



Legislation Details (With Text)

File #: 20-0913 **Version:** 1 **Name:**
Type: Ordinance **Status:** Adopted
File created: 7/28/2020 **In control:** Law
On agenda: 8/11/2020 **Final action:** 9/2/2020
Title: AN ORDINANCE AMENDING TITLE VIII BUSINESSES AND OCCUPATIONS, CHAPTER 7, HAWKING AND PEDDLING; CANVASSING AND SOLICITING, ARTICLE 2, CANVASSING AND SOLICITING OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ESTABLISHING A FEE, AND ADDING A NEW SUB-SECTION ESTABLISHMENT OF A NO-KNOCK REGISTRY. DEFERRED 6PSF-i 081920

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Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/2/2020	1	Municipal Council	Close on Public Hearing and Adopt	Pass
8/19/2020	1	Municipal Council	Maintained on Public Hearing and Deferred	Pass
8/11/2020	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

AN ORDINANCE AMENDING TITLE VIII BUSINESSES AND OCCUPATIONS, CHAPTER 7, HAWKING AND PEDDLING; CANVASSING AND SOLICITING, ARTICLE 2, CANVASSING AND SOLICITING OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ESTABLISHING A FEE, AND ADDING A NEW SUB-SECTION ESTABLISHMENT OF A NO-KNOCK REGISTRY. DEFERRED 6PSF-i 081920

WHEREAS, the City of Newark has a vested interest in ensuring that its residents are not unfairly preyed upon by unwanted and unwarranted solicitations; and

WHEREAS, there has been a recent increase in solicitations to purchase houses at depressed prices; and

WHEREAS, certain solicitations use high pressure tactics to persuade unsuspecting homeowners to sell their homes at artificially low prices; and

WHEREAS, N.J.S.A. 40:48-2 authorizes a municipality to make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

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

Editor's Note: Additions are shown as **underlined and bold**. Deletions are shown as ~~strikethroughs~~.

SECTION 1: Title VIII Businesses and Occupations, Chapter 7, Hawking and Peddling; Canvassing and Soliciting, Article 2, Canvassing and Soliciting, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is amended as follows:

8:7-10. DEFINITIONS.

As used in this Article:

Canvass or solicit shall mean to canvass, solicit or call from house to house in the City **of Newark or from elsewhere or** , **traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from place to place, from house to house or from street to street, 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, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether he or she is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself, herself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad, boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery; and provided, further, that the foregoing definition shall not be deemed to include any person who, acting for a manufacturer or wholesaler, shall sell or take orders for the sale of goods, wares and merchandise to any other manufacturer or wholesaler or to a retailer for resale in the usual course of business; nor shall the provisions of this Article apply to sales made under authority and by order of law nor to sales made by the vendors of farm or dairy products.** ~~to sell or attempt to sell goods by sample or to take or attempt to take orders for the future delivery of goods, merchandise, wares, or any personal property of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed in the future without first having received a written permit therefor from the Chief of Police.~~

8:7-11. PERMIT REQUIRED.

No person shall canvass or solicit without first obtaining a written permit therefor from the Chief of Police.

No person shall canvass or solicit any premises that is registered on the City of Newark's No-Knock Registry.

8:7-12. APPLICATION FOR PERMIT; FEES.

a. Any person desiring a permit to canvass or solicit in the City shall file, on a form to be supplied by the Chief of Police, an application with the Chief of Police stating:

- I. Name of the applicant;

2. Permanent home address;
 3. Length and place or places of residence of the applicant for the preceding three (3) years;
 4. Age, height and weight;
 5. Place and date of birth;
 6. Marital status, ~~whether married or single~~;
 7. Name and address of employer or firm represented;
 8. If the applicant intends to wear a uniform or other identifying garb while canvassing or soliciting, a description of same;
 9. Nature of merchandise to be sold or offered for sale or the nature of the services to be furnished or description of project involved;
 10. Whether or not the applicant has ever been convicted of a crime, misdemeanor, or violation of any ordinance of this or any other municipality concerning canvassing or soliciting, or a conviction of any offense involving moral turpitude, and if so, when, where, and the nature of the offense;
 11. Length of time for which the permit is desired.
- b. If requested by the Chief of Police, the application shall also be accompanied by a letter or other written statement from the individual, firm or corporation employing the applicant, certifying that the applicant is authorized to act as the employer's representative.
- c. All applications shall be filed at least ~~seven (7)~~ **fourteen (14)** days before the desired commencement of the permit applied for to enable the Chief of Police to conduct the investigation as provided in Section 8:7-14. The aforesaid time period prescribed within this paragraph may be waived by the Chief of Police when he reasonably can conduct the required investigation sooner.
- d. At the time of filing the application, a fee of \$500.00, Fees and Charges, shall be paid to the Department of Public Safety to cover the cost of investigation of facts stated therein. The fee shall apply per calendar year, and shall not be prorated.**

8:7-13. FINGERPRINTS AND PHOTOGRAPHS.

The applicant shall be fingerprinted by the Division of Police and he shall present two (2) recent photographs of himself, the photographs to be a size determined by the Chief of Police.

8:7-14. INVESTIGATION; ISSUANCE OF PERMIT; TERM OF PERMIT; DENIAL.

