

CHECKLIST

APPLICATION FOR LICENSE FOR PEDDLING

Manalapan Township
120 Route 522 & Taylors Mills Road
Manalapan, New Jersey 07726
732-446-8314 Email: clerk@mtnj.org

Applicant must complete the following:

- Review Chapter 169, Peddling, Soliciting and Canvassing
- Review and comply with Fingerprint Instructions
- Application must be filled out in Duplicate and emailed to clerk@mtnj.org prior to scheduling an appointment for submission.
- Email all required supporting documents (including Driver's License)
- Walk-ins not permitted - Submissions BY APPOINTMENT ONLY

Manalapan Township Police Department Fingerprinting

All persons applying for permits or licensing under the TWP. Ordinance **MUST BE FINGERPRINTED EVERY TWO YEARS.**

After speaking to TWP. Clerk, the applicant must respond to the police department and the following steps must be followed:

- A. If the applicant has never been fingerprinted in NJ, or has not been fingerprinted within the past twenty-four months (2 years), the applicant will:
 1. Provide valid government photo ID to officer.
 2. The officer will enter applicant into our system (Spillman).
 3. The applicant will be directed to the IdentoGo website <https://uenroll.identogo.com/>
 4. Enter Service Code - **2F17ZY**
 5. Enter ORI Number – **NJ0132600**
 6. Contributor Case Number – Enter Incident/Case ID Number Manalapan Police provided
 7. Enter personal identifiers
 8. Schedule an appointment
 9. Follow the instruction on the IdentoGo website for fingerprinting process.
 10. Pay the fee via credit card directly to IdentoGo.
- B. If the applicant has been fingerprinted in the past twenty-four months (2 years), they must articulate date, time and place of fingerprinting, by either a Morpho Trak or IdentoGo receipt, or a valid NJ Firearms ID issued in the past two years.

If these requirements are met, the following steps **MUST BE FOLLOWED.**

 1. Same as numbers 1 & 2 above.
 2. Direct applicant to the police department website;
 - a. www.manalapanpolice.org
 - b. Click on Permits& Registration.
 - c. Click on the link <http://www.njportal.com/njsp/criminalrecords/>
 - d. Click on the Online Form 212A
 - e. Enter ORI Number – **NJ0132600**
 - f. Enter personal identifiers and pay the \$20.00 fee via credit card.
 3. The results will be sent to the Manalapan Police Department via CJIS Messenger (NJSP), where a letter will be populated and forwarded to the TWP. Clerk indicating the results of background request.
 4. The above steps **MUST BE FOLLOWED EACH TIME THE APPLICANT APPLIES FOR A PERMIT UNDER THE TWP. ORDINANCE.**

Chapter 169. Peddling, Soliciting and Canvassing

[HISTORY: Adopted by the Township Committee of the Township of Manalapan 4-23-2014 by Ord. No. 2014-05.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Auctions and auctioneers — See Ch. 68.

Consumer protection — See Ch. 91.

Distribution of handbills — See Ch. 139, Art. II.

Newsracks — See Ch. 152.

Peddling and soliciting in parks — See Ch. 163.

Sale of precious metals and gems — See Ch. 173.

Food and beverage regulations — See Ch. 256.

[1] *Editor's Note: This ordinance also amended in its entirety former Ch. 169, Peddling, Soliciting and Canvassing, consisting of Art. I, Hawking and Vending, adopted 10-24-1993 by Ord. No. 93-30 as Ch. 164, Art. I, of the 1993 Code, and Art. II, Soliciting and Canvassing, adopted 10-27-1993 by Ord. No. 93-30 as Ch. 164, Art. II, of the 1993 Code, as amended.*

Article I. Commercial Activities

§ 169-1. Definitions; word usage.

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

APPLICANT

A person or entity seeking to obtain a license for commercial solicitation.

CANVASSER

Any person who travels, either by foot or automobile or any other type of conveyance, from place to place, from house to house or from street to street to seek or develop support for, to conduct market research about, to determine feelings or opinions about, to conduct a survey about, or explain a position about and on behalf of any commercial product, commercial cause or commercial organization.

EMPLOYEE

Any individual receiving compensation, in any form whatsoever, from an entity for engaging in solicitation within the Township.

GOODS and/or SERVICES

Includes but is not limited to food (including but not limited to ice cream, refreshments and farm products), magazines and periodicals, advertisements, commercial handbills, personal property, coupons, products, merchandise, wares, orders or contracts for a service, home improvement or alterations.

ITINERANT VENDOR

Any person who goes from place to place by traveling on the streets and roads or from house to house taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold, and whether or not he is collecting advance payments on such sales; but shall not include wholesalers calling on retail merchants.

LICENSE

A license for commercial solicitation issued by the Township of Manalapan pursuant to the provisions of this article.

SOLICITATION or SOLICIT

To go in or upon the streets, roads, and semiprivate and private property in the Township of Manalapan without having been invited to do so by the owner or occupant of the property, for the purpose of advertising, promoting or selling any products, goods or services or conducting market research or a market or opinion survey regarding commercial goods or services. Solicitors shall include but shall not be limited to itinerant vendors, peddlers, hawkers and canvassers of commercial products or services. Solicitation shall include the placement upon private property of handbills or other written material advertising goods or services for sale. Solicitation shall also include the sale of goods or services which the solicitor promises to donate or deliver to a charitable or other nonprofit institution on behalf of the purchaser.

B. Word usage. For the purpose of this article, words and phrases shall be interpreted as follows:

- (1) Words used in the present tense shall include the future tense;
- (2) Words used in the singular include the plural, and, conversely, words in the plural include the singular;
- (3) The word "shall" is mandatory and not discretionary; and
- (4) Use of the masculine gender shall include the feminine gender.

§ 169-2. License required.

Except as otherwise provided in § 169-3 hereof, it shall be unlawful for any person to solicit, sell or dispose of or to offer to sell or dispose of any goods, or to solicit orders for the performance of any service or to engage in commercial canvassing within the corporate limits of the Township of Manalapan without first obtaining a license therefor in compliance with the provisions of this article. Such license shall not be transferable from the person to whom issued to any other person. A separate license shall be obtained by each solicitor, itinerant vendor, hawker, peddler or canvasser for every agent or employee working for him.

§ 169-3. Exemptions from requirements.

The requirements of this article shall not apply to the following:

- A. Any person honorably discharged from the military service who has a license under N.J.S.A. 45:24-9 et seq.
- B. Any person who is an exempt firefighter of a volunteer fire department, as defined by N.J.S.A. 45:24-9 and 45:24-10, possessing a license in conformity with said law.

- C. Any public utility or its employees, which said utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that such employee shall display the identification badge or card issued by his/her employer.
- D. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of persons who had ordered the same or were entitled to receive the same by reason of a prior agreement.
- E. Any individual engaged in the delivery of newspapers.
- F. Commercial selling agents calling upon commercial establishments in the usual course of business.
- G. Any person to whom Article II, Noncommercial Soliciting and Canvassing, of this chapter applies.
- H. Any charitable organization that shall conduct sales when the proceeds thereof shall be applied to the expenses of said organization.

§ 169-4. Application for license.

Every applicant for a license under this article shall file with the Township Clerk a sworn written application, in duplicate, on a form to be furnished by said Clerk, which shall give the following information:

- A. Name and description of the applicant.
- B. Permanent home address and full local address of the applicant.
- C. A brief statement of the nature of the business and a description of the merchandise or service to be sold or canvassed for.
- D. If employed, the name and address of the employer.
- E. The length of time for which the license is desired.
- F. If a vehicle or vehicles are to be used, a description of such vehicle(s) and license number.
- G. The place where goods or property to be sold or offered for sale are manufactured or produced, where such goods or property are located at the time such application is filed and the proposed method of delivery.
- H. Two photographs of the applicant taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two inches by two inches, which may be waived in a renewal application.
- I. Two business or banking references located in the State of New Jersey.
- J. A statement as to whether the applicant has been convicted of any crime, disorderly persons offense or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

§ 169-5. License fee.

The license fee payable under this article shall be the sum of \$50 for each license and shall be paid at the time the application is submitted. The license fee is nonrefundable.

§ 169-6. Request for criminal history background checks; costs.

Each applicant for a license shall secure through Morpho Trak, Inc., or other approved private agency a criminal history background check, conducted not more than 14 days prior to the filing of the application. Such criminal history background check must be submitted (as part of the application) directly from the private agency to the Chief of Police. The criminal history background check shall be in sufficient detail and scope to reveal any criminal history recorded with the State Bureau of Identification or with the Federal Bureau of Investigation and to allow the Chief of Police to reach an informed decision as required by this article.

§ 169-7. Disqualification from obtaining a license.

- A. A person or individual shall be disqualified from obtaining a license or acting under the auspices of a license issued for the purpose of peddling, soliciting and canvassing if that person's criminal history background reveals a record of conviction of any crime or disorderly offense.
- (1) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq. (criminal homicides); N.J.S.A. 2C:12-1 et seq. (assault; reckless endangering; threats); N.J.S.A. 2C:13-1 et seq. (kidnapping and related offenses); N.J.S.A. 2C:14-1 et seq. (sexual offenses); or N.J.S.A. 2C:15-1 et seq. (robbery); or
 - (2) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq.; or
 - (3) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or
 - (4) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except for N.J.S.A. 2C:35-10a(4) (minimal amounts of marijuana or hashish).
 - (5) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly person's offenses described herein.
- B. In the event a charge is pending against a person, that person shall be temporarily disqualified from obtaining a license pending the resolution of that charge. If such charge results in a conviction of a crime or disorderly person's offense described herein which would disqualify the person from receiving such a license, the person shall be deemed disqualified as of the date of conviction.
- C. If a pending charge is for an offense which would serve to disqualify the person from receiving such a license upon conviction, the person shall report the pending charge on the earliest of his/her submission to the criminal history background check or the date he/she learns of the charge. The individual shall also report the disposition of the charge immediately upon receiving notice of said disposition.
- D. The Manalapan Police Chief shall be authorized to conduct any additional investigation which in his discretion he deems appropriate in order to obtain accurate information in regard to the criminal history background check.

§ 169-8. Examination of applications; notice of denial.

The Chief of Police or his representative shall examine all applications filed under the provisions of this article and shall cause to be made such investigation of the application and the applicant as said Chief of Police shall deem necessary in order for him to perform his duties under this article. Upon request by the Chief of Police, the applicant shall make available for inspection by said Chief of Police, or his representative, all of the applicant's books, records and papers at any reasonable time before the application is granted. The Chief of Police shall notify the applicant of the issuance or denial of the license no later than 10 working days after the submission of the application. If said license cannot be issued or denied within 10 working days, the Chief of Police shall so notify the applicant, in writing, and the application shall be deemed denied, subject to approval upon completion of the investigation, and said denial shall be appealable pursuant to § 169-9 of this article.

§ 169-9. Hearing upon denial of license; appeals.

The applicant may appeal a denial by the Chief of Police or his representative of the permit to the Township Administrator. A notice of appeal shall be filed with the Township Clerk not more than 10 business days after notification of denial has been mailed by certified mail, return receipt requested. The Township Administrator shall conduct a hearing on said appeal no later than 15 business days after the notice has been filed and shall render written findings of fact and conclusions no later than 15 business days after the completion of said hearing. Said appeal shall be de novo, and the applicant shall bear the burden of proof at such appeal. The decision of the Township Administrator on such appeal shall be final and conclusive.

§ 169-10. Approval of application by Chief of Police.

The Chief of Police shall approve the issuance of the license provided for in this article whenever he shall find the following facts to exist:

- A. That all the statements made in the application are true.
- B. That the applicant is of good character and has a reputation for honesty and integrity or, if the applicant is not an individual person, that every member, managing officer or agent of the applicant is of good character and has a reputation for honesty and integrity.
- C. That the control and supervision of the solicitation will be under responsible and reliable persons.
- D. That the applicant has not engaged in any fraudulent transaction or enterprise.
- E. That the solicitation will not be a fraud on the public.

