

**TOWNSHIP OF MILLBURN  
ORDINANCE NO. 2681-24  
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF MILLBURN, CHAPTER IV "GENERAL  
LICENSING"**

*STATEMENT OF PURPOSE: the purpose of the following amendments is to make necessary changes and safeguards to the Township's "Canvassers, Solicitors, Transient Merchants and Peddlers". These changes include increased fees for permits, increased time for staff to review and issue permits, the ability to perform appropriate background checks. The ordinance amendments will also decrease the time that a issued permit is valid from one (1) year to six (6) months. These changes will continue to allow the practice of canvassing and solicitation and will improve the health, safety and welfare of the Township's residents.*

**WHEREAS**, the Township Committee of the Township of Millburn wishes to make amendments the revised general ordinances, specifically Article 4-8; and

**WHEREAS**, these revisions will help to improve the health, safety and welfare of the Township's residents while refining the Township's process for issuing these types of permits; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Millburn in the County of Essex and State of New Jersey as follows:

**Section 1 Article 4-8 "Canvassers, Solicitors, Transient Merchants and Peddlers", is hereby amended as additions in underlined text and deletions in ~~strikethrough~~ text.**

**4-8. CANVASSERS, SOLICITORS, TRANSIENT MERCHANTS AND PEDDLERS.**

**PART I. CANVASSERS AND SOLICITORS**

**4-8.1. Definitions.**

As used in this section, the following terms shall have the meanings indicated:

CANVASSERS AND SOLICITORS — Any individual, organization, group, association, partnership, corporation or any combination of them who, in person or by representation by one or a group of volunteer or professional workers, without invitation, calls or applies at homes, dwellings, residences or business establishments in the Township with the intent or for the purpose, actual or implied, of soliciting from an occupant or the owner of any such home, dwelling, residence or business establishment the payment, contribution or donation of, or undertaking to pay money, the purchase, sale, acceptance or donation of any goods or orders for the same, or subscriptions to, or endorsement of, any publication, undertaking, project, cause, or candidacy, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether or not he is collecting advance payment on such sales or services; provided that the term "canvasser" or "solicitor" shall not be deemed to include any duly accredited representative of any municipal or governmental authority or agency thereof, nor any person who, by or under any ordinance of the Township or law of the state, or of the United States, is licensed or otherwise authorized to engage in any of the activities hereinbefore enumerated, nor any person

engaged in delivering to any home, dwelling or residence in the Township goods, wares or merchandise previously ordered or requested by an occupant or the owner of the premises or in exchange for any such goods, wares or merchandise, nor any person engaged in making, receiving or lawfully endeavoring to obtain payment for goods, wares, merchandise or other property or services sold or rendered to or by any such occupant or owner.

#### **4-8.2. Permit Required; Term of Permit.**

No person shall engage in the business or occupation of canvasser or solicitor without first having obtained a permit therefor. The permit shall be issued for a period of ~~one year~~ six (6) months from the date of issuance.

#### **4-8.3. Commercial Permit Application and Fee.**

Every person applying for a commercial permit under this section shall file with the Township Clerk a sworn application, in writing, on a form to be furnished by the Township. The form shall contain the following information:

- a. The name of the applicant. If the applicant will be canvassing or soliciting on behalf of an organization, then the application shall also contain the name and address of the organization.
- b. The address of the applicant to which all notices and communications are to be addressed.
- c. A copy of a form of photo identification, such as a driver's license, passport or other similar valid identification. Payment of an application fee of ~~\$25-\$50~~ per applicant for the use of the Township to defray the cost of processing and issuing the permit.

#### **4-8.4. Approval & Revocation; Issuance of Permit.**

##### a. Approval.

1. Background Check.
  - i. To ensure the public safety and attempt to lower crime within the Township of Millburn, the Township of Millburn Police Department may conduct a name-based background check of the applicant.
2. The hereinabove mentioned application shall be granted by the Township unless the Township finds any of the following:
  - i. the criminal record of the applicant shows that he or she has been convicted of a crime involving a felony, within five years of the date of the application.
  - ii. The applicant is found in the New Jersey Sex Offender Internet Registry.
  - iii. the applicant has made false, fraudulent or misleading material statements in the application.
  - iv. the applicant has been convicted of a crime involving a fraud upon any person, whether or not such fraud was perpetrated in the course of his conducting a solicitation activity.

**b. Revocation.**

1. Permits issued under this Article may be revoked by the Township for any of the following reasons:
  - i. Fraud, misrepresentation or false statements made in the course of carrying on the permitted activity in the Township.
  - ii. Any violation of this Article.
  - iii. Conducting the permitted activity in the Township in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

c. The Township Clerk shall issue a commercial permit within ~~20 days~~ forty-five (45) days after receipt of a complete commercial permit application and fee per Subsection 4-8.3 hereof. Upon issuance of the permit, the Township Clerk shall provide the permittee with a copy of the nonsolicitation list per Subsection 4-8.6 to which the permittee will sign that they have received and understand the provisions of Subsection 4-8.6.

**4-8.5. Regulations Governing Canvassing and Soliciting.**

- a. No commercial canvassing or soliciting shall be done except between the hours of 9:00 a.m. and 9:00 p.m., Monday through Sunday.
- b. Upon going onto any premises in the Township, canvassers and solicitors shall first examine the nonsolicitation list and any notice, as described below, which may be attached to said property and shall be governed by the statement contained on any such notice by immediately and peacefully departing from the premises.
- c. 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 canvassing or soliciting, as herein defined, in defiance of any notice as defined below.
- d. Every person desiring to secure the protection provided by this Subsection 4-8.5 shall notify the Township of his or her desire to be placed on the nonsolicitation list maintained by the Township Clerk and may also exhibit at the front edge of the property or 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.
- e. The permittee shall carry and exhibit in plain view around the neck his/her permit at all times while canvassing or soliciting.
- f. The permit shall be signed and sealed by the Township Clerk, or designee, and shall show:
  1. The name and address of the permittee, with a copy of the photo identification produced by the applicant pursuant to Section 4-8.3c;
  2. The date of issuance of the permit and the date the permit shall expire;

3. The kind of goods to be sold or services to be furnished or performed;
4. The amount of fee paid.

#### **4-8.6. Nonsolicitation List.**

- a. The Township Clerk shall collect, prepare and maintain a list of addresses of those premises where the owner and/or occupant has notified the Township that he or she does not wish for any solicitor or canvasser to enter upon his or her property for solicitation or canvassing purposes.
  1. To be included on this nonsolicitation list, residents must complete a form which will be made available by the Township and must submit the completed form to the Township Clerk.
  2. This list shall be available to the general public.
  3. No canvasser or solicitor shall enter upon any private property that is included upon the nonsolicitation list.
  4. In the event that a new owner/occupant of a property identified on the nonsolicitation list desires to have that address removed from the list, the Township Clerk shall remove the same upon receipt of a written request from the new owner/occupant.

#### **4-8.7. Unauthorized Canvassing or Soliciting.**

No person shall canvass or solicit:

- a. Under any permit issued to him/her as a canvasser or solicitor for any other person, organization, society, association or corporation for whom or for which he/she is not, at the time of such canvassing or soliciting, a duly authorized canvasser or solicitor; or
- b. Under any permit issued to him/her as the result of any material misrepresentation; or
- c. Under a permit not issued to him/her.

#### **4-8.8. Nonprofit Canvassing or Soliciting.**

The requirements of this section shall not apply to any canvassing or solicitation conducted by any political candidate or a religious, charitable, civic, political, veteran or fraternal organization or association, service club, or volunteer fire or first aid company, provided that the requirements of Subsection 4-8.6 shall apply.

#### **4-8.9. Violations and Penalties.**

If any of the requirements of this section are not complied with:

- a. The Township may initiate prosecution for a violation pursuant to Chapter 1, § 1-5, General Penalty, as applicable for both the permittee and the organization, if applicable; and/or
- b. The Township shall have the right to commence litigation in a court of competent jurisdiction; and/or

c. Such other actions may be initiated as permitted by law.

Ordinance 2681-24

Introduced: 7/16/2024

Published: 7/25/2024

Public Hearing/Adopted: 8/13/2024

Published: 8/22/2024

ATTEST:

MILLBURN TOWNSHIP

\_\_\_\_\_  
Christine A. Gatti, Municipal Clerk

By: \_\_\_\_\_  
Annette Romano, Mayor

CERTIFICATION

I, Christine A. Gatti, Clerk of the Township of Millburn, in the County of Essex, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Committee at a regular meeting held on the 13<sup>th</sup> day of August, 2024.

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Christine A. Gatti, RMC  
Municipal Clerk