

#2019-01

**ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN
AND STATE OF NEW JERSEY AMENDING ORDINANCE #2015-01 REGULATING
HAWKERS, PEDDLERS, SOLICITORS, CANVASSERS AND ITINERANT VENDORS**

WHEREAS, the Borough of Audubon Park (“Borough”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, rules and regulations governing the conduct of peddlers and solicitors in the Borough are outline in Ordinance #2015-01; and

WHEREAS, the purpose of Ordinance #2015-01 is to establish reasonable controls over the time, place and manner in which persons who solicit, hawk, peddle and/or canvass within the Borough may conduct such activities; and

WHEREAS, the purpose of Ordinance #2015-01 is also to permit such activities within the Borough while preserving the individual privacy of the residents and preventing fraud, crimes, undue public inconvenience or annoyance, and unethical and/or dishonest soliciting, hawking, peddling and/or canvassing within the Borough; and

WHEREAS, the Governing Body has deemed it in the best interest of the public health, safety and welfare of the residents to update these rules and regulations; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body 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 Borough by law; and

WHEREAS, the Governing Body believes that it would be beneficial to the residents of the Borough to create a “Do Not Knock Registry” for residents who do not want peddlers, solicitors, canvassers, and hawkers to conduct activities at their homes or premises.

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

SECTION 1: Ordinance #2015-01 is hereby amended, revised and/or supplement by adding an Article IV, entitled “Do Not Knock Registry,” as follows:

ARTICLE I – SOLICITING [No Changes]

ARTICLE II - CHARITABLE ROADWAY SOLICITATIONS [No Changes]

ARTICLE III - HAWKING, PEDDLING, VENDING AND CANVASSING [No Changes]

ARTICLE IV – DO NOT KNOCK REGISTRY

17. Establishment of Do Not Knock Registry.

The Borough Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that peddling, soliciting, canvassing, hawking 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 at the Borough Clerk’s office during normal business hours.

18. Do Not Knock Registry display.

A. Any owner and/or occupant who has requested enlistment on the Do Not Knock Registry, pursuant to this Chapter herein, shall be able to obtain from the Clerk’s office a sticker for display at his/her/its premises indicating enlistment on the Do Not Knock Registry.

B. Owners and/or occupants who are placed on the Do Not Knock Registry at their request, shall remain on the Do Not Knock Registry until such time as they advise the Borough Clerk in writing that they wish to be removed from the list.

19. Distribution of Do Not Knock Registry.

The Borough Clerk shall distribute the current Do Not Knock Registry to a permittee/licensee under this Article at the time of issuance of a permit and/or license to peddle, solicit, canvas, hawk or otherwise door-to-door sell pursuant to the provisions of this Chapter. The Do Not Knock Registry provided to a permittee/licensee shall only include the physical address of the enlisted premises. The permittee/licensee shall not peddle, solicit, canvas, hawk or conduct door-to-door sales at any premises identified on the then current Do Not Knock Registry.

20. Duty of police to enforce.

Notwithstanding the right of revocation reserved to the governing body herein, and in addition to same, it shall be the duty of any police officer of the Borough to require any person peddling, soliciting, canvassing or hawking and who is not known by such officer to be duly licensed and/or permitted, to produce his or her peddler's license/permit and/or to otherwise enforce any of the provisions of this chapter against any person found to be violating same.

21. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be subject to a fine of not more than \$1,000 or by imprisonment for a term not to exceed 90 days, or both, in the discretion of the court. Each successive day a violation continues shall be deemed a separate offense hereunder.

SECTION 2: Except as set forth in Section 1 above, the balance of Ordinance #2015-01 shall not be affected by this Ordinance.

SECTION 3: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5: This Ordinance shall take effect upon passage and publication according to law.

Attest:

BOROUGH OF AUDUBON PARK

Introduced: January 7, 2019

Adopted: February 4, 2019

LAWRENCE E. PENNOCK, MAYOR

Certified to be a true copy of an Ordinance adopted by the Mayor and Borough Council of the Borough of Audubon Park at a regular meeting held on February ____, 2019.

DAWN M. PENNOCK, MUNICIPAL CLERK