

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 12-08

1st Reading 3-27-12

Date to Mayor 4-11-10

2nd Reading &
Public Hearing 4-10-12

Date Returned 4-11-12

Date Adopted:
4-10-12

Date Resubmitted to Council _____

Approved as to Form of Legality

Effective Date:
4-30-12

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, REGARDING THE DELIVERY OF UNSUBSCRIBED AND UNSOLICITED PUBLICATIONS

First Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X					X
Hyser	X				X	
Murphy	X					
Summiel	X					
Wollert	X					

Second Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X				X	
Hyser	X					
Murphy	X					X
Summiel	X					
Wollert	X					

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

TOWNSHIP OF EWING
ORDINANCE NO. 12-08

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, REGARDING THE DELIVERY OF UNSUBSCRIBED AND UNSOLICITED PUBLICATIONS

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ewing that the Code of the Township of Ewing is hereby amended as follows:

Section 1.

A. Compliance Required. No person, firm or corporation shall place upon, deliver, deposit, throw upon, leave or abandon, or cause the delivery or deposit of any unsolicited newspaper, shopper, circular, leaflet, flyer, handbill or other like printed matter within or upon any private property, public way adjacent to private property or public place in the Township, except as hereinafter provided. For the purpose of this section, "unsolicited" shall mean the printed matter referred to herein has not been ordered, subscribed to or requested by the recipient.

B. Exceptions. The provisions of this section 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 by and in accordance with the rules of the Railway Express Agency or other utility licensed or regulated for such purposes and those delivered by vendors where ordered by the owner or occupant of the recipient premises.

3. Newspapers and other publications and periodicals only if subscribed to by the owner or occupant of the recipient premises, provided that they are either placed firmly in a receptacle designed for such purpose or, if none, then tightly wrapped to prevent blowing or scattering upon the recipient premises or adjacent areas.

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

5. Solicitation cards, brochures and flyers by duly authorized bona fide non-profit charitable organizations, including but not limited to United Fund, American Red Cross and religious, educational, medical and volunteer police, fire and ambulance organizations, provided that they are packaged and placed in such manner as not to blow or scatter upon the recipient premises or adjacent areas.

6. Non-commercial handbills of a political or other nature whose distribution is or may be protected by constitutional rights of free speech, provided that they are packaged and placed in such manner as not to blow and scatter upon the recipient premises or adjacent areas.

7. Unsolicited and unsubscribed newspapers, publications and other periodicals of a commercial nature, in whole or in part, provided that distribution and delivery of the same is in compliance with this section and further provided that they are packaged and placed in such manner as not to blow or scatter upon the recipient premises or adjacent areas.

8. The service of any summons, traffic ticket, legal notice or process which is permitted or required by law.

C. License for Delivery Required; Objection to Delivery; Method of Delivery. The delivery of unsolicited and unsubscribed newspapers, publications and other periodicals of a commercial nature, in whole or in part, shall qualify for the exception provided for in subsection (B)(7) hereof, subject to and contingent upon initial and continuing compliance with the following requirements:

1. License. The publisher or distributor shall, prior to any such delivery, apply to the Township Clerk for an annual license, to be effective from January 1 to the following December 31, or any portion thereof, on forms to be prescribed by the Township, requiring, in part, complete information about the publisher, the distributor, the publication concerned and the frequency of distribution and designating specific persons, with addresses and telephone numbers, responsible for compliance with this section. The fee for the license shall be five hundred dollars and zero cents (\$500.00) per year or any portion thereof, to cover costs of processing the applications and administering the requirements provided for herein.

2. Objection to Delivery. The owner or occupant of any property within the Township shall have the right, in writing, at any time, to transmit to the Township Clerk notice of objection to the continued delivery of any such unsolicited and unsubscribed publication by any licensee, and the Township Clerk shall prepare and maintain, at all times on a current basis, a list of the names and addresses of such objectors, which shall be sent to the Ewing Township Police Department and made available to licensees hereunder at all times during the business hours prescribed by law for the Township Clerk's office. Such notice of objection shall continue in effect until revoked, and it shall be deemed a violation of this section for any licensee to deliver or continue to deliver any such unsolicited and unsubscribed publication to any such objecting owner or occupant whose name appears on the list of objectors.

3. Method of Delivery. No publication licensed for delivery in accordance with this section shall be distributed or caused to be distributed by any person at any residence or other building unless such printed matter shall be delivered into the possession of some person there offering to receive same or be placed in a slot or receptacle provided on the premises for the receipt of same or be placed within five (5) feet of a door or entranceway of such residence or other building.

D. Prohibited Delivery.

1. There shall be no delivery whatsoever of any unsolicited printed matter, whether licensed or unlicensed to:

a. Any private premises which is clearly or conspicuously posted with a sign prohibiting trespassing, soliciting or advertising.

b. Any premises known to be vacant by the person distributing or causing to be distributed such printed matter.

2. No person shall place or cause to be placed any unsolicited newspaper or advertising material on any motor vehicle in the Township.

E. Suspension or Revocation of License. The Mayor and Council may, in addition to the penalties provided for herein for violations, either suspend, revoke or refuse to renew any such license where three (3) or more violations of this section by the licensee shall have occurred within any annual license period, provided that the licensee is first given ten (10) days advance written notice of any such action and a hearing.

F. Repeated Violations. Each violation of the provisions of this section, whether the same shall occur on the same day or on succeeding days, shall be deemed to be a separate violation hereof.

G. Violations and Penalties. Any person, firm or corporation violating any of the provisions of this section shall pay a fine not exceeding five hundred dollars and zero cents (\$500.00) or be subject to a term of imprisonment not exceeding ninety (90) days, or both.

Section 2. This Ordinance shall take effect as provided by law.

STATEMENT

This Ordinance amends the Revised General Municipal Ordinances of the Township of Ewing regarding the delivery of unsubscribed and unsolicited publications.