

**ORDINANCE 20-2018**

**WASHINGTON TOWNSHIP  
GLOUCESTER COUNTY**

**ORDINANCE AMENDING CHAPTER 172 OF THE WASHINGTON TOWNSHIP  
CODE ENTITLED "PEDDLING AND SOLICITING"**

**WHEREAS**, Chapter 172 of the Code of the Township of Washington regulates the activities of peddlers and solicitors who go door-to-door distributing products for sale or the distribution of information and related activities within the Township; and

**WHEREAS**, due to recent Federal Court decisions, curfews on peddling and soliciting prior to 9:00 PM are a violation of the United States Constitution; and

**WHEREAS**, the Township Council believes that it would also be beneficial to the residents of the Township of Washington to create a "Do Not Knock Registry" for residents who do not want peddlers and solicitors to conduct activities at their homes or premises and to legally restrict peddling and soliciting within the Township; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Township Council 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 Washington by law.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Washington, County of Gloucester, State of New Jersey that Chapter 172 of the Code of the Township of Washington entitled "Peddling and Soliciting" is hereby amended, revised and/or supplemented as follows:

**SECTION 1:** Chapter 172-2 of the Code of the Township of Washington entitled "Definitions" shall be amended and/or supplemented by replacing the definition of "Transient Merchant" as follows:

**"Transient Merchant**

**Any person engaging in the activity commonly referred to as "transient merchant" or "itinerant vendor" who merchandizes or sells with the intent to close out or discontinue such business within a period of one year from the date of commencement and occupies a room, building, lot or other premises for the purpose of selling merchandise, but shall not include a tent or other**

outdoor structure, either temporary or permanent, unless said structure receives zoning and land use approvals or a waiver therefrom.”

**SECTION 2:** Chapter 172-11 “Hours” of the Code of the Township of Washington shall be deleted in its entirety and replaced with the following:

“No person duly licensed under this Article shall hawk, peddle or solicit before 10:00 a.m. or after dusk, Monday through Saturday, nor at any time on the day commonly called Sunday”

**SECTION 3:** Chapter 172-21B of the Code of the Township of Washington shall be deleted in its entirety and replaced with the following:

“No person subject to the provisions of this article shall canvass, solicit or distribute circulars or other matter, except during the hours between 10:00 AM and dusk, Monday through Saturday.”

**SECTION 4:** Chapter 172 shall be amended to add Article III as follows:

**“Article III: Do Not Knock Registry**

**Section 172-32 Establishment of Do Not Knock 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, itinerant vending and door-to-door sales enterprising as set forth in this Chapter are not permitted on the premises (hereinafter referred to as the “Do Not Knock Registry”). Notification shall be by completion of a form available at the Township Clerk’s office during normal business hours. The list shall be updated on July 1 of each year.

**Section 172-33 Do Not Knock Registry Display**

Any owner and/or occupant who has requested enlistment on the Do Not Knock Registry, pursuant to this Chapter herein, shall be able to purchase from the Clerk’s office, for a nominal fee, a sticker for display at his/her/its premises indicating enlistment on the Do Not Knock Registry.

**Section 172-34 Distribution of Do Not Knock Registry**

The Township Clerk shall distribute the current Do Not Knock Registry to a licensee under this Chapter at the time of issuance of a license to peddle, solicit, canvass, itinerant vend or otherwise door-to-door sell pursuant to the provisions of this Chapter. The licensee shall not peddle, solicit, canvass, itinerant vend or conduct door-to-door sales at any premises identified on the then current Do Not Knock Registry.

**Section 172-35 Violations and Penalties**

Any canvasser, peddler, solicitor, itinerant vender or owner or employee of a door-to-door sales enterprise who violates any provision of this Chapter shall be:

- (1) Subject to a maximum ordinance violation fine of \$1,000 per offense;
- (2) Subject to a one-year revocation of any license issued pursuant to this Chapter; and
- (3) Ineligible to receive a new license, pursuant to this Chapter, for a period of one year, coinciding with the term of the one-year revocation noted in this Chapter.”

**SECTION 5:** Except as set forth in Sections 1, 2 and 3 above, the balance of the Code of the Township of Washington shall not be affected by this Ordinance.

**SECTION 6:** All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, shall be and the same are hereby repealed to the extent of such inconsistency.

**SECTION 7:** Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

**SECTION 8:** This Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Donato		X	X				
Fazio			X				
Longfellow	X		X				
Pasqualone						X	
Perry			X				

**TOWNSHIP OF WASHINGTON**

BY:   
Joe Perry, Council President

I do hereby attest the above Ordinance 20-2018 was introduced at the Township of Washington Meeting on August 22, 2018. A public hearing will occur on September 12, 2018 at 7:00pm, at 523 Egg Harbor Rd., Sewell, NJ.

ATTEST:

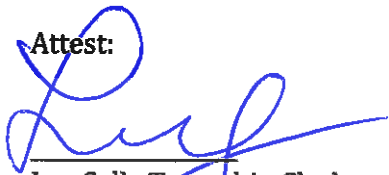


Leo Selb, Township Clerk

	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Donato	✓		✓				
Fazio						✓	
Longfellow		✓	✓				
Pasqualone			✓				
Perry			✓				

I do hereby attest the above Ordinance 20-2018 was Introduced at the Township of Washington Meeting on August 22, 2018 by Township Council. A public hearing was conducted on September 12, 2018 and adopted by Township Council.

Attest:



Leo Selb, Township Clerk

On this 14<sup>th</sup> day of September, 2018, I hereby approve the above Ordinance.



**JOANN GATTINELLI, MAYOR**

ADOPTED: \_\_\_\_\_