§ 169-11. Issuance of license by Township Clerk.

- A. When the aforesaid application is properly filled out and signed by the applicant, approved by the Chief of Police or his designee in accordance with § 169-10 and the license fee is paid, the Township Clerk shall issue the license to the applicant, provided that the Board of Health shall have theretofore issued a food handler's license, if required.^[1]

[1] *Editor's Note: See also Ch. 256, Food and Beverage Regulations, Art. I, Food and Beverage Vending Machines.*

- B. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the type of license issued, the kinds of good or

services to be sold thereunder, the date of issue, the length of time the license shall be operative and the license number and other identifying description of any vehicle used in the peddling, soliciting or canvassing activity permitted.

§ 169-12. Carrying and displaying of badge.

Each individual and/or member of any organization permitted to conduct solicitations shall attach and display, on the front outer layer of his/her clothing, a badge to be applied by the Township. There shall be a fee of \$10 for each badge. The badges shall be lettered and delivered by the Clerk and shall be uniform in style and design. The following information shall be printed on the badge:

- A. Name of the solicitor;
- B. Name and address of the organization on whose behalf the solicitation is made. The municipal and state address of the organization shall be the most conspicuous writing on the badge and shall be at least twice as large as any other printed matter contained on the badge;
- C. Expiration date of the license;
- D. A statement that the Township of Manalapan has licensed the solicitation but neither approves nor disapproves of the organization and/or its activities.
- E. Photograph of solicitor.

§ 169-13. Code of conduct.

Every person issued a license under this article shall conduct himself according to the following code of conduct:

- A. He shall not enter or remain on any resident's property that is on the "Do Not Solicit" List (See Article III of this chapter.) or upon property on which it is posted that solicitors are not permitted.
- B. He shall display his credentials in the manner as described in § 169-12 and to any occupant or owner of any property upon which he has entered.
- C. He shall not enter or attempt to enter any dwelling unit without express invitation from the occupant therein.
- D. He will immediately leave the resident's property upon request by the resident to do so.
- E. He shall not leave on or about the resident's property any circular, samples or other matter or materials unless same is handed to an occupant of the property.^[1]
[1] *Editor's Note: See also Ch. 139, Littering, Art. II, Distribution of Handbills.*
- F. He shall not indicate that the Township endorses or sponsors any of the views expressed or the organization for which support or contributions are sought.
- G. He shall not make false claims, misrepresentations or materially incorrect statements concerning the solicitation, organizations represented or the use to be made of the amount solicited.
- H. He shall not engage in any course of alarming conduct or conduct himself so as to alarm or seriously annoy the occupant of the dwelling.

- I. He shall not engage in any conduct which is prohibited by any statute, regulation or ordinance in effect in the Township of Manalapan.
- J. He shall have in his possession at all times a copy of the "Do Not Solicit" List (See Article III of this chapter.) that is no more than two weeks old. A current copy of the updated "Do Not Solicit" List is accessible on the Township's official website.
- K. Every such licensee shall restrict his activity within the Township of Manalapan to the hours between 9:00 a.m. and 7:00 p.m., prevailing time, on Mondays through Saturdays.

§ 169-14. Prohibited practices.

- A. No peddler, commercial or itinerant vendor shall conduct or attempt to conduct his business at any residence or on any property on which is posted a sign expressly prohibiting such activity.
- B. No person regulated hereunder, nor a holder of a license under the authority of N.J.S.A. 45:24-9, shall hawk, peddle or vend any goods, wares or merchandise, including but not limited to food, ice cream and soft drinks, within 1,000 feet of any store, establishment or machine, selling, vending or dispensing the same or substantially similar goods, wares or merchandise.
- C. No person regulated hereunder, nor a holder of a license under the authority of N.J.S.A. 45:24-9, shall hawk, peddle or vend any goods, wares or merchandise, including but not limited to food, ice cream and soft drinks in any municipal park or other place of recreation or cultural activity or upon any public street or right-of-way thereof adjacent to such municipal park or place of recreational or cultural activity.
- D. No person shall shout, make any outcry, blow a horn, or use any loudspeaker, radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the Township or upon any private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purposes of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
- E. No person shall have exclusive right to any location in or upon the public streets or rights-of-way thereof, nor shall any vested rights arise from the use of any location, and no person shall be permitted to operate in any location or area where his presence presents a public hazard, danger or inconvenience, contributes to vehicular or pedestrian congestion or constitutes a public nuisance.
- F. No person shall, directly or indirectly, solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose in the Township of Manalapan or in any application or report filed under this article.
- G. Every person issued a permit under this article shall conduct himself/herself according to the code of conduct set forth in § 169-13.

§ 169-15. Enforcement.

It shall be the duty of any police officer of the Township of Manalapan or the Code Enforcement Officer to enforce the provisions of this article.

§ 169-16. Records.

The Township Clerk shall maintain a record of all licenses issued under the provisions of this article and shall record therein all convictions for violations of this article and other pertinent circumstances and incidents reported by the Chief of Police.

§ 169-17. Revocation of licenses.

- A. Licenses issued under the provisions of this article may be revoked by the Township Clerk, in writing, for any of the following causes:
- (1) Fraud, misrepresentation or false statements contained in the application for license.
 - (2) Fraud, misrepresentation or false statements by the licensee in the course of conducting the business licensed.
 - (3) Any violation of this article.
 - (4) Conviction of any crime or offense involving moral turpitude.
 - (5) Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
 - (6) Any conviction of the permit holder, its employees, agents or representatives of a violation of any provisions of this article shall be prima facie grounds for revocation.
- B. Revocation of a license may be appealed in the same manner as set forth in § 169-9 of this article for an appeal of a denial of a license. The licensee may not operate the business or enterprise licensed during the pendency of said appeal.

§ 169-18. Expiration and renewal of license.

All licenses issued under the provisions of this article shall expire within one year after issuance. Any such license may be renewed upon payment of the license fee as stated in § 169-5 and upon submission by the licensee of a new application in conformity with the requirements of § 169-4 of this article or, in lieu thereof, a sworn statement, in writing, setting forth all changes in the information contained in the application for the expired license which are necessary to bring said application completely up to date.

§ 169-19. (Reserved)

§ 169-20. Violations and penalties.

Any person violating any of the provisions of this article, or filing or causing to be filed an application for a license under this article containing false or fraudulent misstatement, shall be subject to a fine of not more than \$1,000 or be imprisoned for a term not exceeding 90 days, or both, in the discretion of the court.

Article II. Noncommercial Soliciting and Canvassing

§ 169-21. Definitions; word usage.

- A. Whenever used in this article, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

ACTIVITY

The act of engaging in noncommercial canvassing or soliciting.

CANVASSING

The practice of going from place to place, or house to house for the purpose of obtaining the views of any person upon any economic or social question or a project or for the purpose of distributing literature, pamphlets, circulars, samples and the like for purposes of information and advertising for noncommercial purposes.

CHARITABLE AND PHILANTHROPIC

Includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civil or fraternal, either actual or purported.

CONTRIBUTION

Includes the giving of alms, food, clothes, money, subscriptions, pledges or property of any nature or kind.

PERSON

Not only an individual, but also any organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

SOLICIT and SOLICITATION

The traveling, either by foot or automobile or any other type of conveyance, from place to place, from house to house or from street to street to request, directly or indirectly, money, credit, property, financial assistance, and other things of value in the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable or philanthropic purpose as defined in this article or for a political or other noncommercial purpose. Solicitation shall be deemed to be complete when made, whether or not the person making the same receives any contribution.

SOLICITOR

A person who solicits.

- B. Word usage. For the purpose of this article, words and phrases shall be interpreted as follows:
- (1) Words used in the present tense shall include the future tense;
 - (2) Words used in the singular include the plural, and, conversely, words in the plural include the singular;
 - (3) The word "shall" is mandatory and not discretionary; and
 - (4) Use of the masculine gender shall include the feminine gender.

