BOROUGH OF ALLENDALE
Introduction of Ordinance 15-09

March 26, 2015 Resolution 15-120

Be It Resolved that Ordinance 15-09, Chapter 194 of the Allendale Borough Code, Sales and Solicitation is introduced, and does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 9th day of April, 2015, at 8:00 p.m. or as soon thereafter, at Allendale Borough Hall, Council Chambers, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein	✓		✓			
Homan					✓	
McSwiggan		✓	✓			
Sasso			✓			
Strauch			✓			
Wilczynski			✓			
White						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on March 26, 2015

Elizabeth White, Mayor

Frank Valenzuela
Acting Municipal Clerk

Ordinance 15-09

Chapter 194 of the Allendale Borough Code

194-12. Definitions
As used in this article, the following terms shall have the meanings indicated:
A. SOLICIT OR SOLICITATION
Any act of going from house to house, person to person, place to place, or otherwise moving or travelling about this Borough for any of the following purposes: to sell, procure orders, pledges, subscriptions, commitments or promises of any nature whatsoever for property, real or personal, or services of any kind, regardless of the description or nature, whether for profit or nonprofit; to collect money or procure pledges or promises, regardless of the reason or purpose for which such money shall be intended or applied; to collect material, goods or property of any kind or to procure pledges or promises, regardless of the purpose; to otherwise entreat, importune or approach other persons in this Borough with requests or pleas of any nature.

B. SOLICITOR
Any person engaged in or undertaking any act of solicitation.

194-13. Registration.

No person shall solicit or act as a solicitor from door to door within this borough without first registering with the Chief of Police of the Borough of Allendale and paying any license fee, as provided in this article. The Chief of Police or his/her designee may elect to waive the requirements set forth in this article for groups soliciting for borough sponsored events or for special cause.

194-14. Information; photographs; fingerprints required.

Each such registrant shall, at the time of registering, give to the Chief of Police, in writing, his name, address and such other personal data as is required to identify him, descriptions of vehicle to be used at time of solicitation, together with two recent photographs of his face, approximately 2 1/2 inches by 2 1/2 inches in size, together with the purpose of his proposed canvassing or solicitation, the route, date and approximate hours of his itinerary in this borough (which shall be between the hours of 9:00 a.m. and 5:00 p.m. Monday through Saturday), and any prior convictions of a crime, felony, misdemeanor or disorderly persons offense ever entered against such registrant. Registrant fingerprints are

required and shall be conducted at a New Jersey State Police designated facility. At the time of registration submission, the registrant shall be provided with an appropriate form with instructions on scheduling a fingerprint appointment and associated fees. If the registrant has fulfilled the above fingerprinting requirement within 6 months prior to making application with the Borough of Allendale, the Borough may use discretion in requiring the registrant to be re-fingerprinted. It is the registrant's responsibility to provide documentation of acceptable fingerprint processing and subsequent response.

194-15. Issuance of certificate.

The Chief of Police shall cause such investigation to be made of each registrant's business and moral character as is deemed necessary for the protection of the public welfare. The Chief of Police shall be governed by, but not necessarily be limited to, the following criteria: (a) misrepresentation or false statement contained in the application; (b) conviction of any crime or misdemeanor/disorderly person's offense involving moral turpitude; (c) a judgment of liability in a civil action involving any solicitation, transaction, or enterprise found to be fraudulent within the last 10 years; (d) evidence that the registrant's activities will likely cause a breach of the peace or unethical or dishonest business practices or be a menace to the health, safety or general welfare of the public.

If, as a result of such investigation, the registrant's character or business responsibility is found to be satisfactory, the Chief of Police shall issue a registration certificate to which shall be affixed one photograph of the registrant and which shall be signed by the Chief of Police and shall also show the kind of goods or services to be sold or performed by the registrant, the date of issuance of the certificate and the date on which such certificate shall expire, which shall be December 31 of the year in which issued. Licenses shall not be transferrable. The issuance of said registration certificate or identification card does not constitute an endorsement or approval of the purposes of such solicitation by the Borough of Allendale or any officer or employee thereof. The certificate of registration shall have printed predominantly thereon in red: "This identification card is not an endorsement by the Borough of Allendale or its officers and employees."

194-16. Carrying and exhibiting certificate.

Each registrant shall carry the registration certificate at all times and shall exhibit it to any person upon request. The identification card shall be worn at all times on an outer garment, in order that it is apparent and visible and that it may provide a ready means of identification.

194-17. Exceptions.

Notwithstanding any provision of this article to the contrary pertaining to the permitted hours of solicitation and fingerprinting, such provisions shall not apply to political solicitation and canvassing or to groups soliciting or canvassing on behalf of political persons or political groups or public service groups. Such solicitation shall be permissible between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday and no fingerprinting shall be required provided that the Chief of Police is provided with the names of the persons soliciting on behalf of the group/organization and the dates, hours, and areas where the solicitations will occur. All other provisions herein set forth as to solicitation or solicitors as defined in this article shall remain in full force and effect.

194-18. Compliance with other laws.

No such registration certificate shall be issued to any person who has not complied with any law of the State of New Jersey or ordinance of this borough regulating soliciting, canvassing or itinerant vendors of merchandise.

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194-19 Time and manner of peddling or soliciting restricted.

No person, whether registered or not, shall visit or call at any private residence for the purpose of solicitation, as defined in this article, when banned by the householder by a sign bearing words to the effect that solicitors or peddlers are not invited or are prohibited. It shall be unlawful for any person to peddle or solicit from the back doors or side entrances to any premises within the Borough or to peddle or solicit before 9:00am or after 5:00pm, on any day Monday thru Saturday or any time on Sunday.

194-20. Revocation of registration and appeals.

A license may be revoked by the Borough Council, Borough Clerk or Borough Police Chief by reason of the violation of the terms hereof, the violation of any municipal ordinance, state or federal statute, or false statement made in applying for a license. In the event of such revocation the licensed person must be granted a hearing by the Borough Council upon his/her request to challenge such revocation as hereinafter provided.

Any person aggrieved by the revocation action of the Chief of Police, Borough Council, or Borough Clerk in the denial or revocation of a license as provided in this chapter shall have the right of appeal to the Mayor and Council. Such appeal shall be taken by filing with the

Borough Clerk, within 14 days after notice of action complained of has been mailed to such persons last known address, a written statement setting forth fully the grounds for the appeal. The Borough Council shall set a time and place for hearing on such appeal to be held within Fourteen (14) days of the date of the filing of the appeal, and written notice of such hearing shall be given to the appellant. The decision and order of the Borough Council on such appeal shall be final and conclusive.

194-21. Prohibited hours for soliciting.

DELETE (refer to 194-19)

194-22. Registration fee.

The license fee shall be paid to the Chief of Police as follows:

A. A charge of $30 shall be paid with the submission of the application to cover the cost of processing each application and issuance of the license. This shall apply to each individual who makes application for said license. The fee is nonrefundable. The registrant shall pay any and all fees required by the New Jersey State Police and/or the designated fingerprint processing vendor.
B. No license fee shall be prorated for any portion of the year.