

**ORDINANCE 26-2011**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER  
139 OF THE BOROUGH CODE ENTITLED "PEDDLING AND SOLICITING"  
TO INCLUDE NON SOLICITATION LIST**

**WHEREAS**, the Chief of Police has recommended amending Chapter 139 of the Borough Code entitled "Peddling and Soliciting"; and

**WHEREAS**, the Borough Council is in agreement with said recommendation.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 139 of the Borough Code entitled "Peddling and Soliciting" is hereby amended as follows:

**SECTION 1:** §139-1 entitled "Definitions" is hereby amended as follows:

- A. The existing definition for "PEDDLER OR SOLICITOR" shall be deleted.
- B. The following definitions shall be added:

PEDDLER – Any person who goes from place to place by traveling on the streets and roads or from house to house carrying, conveying or transporting goods, wares or merchandise for the purpose of selling and delivering them to customers. The word "peddler" shall include the words "hawker," "huckster" and "vendor".

SOLICITOR or CANVASSER – Any person who goes from place to place by traveling on the streets and roads or from house to house taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, including orders for improvements to real property, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not he is collecting advance payments on such sales.

The word "solicitor" shall include the word "canvasser," provided that this definition shall not include wholesalers calling on retail merchants. It also is deemed to be one who is not in the business of selling goods, but one who makes surveys for research purposes, analysis, opinion polls, rating data and any such similar work, which, by nature, involves a door-to-door or place-to-place activity, and shall include persons going from door to door or place to place or

being in or on any public or quasi-public areas of the Borough for the purpose of seeking contributions, donations or alms for any person or organization.

SECTION 2: §139-5 entitled "License fees" is hereby amended as follows:

- A. For a weekly license: \$75 per week. For the purposes of this chapter, a "week" shall constitute any six consecutive days, excluding Sundays.
- B. For a monthly license: \$150.00 per month.
- C. For a yearly license: \$500.00 per year.
- D. With respect to a peddler or solicitor conducting its business door-to-door: \$20 per day for a daily license.

SECTION 3: §139-6 entitled "Regulations governing operations" is hereby amended as follows:

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B. Every such licensee shall restrict his selling activity within the Borough to the hours between 9:00 a.m. and 9:00 p.m. and shall notify the police officer on duty at least once in every week in which he plans to conduct said activity, before commencing his selling, soliciting or distributing activity. Such notification shall include a statement of the general area of the Borough in which the licensee intends to conduct said activity and a schedule of dates and times when said activity shall be conducted. The licensee shall notify the police officer on duty of any change in the area or time of solicitation, should such changes be made during the week.

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SECTION 4: §139-7 entitled "Geographic Limitations", subsection A, is hereby amended as follows:

- (1) Peddlers/canvassers/solicitors shall not stop or park any vehicle on privately-owned property for the purpose of conducting a sale without having first filed a written authorization for the same from the property owner
- (2) Upon going onto any premises in the Borough, peddlers/canvassers/solicitors shall first examine any notice, as described below, which may be attached to said property, and be governed by the statement contained on any such notice by

immediately and peacefully departing from the premises. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such a residence for the purpose of securing an audience with the occupant thereof and engaging in soliciting as herein defined in defiance of any notice as defined below. Every person desiring to secure the protection provided by this section §139-7, shall notify the Borough of his or her desire to be placed on the no solicitation list maintained by the Chief of Police and/or exhibit upon or near the main entrance door to his or her residence a notice indicating the words “no solicitors” or “no soliciting.” The letters shall be at least one inch in height, and the notice shall be at least three inches by six inches in size.

SECTION 5: A new section §139-16 entitled “Non-solicitation list” is hereby added as follows:

**§ 139-16. Non-solicitation list.**

A. The Chief of Police shall collect, prepare and maintain a list of addresses of those premises where the owner and/or occupant has notified the Borough that he or she does not wish for any solicitor or canvasser to enter upon his or her property for solicitation or canvassing purposes. To be included on this non-solicitation list, residents must complete a form which will be made available through the Police Department and submit the completed form to the Records Department of the Police department. This list shall be provided to all licensees. No solicitor or canvasser shall enter upon any private property that is included upon the non-solicitation list.

B. Violators of this section will be subject to fine and/or suspension or revocation of the license granted under this chapter.

SECTION 6: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED  
August 22, 2011

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MARY-ANNA HOLDEN, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk