or any resident of the Borough upon request.

§4-3.8 – Revocation

Violations of §4-3.7 – Hours, failure to have your Borough issued Permit, or allowing another person to use the permit issued shall result in an automatic revocation of the license.

§ 4-3.9 – Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$250 per date of solicitation violation.

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon final passage and publication as required by law. Introduced at a regular meeting of Borough Council on February 14, 2024 and passed upon a second reading of Borough Council held on March 14, 2024.

BOROUGH OF ELMER

BY: _____
Joseph Stemberger, Mayor

ATTEST:

Sarah D. Walker
Registered Municipal Clerk

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	_____	_____	_____	_____	_____	_____
Davis	_____	_____	_____	_____	_____	_____
Nolan	_____	_____	_____	_____	_____	_____
Foster	_____	_____	_____	_____	_____	_____
Schalick	_____	_____	_____	_____	_____	_____
Zee	_____	_____	_____	_____	_____	_____

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on February 14, 2024. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on March 14, 2024 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

Sarah D. Walker
Registered Municipal Clerk