

5-6 PEDDLING, CANVASSING AND SOLICITING.

Editor's Note; Prior history 1982 Code §§ 139-1–139-9; Ord. No. 151; 1990 Code §§ 5-6.1–5-6.9.

5-6.1 Registration Required.

It shall be unlawful for any solicitor, canvasser, hawker or peddler selling products or services, or soliciting support for a charitable cause door to door to engage in such activity within the Borough without first registering with the Police Department to obtain a permit as prescribed herein. (Ord. #2015-1385)

5-6.2 Registration Process; Fee.

- a. Any registrant under this section shall first obtain the necessary application form from the Police Department upon payment of a fee of ten (\$10.00) dollars for a permit to be kept on file by the Police Department and carried by the applicant for identification purposes. In the event of any change in any of the facts set forth in the application during the time of registration, the applicant shall, within five (5) days of the change, notify the Police Department. The application shall be in affidavit form, but may be electronically filed, and shall contain the following minimum information:
 1. The name, address, phone number and email address, if available, of the individual or entity registering with a copy of any documents demonstrating it is licensed to do business or solicit charitable contributions in the State of New Jersey.
 2. The names and addresses of all individuals who will be soliciting, canvassing, hawking or peddling under the registration being made.
 3. Any individuals soliciting, hawking or peddling shall carry a copy of their permit on their person while conducting such activity and produce a copy of it if requested by a resident or police officer.
- b. No permits shall be unreasonably denied. Should a denial for good cause be made, it may be appealed to the Borough Administrator who must make a decision within three (3) days, or be referred to the governing body's next public meeting.
- c. The application fee required at the time of application may be waived for non-profit organizations, such as the Boy Scouts, Girl Scouts, local sports leagues and veterans groups.

(Ord. #2015-1385)

5-6.3 Hours and Restrictions.

- a. No solicitor, canvasser, hawker or peddler shall conduct door to door business or canvassing outside of the hours of 10:00 a.m. and 6:00 p.m. or sundown (whichever is earlier).

- b. No solicitor, canvasser, hawker or peddler shall enter private property where a sign is posted stating: "no solicitation" "no trespassing" or a similar message clearly evidencing a resident's intent that their property not be entered for such purposes.
- c. Any person subject to the provisions of this section shall be responsible for any minors, aged sixteen (16) and under, participating in any peddling or soliciting under the terms of this section, and shall ensure that such minors shall be accompanied by an adult at all times.
- d. All persons licensed under this section shall use only the front door of any residence and shall be prohibited from using or knocking on any side door or back door and also shall be prohibited from entering the sideyard or backyard of any property.

(Ord. #2015-1385; Ord. No. 2019-1440 §2)

5-6.4 Exceptions.

- a. Political candidates and committees are exempt from these registration requirements.

(Ord. #2015-1385)

5-6.5 No Knock Registry.

- a. The Police Department shall maintain a list of addresses of those premises where the owner and/or occupant has notified the Police Department that peddling, canvassing or soliciting are not permitted on the premises (hereinafter referred to as the "no-knock registry"). A request by owners or occupants to be included on the no-knock registry shall be by completion and submission of a form made available by the Police Department. The list shall be updated on January 15 and July 15 of each year.
- b. Any owner and/or occupant who has requested enlistment on the no-knock registry, pursuant to paragraph a. herein, shall be able to purchase, for a nominal fee, a sticker for display at his/her/its premises indicating enlistment on the no-knock registry.
- c. The Police Department shall distribute the current no-knock registry to a licensee at the time of issuance of a license to peddle, canvass or solicit pursuant to the provisions of this section. The licensee shall not peddle, canvass or solicit at any premises identified on the current no-knock registry.

(Ord. No. 2019-1440 § 1)

5-6.6 Expiration of Registration.

All permits issued under the provisions of this section shall expire on the date set forth in the permit application but in no case shall remain valid for more than one (1) month beyond the date of issuance. (Ord. #2015-1385; Ord. No. 2019-1440 § 1)

5-6.7 Violations.

Any violations of this section shall be addressed by the penalties imposed under Section 1-5 of the General Revised Ordinances of the Borough of Tinton Falls. (Ord. #2015-1385; Ord. No. 2019-1440 § 1)

1-5 GENERAL PENALTY.*

1-5.1 Maximum Penalty.

For violation of any provision of this Code or other ordinance of the Borough of Tinton Falls, unless a specific penalty is otherwise provided in connection with the provisions violated, the maximum penalty upon conviction of the violation shall be one (1) or more of the following: imprisonment in the County Jail or in any place provided by the municipality for the detention of prisoners, for any term not to exceed ninety (90) days; or by a fine not exceeding two thousand (\$2,000.00) dollars; or by a period of community service not exceeding ninety (90) days, or any combination thereof in the discretion of the Municipal Court Judge.

Whenever a fine is to be imposed in an amount greater than one thousand two hundred fifty (\$1,250.00) dollars for violations of housing or zoning codes the owner shall be provided a thirty (30) days period during which the owner shall be afforded the opportunity to cure or abate the condition and shall be afforded the opportunity for a hearing before the Court for an independent determination concerning the violation. Subsequent to the expiration of the thirty (30) day period, a fine greater than one thousand two hundred fifty (\$1,250.00) dollars may be imposed if the Court has determined that the abatement has not been substantially completed. (New; Ord. #06-1192)

1-5.2 Minimum Penalty.

The Borough Council may prescribe that for the violation of any particular provision of the Code or of any particular ordinance at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred (\$100.00) dollars. The court before which any person is convicted of violating any ordinance or Code provision shall have power to impose any fine, term of punishment, or period of community service not less than the minimum and not exceeding the maximum fixed in the Code or such ordinance. (New)

1-5.3 Additional Fine for Repeat Offenders.

Any person who is convicted of violating this Code or an ordinance within one (1) year of the date of a previous violation of the same provision of this Code or of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance or Code provision, but shall be calculated separately from the fine imposed for the violation of the ordinance or Code provision.

If the Borough Council chooses not to impose an additional fine upon a person for a repeated violation of any municipal ordinance, the Council may waive the additional fine by ordinance or resolution. (New)

1-5.4 Default of Payment of Fine.

Any person convicted of the violation of any provision of this Code or any ordinance may, in the discretion of the court by which he was convicted, and in default of the payment of any fine imposed therefor, be imprisoned in the County Jail or place of detention provided by the Borough, for any term not exceeding ninety (90) days, or be required to perform community service for a period not exceeding ninety (90) days. (New)

1-5.5 Separate Violations.

Except as otherwise provided, each and every day in which a violation of any provision of this Code or any other ordinance of the Borough exists shall constitute a separate violation. (New)

1-5.6 Application.

The maximum penalty stated, in this section is not intended to state an appropriate penalty for each and every violation. At the discretion of the Judge of the Municipal Court, any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation. (New)