

TOWNSHIP OF MOORESTOWN

ORDINANCE 19-2009

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING CHAPTER 132 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED “PEDDLING, SOLICITING AND TRANSIENT VENDORS”

WHEREAS, the Township Council is of the opinion that Article I of Chapter 132 of the Code of the Township of Moorestown violates the United States Constitution’s First and Fourteenth Amendments which guarantee freedom of speech; and

WHEREAS, the Township Council wishes, through this Ordinance, to memorialize certain changes and revisions to its Peddling, Soliciting and Transient Vendors code.

NOW, THEREFORE, BE IT ENACTED, by the Township Council of the Township of Moorestown, in the County of Burlington, State of New Jersey as follows:

1. Article I of Chapter 132 of the Code of the Township of Moorestown, adopted on September 23, 1985 by Ordinance Number 1283, entitled “Soliciting,” is hereby repealed in its entirety.
2. The Township Clerk is hereby authorized to make note of such repeal in the official code book maintained by the Clerk’s office.
3. The designation “Article II - Transient Vendors (§132-9 through §132-18)” is hereby removed from said Chapter 132.
4. Section 132-9 entitled “Definitions” is hereby renumbered 132-1 and amended, revised and replaced to read as follows:

132-1 DEFINITIONS.

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

SOLICIT

Includes the request for money, credit, property, financial assistance or anything of economic value on behalf of any charitable, religious, political or nonprofit cause or organization; also the taking of surveys for research purposes and the taking of opinion polls.

CONDUCTING BUSINESS

Includes the conducting of retail sales for profit of goods, wares or merchandise, the offering for sale, sale, causing to be offered for sale or sold, the taking of

orders for present or future delivery or the display of any nature of goods, wares, merchandise, products, articles or services of every kind or description.

TRANSIENT VENDOR

Includes any individual, firm, corporation, partnership, association, company and/or any agent thereof who conducts a business within Moorestown by house-to-house or door-to-door canvass conducted in any house, office, business office, on the streets or sidewalks or in any other private place by car, truck or other vehicles or on foot.

5. Section 132-2 entitled “Exemptions provisions of ordinance” is hereby added to read as follows:

132-2 EXEMPTIONS FROM PROVISIONS OF ORDINANCE.

Door-to-door canvassing, solicitation, campaigning, advocacy, education, proselytizing, handbill distribution, or other entry upon private property by individuals representing any entity which (1) qualifies for tax-exempt status under the Internal Revenue Code; (2) qualifies for exemption from property tax under NJSA 54:4-3.6; (3) qualifies for an exemption from sales tax under NJSA 54:32B-9; or (4) was created under or is otherwise subject to the provisions of Title 15A of the New Jersey Statutes, shall be exempt from the provisions of this ordinance. Solicitation of donations by any such organizations shall not constitute the conducting of business as defined in this ordinance, and persons soliciting on behalf of such organizations shall not constitute transient vendors as defined in this ordinance.

Persons soliciting on behalf of any charitable, religious, political or nonprofit cause or organization shall carry proper identification issued by the organization represented and shall display the same upon request. No person shall solicit on behalf of any charitable, religious, political or nonprofit cause or organization at any premises within the Township of Moorestown where solicitors are notified by a sign that soliciting is prohibited. No person soliciting on behalf of any charitable, religious, political or nonprofit cause or organization shall enter or attempt to enter any dwelling without the invitation or permission of the occupant, and said person shall immediately leave any premises upon request.

6. Section 132-10 entitled “Permit required” is hereby renumbered 132-3.
7. Section 132-11 entitled “Applications for permit” is hereby renumbered 132-4.
8. Section 132-12 entitled “Issuance of permit” is hereby renumbered 132-5.
9. Section 132-13 entitled “Fee” is hereby renumbered 132-6.
10. Section 132-14 entitled “Form of permit expiration” is hereby renumbered 132-7.

11. Section 132-15 entitled “Nontransferability and renewal of permit” is hereby renumbered 132-8.
12. Section 132-16 entitled “Hours of operation” is hereby renumbered 132-9.
13. Section 132-17 entitled “Availability of permit” is hereby renumbered 132-10.
14. Section 132-18 entitled “Revocation” is hereby renumbered 132-11.
15. Unless revised or modified herein, all other sections of the Township Code shall remain in full force and effect.
16. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.
17. All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

Effective Date

This ordinance shall become effective twenty (20) days after final adoption.

Cite

This ordinance shall be cited as Ordinance No. 19-2009.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on August 10, 2009. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Auditorium of the William Allen Middle School, 801 North Stanwick Road, NJ on August 31, 2009 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk’s Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk