

**ORDINANCE 2018 -8 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, AMENDING CHAPTER 239 OF THE CODE OF THE
TOWNSHIP OF BERLIN, ENTITLED "PEDDLING AND SOLICITING"**

WHEREAS, Chapter 239 of the Code of the Township of Berlin, entitled "Peddling and Soliciting," regulates the activities of peddlers and solicitors who go door-to-door attempting to sell and/or take orders for future delivery of goods and/or services; and

WHEREAS, the purpose of Chapter 239 is to establish reasonable controls over the time, place and manner in which persons who solicit, hawk, peddle and/or canvass within the Township of Berlin may conduct such activities; and

WHEREAS, the purpose of Chapter 239 is also to permit such activities within the Township 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 Township; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township 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 Township of Berlin by law; and

WHEREAS, the Township Council previously amended Chapter 239 by creating a "Do Not Knock Registry" for residents who do not want peddlers, solicitors, canvassers, and hawkers to conduct activities at their homes or premises; and

WHEREAS, the Township Council believes that it would further be beneficial to the residents of the Township to amend the "Do Not Knock Registry" for residents who want to bar the receipt of unsolicited or nonsubscribed printed commercial materials at their homes or

premises and to provide licensing procedures for individuals participating in the business of distribution of such unsolicited or nonsubscribed printed materials.

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Township Council of the Township of Berlin, as follows:

SECTION 1: Section 239-3, entitled "License required; exemptions," of Article II, entitled "Licenses," of Chapter 239, entitled "Peddling and Soliciting," is hereby amended, revised, and/or supplemented to read as follows:

A. Except as provided below, it shall be unlawful for any person to engage in the business of soliciting, canvassing, peddling or hawking, as such conduct is otherwise defined herein, within the Township of Berlin without first obtaining a license therefor as provided herein. Except as provided below, it shall also be unlawful to place upon, deliver, throw upon, leave or abandon within or upon a private property or public ways adjacent to the private property any circulars, publications, handbills, brochures, shoppers or flyers, or other unsolicited commercial matter, printed or otherwise, of every kind or nature whatsoever, within the Township of Berlin without first obtaining a license therefor as provided herein.

B. [No Changes]

C. [No Changes]

D. The provisions of this chapter shall not be applicable to the delivery of:

(1) Mail, parcels or packages by and in accordance with the rules of the United States Postal Service.

(2) Parcels, packages and materials delivered by a commercially recognized courier service or overnight express delivery agency, such as, by way of example, Federal Express or United Parcel Service.

(3) Newspapers and other publications and periodicals if subscribed to by the owner or occupant of the recipient premises, provided same are placed firmly in a receptacle designed for such purpose, or, in the absence of such receptacle, tightly wrapped to prevent blowing or scattering upon the recipient premises or adjacent areas.

(4) Delivery of laundry, dry cleaning, dairy, bakery and similar food products and commercial product sampling by agreement with or invitation of the owner or occupant of the recipient premises.

SECTION 2: Section 239-10, entitled "Regulations applicable to all licensees," of Article III, entitled "Fees and Regulations," of Chapter 239 is hereby amended, revised, and/or supplemented to read as follows:

Every person issued a license pursuant to this chapter shall be subject to the following conditions and/or regulations pertaining to the licensed operations:

A. No person shall solicit, canvass, peddle, hawk or deliver unsolicited or nonsubscribed commercial materials within the Township of Berlin except on Mondays through Saturdays between the hours of 9:00 a.m. and 5:00 p.m. during the months of November through April, and Mondays through Saturdays between the hours of 9:00 a.m. and 7:00 p.m. during the months of May through October. No person shall solicit, canvass, peddle, hawk or deliver unsolicited or nonsubscribed commercial materials within the Township of Berlin on Sundays or legal holidays.

B. [No Changes]

C. No peddler, solicitor, canvasser, hawker or deliverer shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the Township of

Berlin, or upon any private premises in the said Township where such sounds are capable of being heard upon the streets, alleys, parks or other public places of the Township, for the purpose of attracting attention to any goods, wares, merchandise or services which such person proposes to sell.

D. No peddler, solicitor, canvasser, hawker or deliverer shall have any exclusive right to any location in the public streets, nor shall any such person be permitted a stationary location or be permitted to operate in any congested area where the operations might impede or inconvenience the public.

SECTION 3: Article IV, entitled "Do Not Knock Registry," of Chapter 239 is hereby retitled as "Do Not Knock or Drop Registry" and amended, revised, and/or supplemented to read as follows:

Article IV Do Not Knock or Drop Registry

Section 239-11 Establishment of Do Not Knock or Drop Registry.

The Township 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, door-to-door sales enterprising and the delivery of unsolicited or nonsubscribed commercial materials as set forth in this Chapter are not permitted on the premises (hereinafter referred to as the "Do Not Knock or Drop Registry"). Notification shall be by completion of a form available at the Township Clerk's office during normal business hours.

Section 239-12 Do Not Knock or Drop Registry display.

A. Any owner and/or occupant who has requested enlistment on the Do Not Knock or Drop 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 or Drop Registry.

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

Section 239-13 Distribution of Do Not Knock or Drop Registry.

The Township Clerk shall distribute the current Do Not Knock or Drop Registry to a licensee under this Article at the time of issuance of a license to peddle, solicit, canvas, hawk or otherwise door-to-door sell pursuant to the provisions of this Chapter. The Do Not Knock or Drop Registry provided to licensees shall only include the physical address of the enlisted premises. The licensee shall not peddle, solicit, canvas, hawk, conduct door-to-door sales, or place upon, deliver, throw upon, leave or abandon within or upon a private property or public ways adjacent to the private property any unsolicited commercial matter, at any premises identified on the then current Do Not Knock or Drop Registry.

SECTION 4: Section 239-14, entitled "Duty of police to enforce," of Article V, entitled "Enforcement," of Chapter 239 is hereby amended, revised, and/or supplemented to read as follows:

§ 239-14. 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 Township of Berlin to require any person peddling, soliciting, canvassing, hawking or delivering unsolicited or nonsubscribed commercial materials as set forth in this chapter and who is not known by such officer to be duly

licensed, to produce his or her peddler's license and/or to otherwise enforce any of the provisions of this chapter against any person found to be violating same.

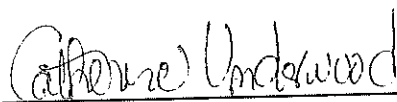
SECTION 5: Except as set forth in Sections 1 through 4 above, the balance of Chapter 239 of the Code of the Township of Berlin shall not be affected by this Ordinance.

SECTION 6: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7: 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 8: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Introduced: October 15, 2018 Advertiser Courier Post 10/19/18
Adopted: November 26, 2018 Advertiser Courier Post 11/29/18

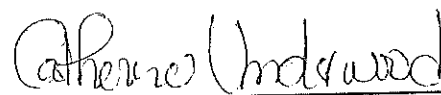


Catherine Underwood, Township Clerk



Phyllis Magazzu, Mayor

It is hereby certified that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of the Township of Berlin on November 26, 2018.



Catherine Underwood, Township Clerk