

BOROUGH OF BERLIN
ORDINANCE NO. 2018-20

**ORDINANCE 2018- 20 OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, AMENDING CHAPTER 241 OF THE CODE OF THE
BOROUGH OF BERLIN, ENTITLED “PEDDLERS, SOLICITORS AND
CANVASSERS”**

WHEREAS, Chapter 241 of the Code of the Borough of Berlin, entitled “Peddlers, Solicitors and Canvassers” 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 241 is to establish reasonable controls over the time, place and manner in which persons who solicit, hawk, peddle and/or canvass within the Borough of Berlin may conduct such activities; and

WHEREAS, the purpose of Chapter 241 is also to permit such activities within the Borough 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 BOROUGH; and

WHEREAS, the purpose of Chapter 241 is also to raise revenues through the collection of license fees as permitted in N.J.S.A. 40:52-1; and

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

WHEREAS, the Borough Council believes that it would be beneficial to the residents of the BOROUGH of Berlin to create a “Do Not Knock Registry” for residents who do not want peddlers, solicitors, canvassers, and hawkers to conduct activities at their homes or premises.

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

SECTION 1:

Chapter 241, entitled “Peddlers, Solicitors and Canvassers” is hereby amended by establishing Article IV, entitled “Do Not Knock Registry,” as follows:

“Article IV – Do Not Knock Registry

Section 241-33 Establishment of Do Not Knock Registry.

The Borough 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 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 BOROUGH Clerk's office during normal business hours. The list shall be updated on the first day of each month throughout the year.

Section 241 -34 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 241-35 Distribution of Do Not Knock Registry.

The Borough 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, canvas, hawk or otherwise door-to-door sell pursuant to the provisions of this Chapter. The Do Not Knock Registry provided to licensees shall only include the physical address of the enlisted premises. The licensee shall not peddle, solicit, canvas, hawk or conduct door-to-door sales at any premises identified on the then current Do Not Knock Registry."

SECTION 2:

Chapter 241 is hereby further amended by establishing a new Article V, entitled "Enforcement," as follows:

Article V – Enforcement

“§ 241-36. 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 BOROUGH of Berlin to require any person peddling, soliciting, canvassing or hawking 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.

§ 241-37. Violations and penalties.

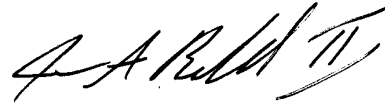
Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$1,000 or by imprisonment for a term not to exceed 90 days, or both, in the discretion of the court. Each successive day a violation continues shall be deemed a separate offense hereunder."

SECTION 3: Except as set forth in Sections 1 and 2 above, the balance of Chapter 241 of the Code of the BOROUGH of Berlin shall not be affected by this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: 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.

BOROUGH OF BERLIN



By: James Bilella, Mayor

ATTEST:

Lois Sahina, RMC

Lois Sahina, RMC, Borough Clerk

I, Lois Sahina, Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance introduced by the Mayor and Borough Council at their meeting of July 12, 2018 in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.

Lois Sahina, RMC

Lois Sahina, RMC, Borough Clerk

Introduced: July 12, 2018

Adopted: October 29, 2018