TOWNSHIP OF FAIRFIELD
ORDINANCE #2018-07

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 3
OF THE CODE OF THE TOWNSHIP OF FAIRFIELD,
ENTITLED "SOLICITORS"

WHEREAS, the Township Code of the Township of Fairfield, Chapter 4, Article 3,
entitled “Solicitors” regulates the licensing of solicitors; and

WHEREAS, the Governing Body of the Township of Fairfield desires to amend the
Solicitors ordinance to balance the rights of Solicitors with the public safety and general welfare
of the residents of the Township of Fairfield.

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 4, Article 3 of the Township Code of the Township of Fairfield,
entitled “Solicitors,” shall be amended as follows (additions are shown with underlines, deletions
are shown as strikethroughs, sections that remain unchanged are omitted below):

4-3 SOLICITORS.

4-3.1 Definition.

No change

4-3.2 License Required.

No change

4-3.3 Exception.

No change

4-3.4 License Application.

No change
4-3.5 Fingerprinting. Reserved.
—Each applicant at the time he files his completed application shall be fingerprinted and cleared by the Chief of Police. The prints shall be placed on file in Police headquarters. In the event the applicant will have employees and/or agents conducting business under this license, all agents and/or employees must also be fingerprinted at the time the completed application is filed.

4-3.6 Bond Required. Reserved.
—Applicants for a license under this section shall execute and deliver to the Township Clerk a good and sufficient bond with good and sufficient surety or sureties to be approved by the Township Clerk, equal in the amount of twenty-five (25%) percent of the value of the stock of goods, wares, merchandise, securities or services to be rendered as shown in the declaration and disclosures required under the provisions of this subsection, but in no event shall the bond be less than one thousand ($1,000.00) dollars in amount. The bond shall remain in force for one (1) year; and be conditioned to indemnify and pay the Township any penalties or cost incurred in the enforcement of any of the provisions of this section and which shall also by its terms be so conditioned as to indemnify or reimburse any purchaser of goods, wares, merchandise, securities or services in a sum equal to at least the amount of any payment or payments such purchaser may have been induced to make through misrepresentation as to the kind, quality, or value of such goods, wares, merchandise, securities or services whether the misrepresentations were made by the owners or their servants, agents or employees, either at the time of making the sale or through any advertisement of any character printed or calculated with reference to the stock of goods, wares, merchandise, securities or service or any part thereof.

4-3.7 Agent for Service of Process.
Before a license under this section is issued, the applicant shall file with the Township Clerk an instrument in writing nominating and appointing the Township Clerk his/her true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the license and the bond given as required by this section or for the performance of the conditions of the bond. The instrument shall contain recitals to the effect that the applicant consents and agrees that service of any notice or process may be made upon the agent and when so made shall be taken and held to be as valid as if personally served upon the applicant.

4-3.8 Insurance Required.

No change

4-3.9 Processing the Application.

No change

4-3.10 Rejection of Application for License.

No change
4-3.11 License Fee.

The fee for the issuance of a license under this section shall be two hundred ($200.00) one hundred ($100.00) dollars for each license. Licenses utilizing motor vehicle units shall pay a license fee of two hundred ($200.00) one hundred ($100.00) dollars for the first motor vehicle unit and shall pay an additional fee of seventy-five ($75.00) forty ($40.00) dollars for each additional motor vehicle unit operated by the licensee within the Township of Fairfield. Payments of the aforesaid fees by a licensee utilizing motor vehicle units shall also entitle the licensee to one (1) employee/agent license for each motor vehicle unit so utilized. In the event that more than one (1) employee/agent shall operate a motor vehicle unit then a fee of fifty ($50.00) twenty ($20.00) dollars shall be payable for each such additional employee/agent. Fees payable hereunder shall not apply to applicants possessing licenses issued pursuant to N.J.S.A. 45:24-9 and 10.

4-3.12 Badges.

No change

4-3.13 Records.

No change

4-3.14 Expiration of Licenses.

No change

4-3.15 Revocation of License.

No change

4-3.16 Suspension of License; Hearing.

No change

4-3.17 Violations and Penalties.

No change

4-3.18 Relaxation of Solicitors Ordinance Enforcement During Disaster Recovery.

a. This subsection 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:
1. Temporary solicitation during public emergencies shall include and be limited to the following:

   (a) Application shall be made directly to the Chief of Police who shall be authorized to issue a temporary license to solicit under this subsection.

   (b) In requesting a temporary solicitation license the applicant shall:

       (1) 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.

       (2) Demonstrate the validity of any phone number provided at the time of application.

       (3) 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.

       (4) 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.

       (5) 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.

       (6) Provide the applicant's N.J. State Sales and Federal Tax Identification Number.

       (7) Provide proof of insurance coverage in the minimum amounts of one hundred thousand ($100,000.00) dollars per occurrence for general liability and fifty thousand ($50,000.00) dollars per occurrence for property damage. Insurance policies shall name Fairfield Township as an additional insured.

       (8) Submit all required fees for temporary solicitation license to solicit work for disaster recovery services, which fee shall be fixed at five hundred ($500.00) dollars for the business and the first motor vehicle. Each additional motor vehicle shall pay an additional two hundred ($200.00) dollar fee. This fee shall cover one (1) employee for each licensed vehicle. Each additional employee shall require an additional one hundred ($100.00) dollar fee.

       (9) 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.

2. Solicitation During Disaster Recovery Period.

   (a) Parameters of solicitation sites:

       (1) Door to door solicitation will be strictly prohibited during a state of emergency and any associated recovery period thereafter.
(2) 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:

[a] Street locations can be assigned or permitted at the discretion of the Chief of Police.

[b] 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.

3. Each site where solicitation shall be permitted shall be maintained in a clean and safe condition or be subject to closure without notice.

4. No business sign associated with solicitation for business shall exceed two feet by three (2' x 3') feet in size and shall be affixed to the shop, tent or trailer.

5. All solicitation shall take place between the hours of 10:00 a.m. and 9:00 p.m.

c. Enforcement:

1. 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 subsection shall be subject to a fine of one hundred ($100.00) dollars and a loss of license for temporary solicitation, and if applicable, be subject to the additional penalties below.

2. 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 ($100.00) dollars for any such failure.

3. 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 five hundred ($500.00) dollars and be subject to serve up to fifteen (15) days in jail, or both.

4. 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 one thousand ($1,000.00) dollars for soliciting without a license and serve up to thirty (30) days in jail or both.

5. Any person soliciting within the meaning of this subsection found guilty of operating a vehicle in the Township without a placard during the disaster recovery period shall pay a fine of one thousand ($1,000.00) dollars for each vehicle operating in the Township without a placard, be subject to thirty (30) days in jail, or both.

4-3.19 No-Knock Registry.

No change

4-3.20 Hours of Solicitation

All solicitation shall take place between the hours of 10:00 a.m. and 9:00 p.m.
SECTION 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, paragraph, subdivision, clause of provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

SECTION 4. This ordinance shall take effect immediately after final passage, approval and publication as required by law.

JAMES 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 25, 2018 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 that is to be held on July 30, 2018 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
INTRODUCTION OF ORDINANCE
ORDINANCE #2018-07 ~ AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 3 OF THE CODE OF THE TOWNSHIP OF FAIRFIELD, ENTITLED “SOLICITORS”

INTRODUCED BY: Councilman Cifelli
SECONDED BY: Council President LaForgia
PUBLISHED: June 28, 2018

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2ND READING AND PUBLIC HEARING: JULY 30, 2018

INTRODUCED BY: Councilman Cifelli
SECONDED BY: Councilman McGlynn
PUBLISHED: August 2, 2018

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