

— INTRO: June 27, 2013
ADOPTED: July 15, 2013

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2013-13**

**AN ORDINANCE AMENDING CHAPTER 4, SOLICITORS
OF THE CODE OF THE TOWNSHIP OF FAIRFIELD
REGARDING THE ADDITION OF SECTION 4-3.18
SOLICITATION IN TIMES OF DISASTER
REQUIRING EMERGENCY RESPONSE**

WHEREAS: When disasters occur, it is imperative to address recovery and remediation of damaged property and businesses as soon as reasonably possible; and

WHEREAS: Experience has shown that during emergencies regulations are needed to prevent unwanted solicitation but at the same time ensure the assistance of out of the area contractors providing home/business building repair, renovation and remediation which our community desperately needs; and

WHEREAS: In order to achieve these goals, the Governing Body of the Township of Fairfield finds it necessary to amend Chapter 4, Solicitors, by addition to the Ordinance to address the realities associated with disasters and preserve public safety by adding a new Section 4-3.18 regarding disaster relief solicitation to improve the ability of the Township to more rapidly respond to the Community's recovery needs.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY AS
FOLLOWS:**

1. Chapter 4, SOLICITORS Shall be and is hereby amended as follows:

Addition of Section 4-3.18 adding language to read as follows:

Relaxation of SOLICITORS Ordinance enforcement during disaster recovery.

- A. This section supersedes all other regulations contained in Section 4-3 during States Of Emergency and the succeeding forty-five (45) days of disaster recovery hereinafter referred to as the recovery period.
- B. During States of Emergencies and the ensuing Recovery Period, the following emergency solicitation regulations shall apply.
- C. Temporary Solicitation during Public Emergencies shall include and be limited to the following:
 1. Application shall be made directly to the Chief of Police who shall be authorized to issue a temporary license to solicit under this ordinance.

2. In requesting a temporary solicitation license the applicant shall:
 - a. Supply the business owner's name, telephone number and permanent home address. If the applicant is a corporation, then the name, address and telephone number of the corporation.
 - b. Demonstrate the validity of any phone number provided at the time of application.
 - c. Provide the names of all municipalities in New Jersey in which the applicant has solicited business in the three (3) years preceding the date of the application.
 - d. Grant access to the applicant's Police record, if any, i.e., the number of times the applicant has been arrested for disorderly conduct, violations of ordinances, misdemeanors, or crimes, the nature of the offense or charge in each instance and the history of the charge to its final disposition.
 - e. Provide the names, addresses and driver's licenses of all persons representing or working for the business and intended to provide services within the township for the disaster recovery support.
 - f. Provide the applicant's N.J. State Sales and Federal Tax Identification Number.
 - g. Provide proof of insurance coverage in the minimum amounts of one hundred thousand dollars (\$100,000.00) per occurrence for general liability and fifty thousand dollars (\$50,000.00) per occurrence for property damage. Insurance policies shall name Fairfield Township as an additional insured.
 - h. Submit all required fees for temporary solicitation license to solicit work for disaster recovery services, which fee shall be fixed at \$500.00 for the business and the first motor vehicle. Each additional motor vehicle shall pay an additional \$200.00 fee. This fee shall cover one employee for each licensed vehicle. Each additional employee shall require an additional \$100.00 fee.
 - i. Display the license which must be with each solicitor and display the vehicle placard on the dash of the vehicle. The Chief of Police shall issue the license and placard for display as appropriate.

D. Solicitation during disaster recovery period:

1. Parameters of solicitation sites:
 - a. Door to door solicitation will be strictly prohibited during a state of emergency and any associated recovery period thereafter.
 - b. Temporary "shops", "tents" or trailers serving as customer contact points will be permitted as coordinated between the business and the Chief of Police so that:
 - i. Street locations can be assigned or permitted at the discretion of the Chief of Police.

- ii. Parking lot locations can be assigned or permitted at the discretion of the Chief of Police and then, only where the parking lot owner allows. Any fee for use of a parking lot will be the sole responsibility of the business owner who shall provide proof of agreement prior to approval by the Chief.
- c. Each site where solicitation shall be permitted shall be maintained in a clean and safe condition or be subject to closure without notice.
- d. No business sign associated with solicitation for business shall exceed 2 feet by 3 feet in size and shall be affixed to the shop, tent or trailer.

2. Enforcement:

- a. Any failure to comply with the direction of the Chief of Police during an emergency period or during the period of disaster recovery under this ordinance shall be subject to a fine of \$100.00 and a loss of license for temporary solicitation, and if applicable, be subject to the additional penalties below.
- b. A failure of the licensed solicitor to display either the solicitation license or the solicitation vehicle placard shall be subject to a fine of One Hundred Dollars (\$100.00) for any such failure.
- c. Any person found soliciting door to door within the township during the disaster recovery period, whether licensed as a temporary solicitor or not, shall be subject to a fine of \$500.00 and be subject to serve up to fifteen days in jail, or both.
- d. Any person soliciting without a license during the disaster recovery period shall be subject to immediate arrest, and if found guilty of this offense, shall pay a fine of \$1000.00 for soliciting without a license and serve up to thirty days in jail or both.
- e. Any person found guilty of operating a vehicle in the township without a placard during the disaster recovery period shall pay a fine of \$1000.00 for each vehicle operating in the township without a placard, be subject to thirty days in jail, or both.

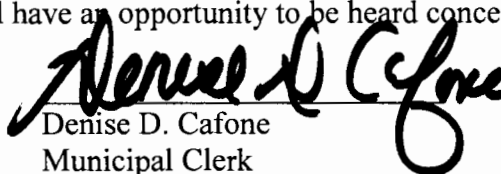

JAMES W. GASPARINI, MAYOR

ATTEST:


DENISE D. CAFONE, MUNICIPAL CLERK

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on June 24, 2013, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on July 15, 2013 at 7:30 p.m. at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.



Denise D. Cafone
Municipal Clerk

INTRODUCTION OF ORDINANCE June 24, 2013: ORDINANCE #2013-AN
ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF
FAIRFIELD REGARDING ADDING STOP SIGNS

INTRODUCED BY: COUNCILMAN LAFORGIA
SECONDED BY: COUNCILMAN CIFELLI
PUBLISHED: 6/27/2013

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NO VOTE
COUNCIL PRESIDENT MICHAEL B. MCGLYNN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN THOMAS J. MORGAN	X				
MAYOR JAMES GASPARINI	X				

2ND READING AND PUBLIC HEARING: JULY 15, 2013

INTRODUCED BY: COUNCIL PRESIDENT MCGLYNN
SECONDED BY: COUNCILMAN CIFELLI
PUBLISHED: 7/18/2013

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NO VOTE
COUNCIL PRESIDENT MICHAEL B. MCGLYNN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN THOMAS J. MORGAN	X				
MAYOR JAMES GASPARINI	X				