

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY**

ORDINANCE 2013-11

**AN ORDINANCE AMENDING CHAPTER 24 OF THE
CODE OF THE TOWNSHIP OF MANSFIELD
PERTAINING TO SOLICITATION**

WHEREAS, some citizens have been inconvenienced and disturbed by unknown and not properly identified vendors and peddlers coming to their private residences to sell goods or request donations; and

WHEREAS, the Township Committee finds that the current Township Solicitation ordinance is inadequate to protect the health, safety, and welfare of the residents of the Township; and

WHEREAS, the Township Committee has determined that enacting a No Knock Registry will enable commercial door-to-door solicitors to continue soliciting while permitting residents to prohibit solicitations at their residence should they so choose; and

WHEREAS, the Township Committee recognizes that persons who wish to express religious and political beliefs have First Amendment Free Speech rights which cannot be impinged by the Township and thus may not be prohibited from going door to door to exercise their First Amendment rights.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF MANSFIELD:**

Chapter 24 of the Code of the Township of Mansfield is hereby amended to read as follows:

The following is to be added to §24-2. Definitions:

COMMERCIAL SOLICITOR - any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door commercial solicitation.

DOOR-TO-DOOR COMMERCIAL SOLICITATION -- attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

(1) Attempting to sell, for present or future delivery, any goods, wares or merchandise, other than newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he or she is collecting advance payments for such sales; or

(2) Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a future time.

DOOR-TO-DOOR NONCOMMERCIAL SOLICITATION -- attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

(1) Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501 (c)(3);

(2) Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3);

(3) Personally delivering to the resident a handbill or flyer advertising a future, not-for-Profit event, activity, good or service;

(4) Proselytizing on behalf of a religious organization;

(5) Soliciting support for a political candidate or organization, or ballot measure or ideology; or

(6) Soliciting the sale of newspaper or magazine subscriptions.

NONCOMMERCIAL SOLICITOR -- any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door noncommercial solicitation.

NO KNOCK REGISTRY -- a list of the addresses of Township residents who have requested that their residences be placed on a list maintained and published by the Township for the purpose of informing the general public and prospective solicitors that all door-to-door commercial solicitation at such addresses is prohibited.

PERMIT HOLDER -- any person to whom a permit has been issued under the provisions of this Chapter; this term also encompasses solicitors who are regulated by the State of New Jersey and are thus not required to obtain a Township Permit.

RESIDENCE -- a private residence in the Township, including, but, not limited to, single-family dwellings, multi-family dwellings, condominium units and apartments, including the yards, grounds or hallways thereof.

The following is intended to replace §24-3. Prohibition:

A. No person or persons shall conduct any business or activity as a canvasser, solicitor, itinerant merchant, transient, vendor, non-profitmaking vendor, peddler, or hawker, or non-profitmaking canvasser, within this Township without first registering and obtaining a license of permit as provided in this article.

B. All solicitation prohibited by posting of “No Solicitation” or “No Trespassing” sign:

(1) No solicitor, whether commercial or noncommercial, shall enter or remain upon any private premises in the Township if a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such premises. For the purposes of this provision, if an occupant of a multi-family dwelling, as defined in Section 65-7 of the Land Use Code, wishes to prohibit door-to-door solicitation by the posting of a sign, the sign prohibiting solicitation must be posted at or near the entrance(s) to the occupant's individual dwelling.

(2) This provision shall apply to all solicitation, including, without limitation, all activities that are religious, charitable, or political in nature and all commercial solicitation.

C. No Knock Registry for Commercial Solicitations:

- (1) Any owner or lawful occupant of any residence within the Township who wishes to prohibit door-to-door commercial solicitation at his or her residence may register the address of such residence with the Township by completing a form prepared by the Township Clerk, which form may be submitted either in person or by mail. Such registration shall take effect thirty (30) calendar days after the date of the Township's receipt of the registration form.
- (2) The Township Clerk shall maintain and publish on the Township's website a No Knock Registry consisting of all residential addresses that have been registered under subsection (1) above and that have not been deleted by the Township under subsection (4) below or by the owner or lawful occupant of the registered property. Each permit holder shall be responsible for obtaining and reviewing a copy of such list upon issuance of a permit under this Chapter and at such intervals thereafter as may be reasonably necessary to ensure compliance with the requirements of subsection (3) below.
- (3) As of the effective date of the registration of a residential address under subsection (1) above, all door-to-door commercial solicitation at such address shall be prohibited until such time, if at all, that the address has been deleted from the No Knock Registry.
- (4) Each residential address appearing on the Township's No Knock Registry will remain on the list for two (2) years from the date it was submitted to the Township, at which time it shall be deleted from the list unless a new form requesting no solicitation at such residence has been submitted by the owner or lawful occupant thereof. No less than sixty (60) calendar days prior to the deletion of any address from the no-solicitation list, the Township Clerk shall provide written notice to the property owner or occupant who registered the address with the Township, which notice shall be sent to the registered address or to such other address as may have been provided to the Township at the time of registration.
- (5) Prior to the expiration of the two-year period referenced in Subsection (d) above, the owner or lawful occupant of any residence appearing on the No Knock Registry may cause such residence to be removed from the list by submitting a written request for removal of the same to the Township Clerk.
- (6) Neither the Township nor any of its officers, employees, agents or authorized volunteers shall be liable to any person for any injuries, damages or liabilities of any kind arising from or relating to any errors or omissions that may occur in compiling or maintaining the No Knock Registry.

Introduced: October 23, 2013

Adopted: November 6, 2013