§ 169-22. License exemption.

Any person may solicit political, charitable and philanthropic contributions or engage in noncommercial soliciting or canvassing, including doing so on behalf of a political, philanthropic or charitable organization within the Township, without first obtaining any license or prior approval authorizing such activity, provided the person conducts such solicitation and/or canvassing in compliance with the provisions of this article.

§ 169-23. Advance notification.

- A. Before any person shall engage in any noncommercial canvassing or soliciting, including canvassing or soliciting on behalf of a political, philanthropic or charitable organization, he shall provide the following information to the Township Clerk, at least three days in advance of the commencement of such canvassing or soliciting:
- (1) Name, address and date of birth of each canvasser or solicitor.
 - (2) Name and address of the affiliated organization, entity or group sponsoring or conducting the soliciting or canvassing, if any.
 - (3) If a vehicle is to be used in any portion of the activity, a description of the vehicle(s), including color, make, model, year, license plate number, including state of registration, as well as name and address of registered owner.
 - (4) If the solicitor or canvasser is employed by another, the name and address of the employer.
 - (5) The days of the week and hours of the day over the next 30 days during which the activity will be conducted.
 - (6) A description of the section of the Township in which the activity will be carried out on each such day. Use of street boundaries of the area is the desirable manner in which to describe the section of the Township.
 - (7) A statement as to whether each canvasser or solicitor has ever been convicted of any crime or the violation of any municipal ordinance, other than traffic offense, and, if so, the date and place of conviction and the nature of the offense. The submission of false information hereunder shall be a violation for the person submitting such false information.
 - (8) The general nature of the solicitation and canvassing.
 - (9) The name, address and cellular telephone number of the person who will be in direct charge of supervising the solicitation or canvassing.
 - (10) A brief outline of the method to be used in conducting the solicitation or canvassing.
- B. The notification provided to the Township pursuant to this section shall be effective for a thirty-day period. Notification shall be given every 30 days if the activity extends beyond 30 days.

§ 169-24. Calendar of solicitations.

It shall be the duty of the Township Clerk to keep a calendar of solicitations and canvassing for which advance notice has been given to the Township. Such calendar shall be posted on the official Township website to allow access to and for the information of Township residents.

§ 169-25. Code of conduct.

Every person engaging in any noncommercial canvassing or soliciting, including canvassing or soliciting on behalf of a political, philanthropic or charitable organization, shall conduct himself according to the following code of conduct:

- A. He shall not enter or remain on any resident's property that is on the "Do Not Solicit" List (See Article III of this chapter.) or upon property on which it is posted that solicitors are not permitted.
- B. He shall display his credentials in the manner as described in § 169-28 and to any occupant or owner of any property upon which he has entered.
- C. He shall not enter or attempt to enter any dwelling unit without express invitation from the occupant therein.
- D. He will immediately leave the resident's property upon request by the resident to do so.
- E. He shall not leave on or about the resident's property any circular, samples or other matter or materials unless same is handed to an occupant of the property.^[1]
[1] *Editor's Note: See also Ch. 139, Littering, Art. II, Distribution of Handbills.*
- F. He shall not indicate that the Township endorses or sponsors any of the views expressed or the organization for which support or contributions are sought.
- G. He shall not make false claims, misrepresentations or materially incorrect statements concerning the solicitation, organizations represented or the use to be made of the amount solicited.
- H. He shall not engage in any course of alarming conduct or conduct himself so as to alarm or seriously annoy the occupant of the dwelling.
- I. He shall not engage in any conduct which is prohibited by any statute, regulation or ordinance in effect in the Township of Manalapan.
- J. He shall have in his/her possession at all times a copy of the "Do Not Solicit" List (See Article III of this chapter.) that is no more than two weeks old. A current copy of the updated "Do Not Solicit" List is accessible on the Township's official website.

§ 169-26. Use of streets.

