

**ORDINANCE OF THE TOWNSHIP OF WOOLWICH
AMENDING CHAPTER 140 OF THE WOOLWICH TOWNSHIP CODE
ENTITLED “PEDDLERS, SOLICITORS, VENDORS AND
TRANSIENT MERCHANTS”**

ORDINANCE NO. 2018-18

WHEREAS, Chapter 140 of the Code of the Township of Woolwich regulates the activities of peddlers and solicitors who go door-to-door distributing products for sale or circulating information and related activities within the Township; and

WHEREAS, a comprehensive review of the applicable First Amendment case law as it has developed across the Country, including within the 3rd Circuit in which Woolwich Township is located, leads to the conclusion that less restrictive regulations on this activity are advisable to bolster the Woolwich Township Code’s enforceability; and

WHEREAS, in the course of considering alternative regulations to safeguard the safety and peaceful enjoyment of property by its residents, the Township Committee believes it would be beneficial to create a “Do Not Knock Registry” to create an enforceable level of protection for residents who do not want peddlers and solicitors to conduct activities at their homes or properties and to legally restrict peddling and soliciting within the Township; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township Committee is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township of Woolwich by law.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Woolwich, County of Gloucester, State of New Jersey that Chapter 140 of the Code

of the Township of Woolwich entitled “Peddlers, Solicitors, Vendors and Transient Merchants” is hereby amended, revised and/or supplemented as follows:

SECTION 1: §140-3A of the Woolwich Township Code shall be deleted in its entirety and replaced with the following:

No person duly licensed under this Article shall hawk, peddle or solicit except during the hours of 9:00 a.m. and 30 minutes after sunset. No one shall be permitted to solicit or canvass on Sunday.

SECTION 2: §140-5A of the Woolwich Township Code is hereby deleted.

SECTION 3: §140-6A shall be deleted in its entirety and replaced with the following:

A. The completed application shall be referred to the Chief of Police who shall review same within five (5) business days of receipt.

SECTION 4: §140-7B is hereby amended to change the fee for a license application from \$200/license to \$25/license.

SECTION 5: §140-10 shall be deleted its entirety and replaced with the following:

Any person violating any of the provisions or terms of this Chapter, whether as principal, agent or employee of another, shall upon conviction by the Municipal Court Judge, be subject to a fine not exceeding \$1,000 or to imprisonment in the County jail not exceeding 90 days, or both, in the discretion of the Judge. Upon conviction, the person or entity on whose behalf the licensee was acting shall be prohibited from licensed activities for one year from the date of the guilty plea or conviction.

SECTION 6: Chapter 140 of the Woolwich Township Code shall be amended to add the following provisions:

Establishment of a “Do Not Knock Registry”

The Township Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that peddling, soliciting, canvassing, itinerant vending and door-to-door sales enterprising as set forth in this Chapter are not permitted on the premises (hereinafter referred to as the “Do Not Knock Registry”). Notification shall be by completion of a form available from the Township Clerk’s office. After its initial creation, the list shall be updated on an annual basis on January 1 of each year. Nothing shall preclude the Clerk from updating the list more frequently.

Do Not Knock Registry Display

Any owner and/or occupant who has requested enlistment on the Do Not Knock Registry shall be able to purchase from the Clerk’s Office, for a nominal fee, a sticker for display at his/her/its premises indicating enlistment on the Do Not Knock Registry. Display of a sticker shall not be mandatory in order to enforce the provisions of this Chapter.

Distribution of Do No Knock Registry

The Township Clerk shall distribute the most recent Do Not Knock Registry list to each licensee at the time of issuance and renewal of a license. The licensee shall not conduct regulated activities at any premises identified on the then current Do Not Knock Registry.

SECTION 7: All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8: Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Effective Date. This Ordinance shall take effect immediately upon final adoption and publication by the Woolwich Township Committee.

TOWNSHIP OF WOOLWICH

Jordan Schlump, Mayor

ATTEST:

Jane DiBella, Clerk

CERTIFICATION

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the _____ th day of _____, 2018. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at which time any interested person(s) may be heard. Said meeting to be conducted on the _____ th day of _____, 2018 at the Woolwich Township Municipal Building, 120 Village Drive, Woolwich Township, New Jersey, and beginning at 7:00 p.m.

Jane DiBella, Clerk