



# BOROUGH OF RIVERDALE NEW JERSEY



## ORDINANCE NO. 05-2019

### ORDINANCE AMENDING CHAPTER 143 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE, REGULATING DOOR TO DOOR SOLICITATION, AND ESTABLISHING A "DO NOT SOLICIT" LIST

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**BE IT ORDAINED** by the Borough Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

**Section 1** Chapter 143 of The Revised General Ordinances of the Borough of Riverdale shall be amended and retitled "Solicitation" and shall read, in its entirety, as follows:

#### **Chapter 143**

#### **Solicitation**

##### **§ 143-1 Definitions.**

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

##### **PERSON**

An individual, organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

##### **SOLICIT and SOLICITATION**

Offering goods or services for sale or making sales and delivering articles door to door to purchasers, or the request, directly or indirectly, for money, property, financial assistance, or other things of value, including for a charitable and philanthropic purpose. The word "solicitor" shall not include salespersons calling on retail merchants. Solicitation shall be deemed to be complete when made, whether or not the person making the same receives any contribution.

##### **§ 143-2 Registration required.**

It shall be unlawful to solicit within the Borough of Riverdale without first registering with the Borough Clerk on a form to be provided by the Borough Clerk which shall indicate the identification of the individual or individuals soliciting and include proof of identification, the planned date or dates, time, and place where the solicitation will occur. The registration shall be effective for the calendar year in which it is completed. The registrant shall be responsible for updating the Borough Clerk with any changes to the dates, times, and place where the solicitation will occur throughout the calendar year. A copy of the "do not solicit" list shall be provided to every person registering with the Borough Clerk. Anyone engaged in solicitation shall have proof of registration and shall have personal identification outwardly visible on their person at all times while soliciting in Riverdale. No solicitation shall commence before 10:00 a.m. and solicitation shall end no later than 8:00 p.m.

##### **§ 143-3 Inclusion of property on list.**

Any person who owns or rents property within the Borough may register such property to be included on the "do not solicit" list by registering through the Borough Clerk's office.

##### **§ 143-4 Maintenance of list.**

Maintenance of the "do not solicit" list shall be as follows:



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A. The "do not solicit" list shall be maintained by the Borough Clerk. The list shall be available through the official Borough website.

B. The "do not solicit" list shall consist solely of property addresses and shall include no further identifying information concerning the ownership of each property.

C. The Tax Assessor shall notify the Borough Clerk of any change in ownership of property within the Borough. The Borough Clerk shall remove from the "do not solicit" list any property which has changed ownership.

D. Other than by sale of property, a property, once listed, may only be removed from the list by submitting a written request to the Borough Clerk.

## **§ 143-5 Duties of Borough Clerk.**

The Borough Clerk shall provide a copy of the "do not solicit" list to any person notifying the Borough Clerk's office pursuant to this article of his/her intention to engage in soliciting within the Borough. The failure of the Borough Clerk to provide the "do not solicit" list to such person or the failure of such person to have received a copy of the "do not solicit" list from the Borough Clerk shall not provide a defense to the requirement of having in his/her possession a copy of the updated "do not solicit" list.

## **§ 143-6 Solicitation at listed properties prohibited.**

It shall be unlawful to solicit at any property listed on the "do not solicit" list.

## **§ 143-7 Exemptions.**

The prohibition in this article shall not apply to an individual visiting a property where the owner or occupant of such property has directly or implicitly indicated to the solicitor, through prior interaction, that his/her visit would be welcomed. The burden of persuasion shall be on the person claiming this exemption.

## **§ 143.08 Suspension of solicitation privileges; violations.**

A person found by the Borough Clerk to have engaged in solicitation on a property listed on the "do not solicit" list shall, after notice and an opportunity to be heard, have his or her right to solicit and the right of any person for which he or she was employed while soliciting within the Borough suspended for a period of 30 days for a first offense, 60 days for a second offense, and indefinitely after a third offense. The individual shall have a right to appeal the suspension to the Borough Council, which shall hear the appeal at its next regularly scheduled meeting. The suspension shall be in addition to any other penalties for violation which may be imposed by the Municipal Court. Any person violating the provisions of this Chapter shall be subject to the general penalties provided for in Chapter 1, Article II "General Penalty" of this Code.

## **§ 143.09 Registration Fee.**

There shall be a fee of \$25.00 per person or organization where there are multiple persons for each registration as a solicitor. Registration and the payment of this fee shall be required on an annual basis and all registrations shall expire at the end of the calendar year.

**Section 2.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 3.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.



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**Section 4.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this \_\_\_\_ day of  
\_\_\_\_\_, 2019.

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Abubakar Jalloh, Borough Clerk

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Paul M. Carelli, Mayor

### NOTICE OF PENDING ORDINANCE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Riverdale, a municipal corporation of the State of New Jersey, held on May 22, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at Borough Hall, in the Borough on June 26, 2019 at 7:30 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Abubakar Jalloh, Borough Clerk