No solicitor or canvasser shall have an exclusive right to any location; enter a roadway for the purpose of approaching occupants of motor vehicles using the roadway or approach such occupants; or operate or conduct any of his/her activity from a fixed location in any congested area where his/her activity might unreasonably impede or inconvenience the public or impose a threat to public safety. For purposes of this section, the judgment of a Police Officer, exercised in good faith, shall be used to determine whether the area is congested, the public unreasonably impeded or inconvenienced or that the activity poses a threat to public safety. As used herein, a solicitor or canvasser shall be deemed to be operating from a fixed location if he/she has been in the same location, or within 200 feet in any direction of the location, for more than 15 consecutive minutes.

§ 169-27. Exemption from regulations.

Soliciting or canvassing by visiting a property where the owner or resident of such property has directly or implicitly indicated to the solicitor or canvasser, through prior interaction, that

his visit would be welcomed is exempt from the provisions of this article. The burden of proof shall be on the person claiming this exemption.

§ 169-28. Display of badge.

- A. Every solicitor or canvasser shall attach and display, on the front outer layer of his/her clothing, a badge not smaller than two inches by 3 1/2 inches with letters and figures at least 1/4 inch high on contrasting background and displayed so that the information thereon is easily discernible from a distance of seven feet. The following information shall be printed on the badge:
- (1) Name of the solicitor.
 - (2) Picture of the solicitor.
 - (3) If the solicitation or canvassing is conducted on behalf of an organization, entity or group, the name of such organization, entity or group shall be printed on the badge.
- B. The badge requirement may be satisfied by utilizing a badge issued by the Township Clerk pursuant to § 169-12 hereof or a photo identification card issued by any governmental agency, school or employer.

§ 169-29. Misrepresentation.

No person shall, directly or indirectly, solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose in the Township of Manalapan or in any application or report filed under this article.

§ 169-30. Time restrictions.

No soliciting or canvassing activities shall be conducted before 9:00 a.m. nor later than 9:00 p.m.

§ 169-31. Violations and penalties.

Any person violating any of the provisions of this article shall be subject to a fine of not more than \$1,000 or be imprisoned for a term not exceeding 90 days, or both, in the discretion of the court.

Article III. "Do Not Solicit" List

§ 169-32. Definitions.

All definitions as set out in Articles I and II of this chapter shall apply to this article.

§ 169-33. Registration of property.

Any person or entity who owns or rents property within the Township may register such property to be included on the "Do Not Solicit" List by registering through the Township Clerk's office or on the Township's website.

§ 169-34. Maintenance of list.

Maintenance of the "Do Not Solicit" List shall be as follows:

- A. The "Do Not Solicit" List shall be maintained by the Township Clerk. The list shall be available through the official Township 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 Township Clerk of any change in ownership of property within the Township. The Township Clerk shall remove from the "Do Not Solicit" List any property which has changed ownership.
- D. Other than by sale of property, a property may be removed from the list upon written request made by the owner of record and filed with the Township Clerk.

§ 169-35. Duties of Township Clerk's office.

The Township Clerk's office shall:

- A. Post a copy of the "Do Not Solicit" List on the official Township website.
- B. Provide a copy of the "Do Not Solicit" List to every applicant to whom a license is issued pursuant to Chapter 169.
- C. Provide a copy of the "Do Not Solicit" List to any person notifying the Township Clerk's office pursuant to Chapter 169 of his/her intention to engage in noncommercial soliciting or canvassing. The failure of the Township 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 Township Clerk shall not provide a defense to the requirement of having in his/her possession a copy of the updated "Do Not Solicit" List as required by § 169-25.

§ 169-36. Solicitation prohibited.

It is prohibited for any person to conduct any commercial or noncommercial solicitation or canvassing at any property listed on the "Do Not Solicit" List.

§ 169-37. Exclusion to prohibition.

The prohibition in this article 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 proof shall be on the person claiming this exemption.

§ 169-38. Violations and penalties.

Any person violating any of the provisions of this article shall be subject to a fine of not more than \$1,000 or be imprisoned for a term not exceeding 90 days, or both, in the discretion of the court.