

ORDINANCE NO. 17-05

BOROUGH OF NORTH PLAINFIELD

COUNTY OF SOMERSET

STATE OF NEW JERSEY

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN

SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE

BY AMENDING SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE

AS TO CHAPTER 4, "GENERAL LICENSING"

WHEREAS, the Borough of North Plainfield wishes to amend the provisions of the current Code of the Borough of North Plainfield.

NOW, THEREFORE, BE IT ORDAINED by the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough amends, revises and supplements the Borough Code of the Borough of North Plainfield as to Chapter 4, "General Licensing" by adding language as follows:

4-6.1 License Required.

No person, except as in this Section provided, shall canvass, solicit or call from house to house in the Borough to sell goods or services by sample or taking orders for future delivery of goods or services with or without accepting advance payments for the goods or services, without first having reported to and received a written permit from the Chief of Police, or the officer in charge at Police Headquarters.

4-6.2 Application.

Any person desiring a permit to canvass or solicit in the Borough shall fill out an application blank with the Chief of Police, or in his absence, the officer in charge at Police Headquarters, stating the name of the applicant, permanent home address, name and address of firm represented, place

or places of residence of the applicant for the preceding three (3) years, the length of time for which the permit is desired, nature of the merchandise **or services to be provided** canvassed or solicited, the number of either arrests or convictions for misdemeanors or crimes, and the nature of the offenses for which arrested or convicted, which application shall be accompanied by a letter from the individual, partnership or corporation for which he purports to work, authorizing the applicant to act as his representative.

4-6.3 Fee, Duration and Display.

After due investigation, in accordance with the procedures and requirements of the North Plainfield Police Department upon being satisfied that the applicant is of good moral character and that he is canvassing or soliciting for a project free from fraud, the Chief of Police, or in his absence, the officer in charge at Police Headquarters, shall have the power to grant a permit to canvass or solicit, which permit shall specify the number of hours or days the permit will be effective, and provided that no canvassing or soliciting shall be done except between the hours of 9:00 a.m. and **9:00** p.m. **Monday through Saturday.** **Unless fingerprinted within the previous year, each** applicant shall be fingerprinted and photographed before a permit shall be issued and copy of the photograph attached to the permit. **Upon approval, each solicitor shall make a payment of a sum set by Resolution for a permit either valid for no longer than sixty (60) calendar days, or for a permit which is valid no longer than one (1) calendar year.** The permittee shall carry the permit and exhibit same to any police officer or other person upon request.

. . .

4-6.6 Persons Not Affected.

This Section shall not affect any person engaged **in the providing of a service or** in the delivery of goods, wares, merchandise or other articles or things in the regular course of business, to the premises of persons ordering or entitled to receive same. Nor shall it affect any established local business or local resident representing the same or any veteran exempt by any statute of the State of New Jersey from the provisions of this Section. The Police Chief, in

conjunction and consultation with the Mayor, Borough Administrator and the Borough Attorney is empowered to enact rules and regulations for carrying this Section into effect.

* **Additions in text indicated by underline; deletions by ~~strikeouts~~.**

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances that are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

3. This Ordinance shall take effect, after final passage, twenty (20) calendar days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: March 13, 2017

PASSED: March 13, 2017

PUBLISHED: March 18, 2017

ADOPTED: March 27, 2017

ROLL CALL: AYES: Miller, Righetti, Schaefer, Singleterry, Stabile, La Ronde

NAYS: None

ABSTAIN: None

ABSENT: Merrill

APPROVED BY THE MAYOR: Yes XXX No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on March 27, 2017

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield

Lawrence La Ronde, Council President
Date signed: _____, 2017

Date signed: _____, 2017

Michael Giordano, Mayor
Date signed: _____, 2017