

Intro: 9/26/16
Adopted: 10/24/16

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2016-09**

**AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 3
OF THE TOWNSHIP CODE OF THE TOWNSHIP OF
FAIRFIELD, ENTITLED "SOLICITATION"**

WHEREAS, the Township Council determined that the solicitation of business can disrupt the quiet enjoyment of Township residents, and

WHEREAS, Township residents do not have a meaningful way of notifying solicitors that solicitation of business is not welcome at their property and their desire not to be disturbed; and

WHEREAS, the Township Council therefore determined that establishment of a "No-Knock" Registry and limiting the duration of Solicitation Licenses is necessary to carry out the purposes referenced above.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

SECTION 1. Chapter IV, Article 3, Section 14 of Township Code of the Township of Fairfield, entitled "Expiration of Licenses", is hereby amended to read as follows:

4-3.14 Expiration of Licenses.

Unless suspended or revoked each license issued hereunder shall expire on the 30th day ~~on December 31~~ following its issuance.

SECTION 2. Chapter IV, Article 3, Section 19 entitled "No-Knock Registry," is hereby added to Township Code of the Township of Fairfield to read as follows:

4-3.19 No-Knock Registry.

- A. The Township Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that soliciting business is not permitted on the premises (hereinafter referred to as the "Fairfield Township "No-Knock" Registry").

Notification shall be completion of a form available at the Township Clerk's office during normal business hours. The Fairfield Township "No-Knock" Registry shall be maintained as follows:

- (1) The Township Clerk shall update the list on a monthly basis;
 - (2) The Fairfield Township "No-Knock" Registry shall consist solely of property addresses and shall include no further identifying information concerning the ownership of each property;
 - (3) The Tax Assessor shall notify the Township Clerk of any change in ownership of property on the Fairfield Township "No-Knock" Registry. The Township Clerk shall remove from the "No-Knock" Registry any property which has changed ownership;
 - (4) Other than by sale of property, a property, once listed, may only be removed from the "No-Knock" Registry by submitting a written, sworn and notarized request, sent to the Township Clerk.
- B. The Township Clerk shall distribute the current Fairfield Township No-Knock Registry to a licensee at the time of issuance of a license to solicit business, pursuant to the provisions of this chapter. The licensee shall not solicit business at any premises identified on the then-current Fairfield Township "No-Knock" Registry.
- C. Although the most current list of registrants on the Fairfield Township "No Knock" Registry shall be provided by the Township Clerk, it is the responsibility of the licensee to have the most up-to-date list prior to performing their business.
- D. Any person who violates any provision of this section, if convicted, shall be subject to one or more of the following:
- (1) A fine of not less than one hundred dollars (\$100.00) nor exceeding one thousand two-hundred and fifty dollars (\$1,250.00);
 - (2) Imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days;
 - (3) A period of community service not exceeding 90 days;
 - (4) A permanent revocation of any license issued under the within chapter; and
 - (5) Any person who is convicted of violating this section within one year of the date of a previous violation of this section and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this section, but shall be calculated separately from the fine imposed for the violation of this section.

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

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.



JAMES W. GASPARINI
Mayor

ATTEST:


DENISE D. CAFONE
Municipal Clerk

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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 September 26, 2016, 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 October 24, 2016 at 7:00 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

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Adopted: 10/24/16

INTRODUCTION OF ORDINANCE: SEPTEMBER 26,2016
ORDINANCE #2016-09 - AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 3 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD, ENTITLED "SOLICITATION"

INTRODUCED BY: Council President Cifelli
SECONDED BY: Councilman McGlynn
PUBLISHED: September 29, 2016

ROLL CALL VOTE

| GOVERNING BODY | AYES | NAYS | ABSTAIN | ABSENT | NOT VOTING |
|------------------------------------|------|------|---------|--------|------------|
| COUNCILPRESIDENT JOSEPH CIFELLI | X | | | | |
| COUNCILMAN MICHAEL B. MCGLYNN | X | | | | |
| COUNCILMAN JOHN LAFORGIA | X | | | | |
| COUNCILMAN THOMAS J. MORGAN | X | | | | |
| MAYOR JAMES GASPARINI | X | | | | |

2ND READING AND PUBLIC HEARING: OCTOBER 24, 2016

INTRODUCED BY: Council President Cifelli
SECONDED BY: Councilman Morgan
PUBLISHED: October 27, 2016

ROLL CALL VOTE

| GOVERNING BODY | AYES | NAYS | ABSTAIN | ABSENT | NOT VOTING |
|------------------------------------|------|------|---------|--------|------------|
| COUNCILPRESIDENT JOSEPH CIFELLI | X | | | | |
| COUNCILMAN MICHAEL B. MCGLYNN | X | | | | |
| COUNCILMAN JOHN LAFORGIA | X | | | | |
| COUNCILMAN THOMAS J. MORGAN | X | | | | |
| MAYOR JAMES GASPARINI | X | | | | |