

BOROUGH OF MANASQUAN
ORDINANCE NO. 1939-04

AN ORDINANCE REGULATING DOOR TO DOOR
COMMERCIAL SOLICITATION IN THE BOROUGH
OF MANASQUAN, MONMOUTH COUNTY, NEW
JERSEY.

BE IT ORDAINED, by the Borough Council of the Borough of Manasquan, in
the County of Monmouth and State of New Jersey, as follows:

Section 1. Statement of Purpose. It is the purpose of this Ordinance to
protect the safety of residents of the Borough of Manasquan, to prevent fraud from
being perpetrated upon them and to protect their privacy, while balancing such
interests against the opportunity for commercial, political, religious, charitable, and
nonprofit organizations to exercise their rights of free speech.

Section 2. Word Usage and Definitions.

A. Word Usage. For the purpose of this Ordinance, certain words or
phrases shall be interpreted in the following manner:

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular include the plural, and conversely
words in the plural include the singular.
- (3) The word "shall" is mandatory and not discretionary.
- (4) The use of the masculine gender shall include the feminine
gender.

"Borough" means the Borough of Manasquan, Monmouth County, New Jersey.

"Employer" means any individual or entity providing compensation, in any form whatsoever, to an individual engaged in solicitation within the Borough of Manasquan.

"Permit" means a permit for solicitation issued by the Borough of Manasquan pursuant to the provisions of this Ordinance.

"Solicitation" means to go in or upon private property in the Borough of Manasquan without having been invited to do so by the owner or occupant, for the purpose of (1) advertising, promoting, or selling any product, goods, or service; or (2) conducting market research or a market or opinion survey regarding commercial products or services. By way of illustration and not of limitation, solicitors shall include peddlers, hawkers, itinerant merchants and transient vendors of goods or services. Solicitation shall also include the placement upon private property of handbills or other written material advertising goods or services for sale. Solicitation shall also include the sale of goods or services which the solicitor promises to donate or delivery to a charitable or other nonprofit institution on behalf of the purchaser. Solicitation shall not include the entry upon private property without prior invitation of the owner or occupant by any person representing an entity which (1) qualifies for tax-

Section 3. Permit Required. No person or entity shall engage in solicitation within the Borough without first having obtained a permit pursuant to the provisions of this Ordinance. Failure to obtain a permit prior to solicitation shall constitute a violation of this Ordinance. Each day of solicitation without a valid permit shall constitute a separate violation of the Ordinance.

Section 4. Exemptions from Provisions of Ordinance. Door to door canvassing, solicitation, campaigning, advocacy, education, proselytizing, handbill distribution, or other entry upon private property by individuals representing any entity which (1) qualifies for tax-exempt status under the Internal Revenue Code; (2) qualified for exemption from property tax under N.J.S.A. 54:4-3.6; (3) qualifies for exemption from sales tax under N.J.S.A. 54:32B-9; or, (4) was created under or is otherwise subject to the provisions of Title 15A of the New Jersey Statutes, shall be exempt from the provisions of this Ordinance. Solicitation of donations by any such organizations shall not constitute solicitation as defined in this Ordinance. Individuals representing such organizations may request a copy of the Borough's "Do Not Solicit" list for their information, but no penalties shall be imposed if they enter in or upon a property identified on the "Do Not Solicit" list.

Section 5. Application for Permit.

- A. Any person seeking to engage in solicitation within the Borough shall apply to the police department for a solicitation permit.
- B. An applicant for a solicitation permit shall be required to provide the

- iii. As to each such individual, whether the individual has ever been convicted of a crime, and if so, the nature of the conviction, where convicted, the date of conviction, and the penalty imposed;
- iv. The employer or organization for which solicitation will be made;
- v. The address of the employer or organization;
- vi. The telephone number of the employer or organization;
- vii. The name of the contact person at the offices of the employer or organization;
- viii. The type of goods or services to be sold, or the type of survey or research to be conducted;
- ix. As to any vehicle to be used by the applicant, the make, model, year, color and license plate information of the vehicle; and
- x. The expected dates of solicitation within the Borough.

C. An applicant for a solicitation permit shall also be required to produce photo identification, which the police department will photocopy and attach to the application form.

D. The application form shall be signed by the applicant, under penalty of perjury.

E. Application forms, including photographic identification, shall be retained by the police department.

F. There shall be no fee for a solicitation permit.

upon completion of the solicitation permit application form. The permit and badge shall be issued to any and all applicants who complete the application form and provide photo identification. A separate permit and badge shall be issued to each individual who engages in solicitation within the Borough. The permit shall be signed by the Chief of Police or, in his absence, the officer in charge of the police department. The permit shall state the name of the individual, the business or organization for which solicitation is made, and the date the permit was issued.

Section 7. Carrying and Displaying Solicitation Permit and Badge. Each individual engaging in solicitation within the Borough shall carry the permit issued to him upon his person and display his badge at all times while soliciting within the Borough, and shall produce the permit and badge if requested to do so by the police or any resident. Failure to carry the permit and/or display the badge during solicitation shall constitute a violation of this Ordinance.

Section 8. Time Limits on Solicitation.

A. A solicitation permit shall be effective for three months after the date it is issued. Solicitation without a valid permit in effect shall constitute a violation of this Ordinance.

B. Solicitation shall take place within the Borough only between the hours of 9 a.m. and 9 p.m. Solicitors are encouraged to wear reflective clothing and/or to carry flashlights if soliciting after dark.

Section 9. "Do Not Solicit" List.

- i. The "Do Not Solicit" list shall be maintained by the police department.
- ii. It shall consist solely of property addresses, and shall include no further identifying information concerning the ownership of each property.
- iii. The tax assessor shall notify the police department of any change in ownership of property within the Borough. The police department shall remove from the "Do Not Solicit" list any property which has changed ownership.

C. The Chief of Police or, in his absence, the officer in charge of the police department, shall provide a copy of the "Do Not Solicit" list to each and every applicant to whom a permit is issued pursuant to this Ordinance. Upon request, the Chief of Police or his alternate shall also make available a copy of the "Do Not Solicit" list to any individual or entity otherwise exempt from the provisions of this Ordinance which intends to engage in door to door canvassing, solicitation, campaigning, advocacy, education, proselytizing, or handbill distribution.

D. Solicitation at any address identified on the "Do Not Solicit" list shall constitute a violation of this Ordinance. Each and every solicitation at an address identified on the "Do Not Solicit" list shall constitute a separate violation of the Ordinance.

combination thereof. Each and every day in which a violation of any provision of this Ordinance exists shall constitute a separate violation.

Section 11. Validity. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

Section 12. Effective Date. This Ordinance shall become effective upon its final passage and publication as required by law.

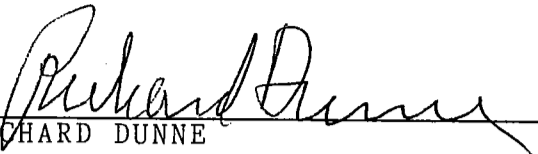
NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 1939-04 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, on the 1st day of November, 2004, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall at 8:00 p.m. on the 15th day of November, 2004. At such time and place, or at any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.



COLLEEN SCIMECA, RMC, CMC
Municipal Clerk

APPROVED: November 15, 2004


RICHARD DUNNE
Mayor

First Reading and Introduction: November 1, 2004
Passed on First Reading: November 1, 2004
Second Reading and Final Hearing: November 15, 2004
Approved: November 15, 2004