The Chief of Police shall cause such investigation to be made of the applicant's business and moral character as he deems necessary for the protection of the public good. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory or that the project involved is not free from fraud, the Chief of Police may refuse to issue a permit.

If, as a result of such investigation, the applicant's character and business responsibility is found to be satisfactory and the project involved is free from fraud, the Chief of Police shall issue the permit specifying the number of hours or days that the permit will be in effect. **Upon expiration of the permit, the permit holder shall surrender the expired permit to the office in charge of such permits at police headquarters.**

Any person aggrieved by the action of the Chief of Police or, in the absence of the Chief, the

officer in charge of police headquarters, or the permit issuing authority, upon the denial of the permit as provided in this Article shall have the right of appeal to the Director of Public Safety. Such appeal shall be taken by filing with said Director, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Director shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in this Article for notice of hearing on revocation (8:7-18). The decision and order of the Director on such appeal shall be final and conclusive.

8:7-15. PERMIT: CONTENTS; PHOTOGRAPHS.

- a. The permit shall show the name and address of the permittee; kind of goods or services to be sold or performed thereunder; employer represented; date of issuance of permit; date and hour permit is effective and expiration date and hour.
- b. A copy of the applicant's photograph, supplied pursuant to Section 8:7-13, shall be attached to the permit.

8:7-16. HOURS FOR CANVASSING OR SOLICITING; DISPLAY OF PERMIT.

No canvassing or soliciting shall be done except during the period specified in the permit and between the hours of 9:00 a.m. and 5:00 p.m. on each weekday. The permittee shall carry the permit with him at all times while canvassing or soliciting and shall exhibit the same to any person upon request shall have the permit prominently displayed on his/her lapel or displayed on a neck chain.

8:7-17. CONDUCT OF PERMITTEE.; ESTABLISHMENT OF A NO-KNOCK REGISTRY.

- a. The permittee shall be courteous to all persons while canvassing or soliciting. He shall not importune or otherwise annoy any person and shall conduct himself in a lawful manner.
- b. When the permittee shall cease operations under the permit in any event or on the expiration of the permit, the permittee shall surrender the permit to the Chief of Police.

c. Establishment of No-Knock Registry

1. 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 available to owners or occupants of premises.

2. The No-Knock Registry shall be maintained online by the City through the Office of Information Technology. The Office of Information Technology shall prepare an online application form to be used by residents with addresses of those premises whose owners or occupants have notified the City that canvassing or soliciting are not permitted on their premises.

3. 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 promote public awareness of the No-Knock Registry.

4. The application form shall be available online and at the Office of Tax Abatement and Special Taxes during normal business hours. The premises shall remain on the Registry unless the owners or occupants submit another application requesting that the property be removed from the Registry. 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 premises.

5. The online No-Knock Registry shall be made available to a licensed canvassers or solicitors at the time of issuance of a permit.

6. The most current list of registrants on the No-Knock Registry shall be provided online. It is the responsibility of the canvasser or person soliciting to have the most up-to-date list prior to engaging in any canvassing or soliciting.

7. There shall be no fee or costs imposed on an owner or occupant for submitting the application to include their premises on the No-Knock Registry.

8:7-18. REVOCATION AND SUSPENSION OF PERMIT.

a. Permits issued under the provisions of this Article may be revoked by the Chief of Police after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for permit;
2. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or as canvasser;
3. Any violation of this Article;
4. Conviction of any crime or offense or of the violation of an ordinance after issuance of the permit, which would have been grounds for denying the permit;
5. Conducting the business of soliciting, or of canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

b. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known address at least five (5) days prior to the date set for hearing.

c. Pending a hearing, a license may be suspended by the Chief of Police for a period of not more than five (5) days without such notice and hearing.

8:7-19. EXEMPTIONS TO ARTICLE.

a. This Article shall not apply to any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business, to the premises of persons ordering or entitled to received same.

b. This Article shall not apply to any person engaged in activities for or in behalf of a labor, charitable, religious, civic or political organization, nor to solicitations made pursuant to a license issued under Article 3 of this chapter.

8:7-20. PENALTY.

Any person who violates any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding five hundred (\$500.00) dollars or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Any person who violates any provision of this Article shall, upon conviction thereof, be punished in the following manner:

- 1) 1st offense; a minimum fine of \$100.00 with a maximum fine up to \$1,000.00;
- 2) 2nd offense; a minimum fine of \$100.00 with a maximum fine up to \$1,500.00 and community service for a period of up to 90 days; and
- 3) 3rd or subsequent offense; a minimum fine of \$100.00 with a maximum fine up to \$2,000.00, permanent revocation of any license issued under the within Chapter pursuant to 8:7-18, or a period of imprisonment for a term not exceeding ninety (90) days or both.
- 4) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- 5) This Section does not preclude an owner or occupant from filing any other appropriate complaint with the police, including a complaint for trespass.

SECTION 2: If any provision of this Ordinance or application thereof to any person(s) or circumstance is adjudged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end, the provisions of this Ordinance are declared severable.

SECTION 3: The Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance Amends Title VIII Businesses and Occupations, Chapter 7, Hawking and Peddling; Canvassing and Soliciting, Article 2, Canvassing and Soliciting, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented by establishing a fee and adding a new subsection establishment of a No-Knock Registry.