

NOTICE OF INTRODUCTION

This Ordinance #2036 published herewith was introduced and passed upon first reading at the regular meeting of the Borough Council of the Borough of South Plainfield held on September 8, 2015. It will be further considered for final passage after a public hearing to be held on September 21, 2015, at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any persons desire to be heard upon the same will be given an opportunity to be heard. Copies are available free of charge at the Municipal Clerk's Office prior to the public hearing. This ordinance shall take effect immediately after final passage and publication according to law.

Amy Antonides, RMC/CMC
Municipal Clerk

ORDINANCE NO. 2015-2036 AN ORDINANCE AMENDING CHAPTER 327 ENTITLED PEDDLING AND SOLICITING OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD.

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that Chapter 327 of the Code of the Borough be amended as follows:

SECTION 327-1 – DEFINITIONS.

ADD: CANVASSING.

The circulation of a petition or the seeking of contributions for a cause, charitable or otherwise, or the practice of distributing literature, pamphlets, handbills and the like for the purpose of distributing information or seeking support for any legal purpose, from a stationary location on a street or other public place, or by going from house to house, place to place or street to street.

ADD: The following shall be added to the definition of SOLICITOR – “Any person who goes from dwelling to dwelling for the purpose of offering the service of snow removal, with or without payment, shall not be considered a solicitor for purposes of this Ordinance.”

ADD: SECTION 327-3.1 – CANVASSERS TO REGISTER WITH BOROUGH CLERK.

All canvassers intending to canvass within the borough of South Plainfield shall register with the Borough Clerk prior to commencing any canvassing activities. Such registration shall consist of providing the Borough Clerk with the name of the organization that will be canvassing, the proposed dates for which the organization seeks to canvass, and the route(s) or neighborhood(s) in which the organization intends to canvass. All non-profit, religious, or political groups canvassing exclusively door-to-door and not in the streets are exempt from this registration requirement.

SECTION 327-5(F) – Delete the second sentence of said Section.

ADD: SECTION 327-5(P) - Written consent on forms to be furnished by the Borough allowing the Borough to perform criminal history record checks on the applicant, and authorizing the Borough to exchange fingerprint data and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations to be made under this chapter. Fingerprints of the applicant shall be taken at an authorized facility designated by the Chief of Police. All costs shall be borne by the applicant, and shall be in addition to license fees as set forth hereinafter.

SECTION 327-9 – LICENSE FEES. Delete and replace as follows:

The license fees shall be as follows:

A. Solicitors: \$100.00 per year.
B. Distributors: \$100.00 per year.
C. Peddlers: \$500.00 per year. In the event a peddler does not have a license, a peddler may obtain a license for Labor Day only at a fee of \$50.00.

D. Transient Merchants: Licensees under this Article shall pay a fee of \$100.00, which said fee shall be paid upon the application being made. Such a fee, as well as all fees required under this Article, are to help defray administrative expenses to the Borough of enforcing this Article.

E. All license fees are non-refundable.

ADD the following as new Section 327-14, and relabel all existing Sections thereafter accordingly.
SECTION 327-14 – HOURS OF OPERATION.

No peddling or soliciting activities shall be conducted before 9:00 a.m. or later than 5:00 p.m. Monday through Saturday. No peddling or soliciting activities shall be conducted on Sundays. Canvassing activities may be conducted between the hours of 9:00 a.m. and 9:00 p.m. on any day.

ADD: SECTION 327-18 – NO KNOCK LIST.

The Borough Police Department shall maintain a “No Knock List”, a copy of which shall be provided to all persons or organizations required to register pursuant to this Article, and in accordance with the provisions of N.J.S.A. 47:1A-5. All residents of the Borough may register their name, address and/or unit/apartment number with the Borough Police Department to be placed on the “No Knock List”, indicating that they do not want persons so registered to approach their homes and/or seek personal contact with the occupants of the registered home. Once the resident has been approved by the Borough Police Department to add their name to the “No Knock List”, the resident shall be provided with a “No Knock” sign to post by the front entrance of the home to warn peddlers, solicitors, canvassers or transient merchants. It shall be unlawful for any peddler, solicitor, transient merchant, or canvasser that has been required to register with the Borough to approach or seek personal contact with the occupants therein if the residence is registered on the “No Knock List”, or the resident has posted a “No Knock” sign. Anyone violating this Subsection shall be subject to the penalties established by Subsection 327-17. This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.