

BOROUGH OF HOPATCONG

ORDINANCE #34-2015

**AN ORDINANCE OF THE BOROUGH OF
HOPATCONG, COUNTY OF SUSSEX, AND STATE
OF NEW JERSEY AMENDING CHAPTER 171
ENTITLED “PEDDLING AND SOLICITING” TO
ESTABLISH A NO SOLICITATION LIST AND LIMIT
PERMISSIBLE DAYS AND HOURS**

BE IT ORDAINED by the Borough of Hopatcong, in the County of Sussex, and State of New Jersey that Chapter 171 entitled “Peddling and Soliciting” of the Code of the Borough of Hopatcong is hereby amended as follows:

SECTION I. Chapter 171 entitled “Peddling and Soliciting” is hereby amended, supplemented, and revised by deleting §171-7 in its entirety and replacing same as follows:

§171-7. No Solicitation List; Regulations.

A. No Solicitation List.

1. The Borough of Hopatcong shall establish a list of residents who request that solicitors do not solicit on their property. The “No Solicitation List” shall be maintained by the Borough Clerk and updated annually.
2. Residents of the Borough of Hopatcong may request in writing to the Borough Clerk to be added to the No Solicitation List.
3. Upon receipt of a written request, the Borough Clerk shall add the name and address of the resident to the No Solicitation List.
4. The Borough Clerk shall distribute a copy of the No Solicitation List to all applicants seeking a license to solicit pursuant to the provisions of this Chapter, and to the individuals and organizations identified in §171-9 including registrants, special license holders, and applicants for special permits.
5. The Borough Clerk shall distribute a copy of the No Solicitation List to the Chief of Police annually for distribution where applicable.

B. Regulations.

1. No person or organization may engage in the activities described in §171-2 on the properties or to the persons set forth in the No Solicitation List. Violation of this provision shall be immediate cause for revocation or suspension of license pursuant §171-8.
2. No persons shall peddle, solicit, canvass, or engage in any activity permitted by this chapter before the hour of 9:00 a.m. or after the hour of 6:00 p.m., Mondays through Saturdays. All such activities are prohibited on Sundays and holidays.
3. No person shall stand or park a vehicle for the purpose of displaying or selling wares, merchandise, or services within a business or commercial district, as defined in the Borough Zoning Ordinance, or otherwise in violation of the Borough Zoning Ordinance.
4. No person shall stand or park a vehicle, cart, stand, or movable facility, or display upon any public street for the purpose of

displaying or selling wares, merchandise, or services in violation of N.J.S.A. Title 39 of the Revised Statutes of New Jersey or the ordinances of the Borough of Hopatcong without first having obtained written permission from the Chief of Police of the Borough of Hopatcong, which permission shall be denied if the same shall be determined to cause a dangerous traffic condition. In the event of denial of such permission, the Mayor and Council, upon written request by the applicant, shall conduct a hearing to determine whether such permission should be granted. Such request must be filed with the Borough Clerk no later than 14 days after the rejection of the application.

5. Nothing herein stated shall be construed to exempt any person from complying with the requirements of the Zoning Ordinance and all other ordinances of the Borough of Hopatcong, whether or not a license is required hereunder.
6. All licensed persons engaging in the activities described in §171-2, and all veterans and exempt firemen who obtain a special license to conduct such activities pursuant to N.J.S.A. 45:24-9 et seq. shall be required to carry their license on his or her person while conducting such activities. Such license shall be exhibited to any police officer or to any official of the Borough upon request and to any person solicited prior to such solicitation.

SECTION II. Chapter 171 entitled “Peddling and Soliciting” is hereby amended, supplemented, and revised by adding §171-8(A)(7) as follows:

§171-8. Revocation or suspension of license; hearing.

- A. Licenses issued under this chapter may be revoked by the Chief of Police or the Mayor and Council for any of the following causes:
 7. Engaging in activities described in §171-2 on the properties or to the persons set forth in the Borough of Hopatcong’s No Solicitation List.

SECTION III. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION IV. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION V. This Ordinance shall take effect immediately upon final passage and publication according to law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Hopatcong held on the 7th day of October, 2015, at 7:30 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Council of the Borough of Hopatcong to be held on the 21st day of October, 2015, at 7:30 p.m., or as soon thereafter as the Borough may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, at which time all persons interested may appear for or against the passage of said Ordinance.

Catherine Schultz
Borough Clerk

CERTIFICATION

I, Catherine Schultz, Clerk of the Borough of Hopatcong, do hereby certify that the Council of the Borough of Hopatcong duly adopted the foregoing Ordinance on the _____ day of _____, 2015, at 7:30 p.m.

Catherine Schultz, Clerk
Borough of Hopatcong

Sylvia Petillo, Mayor

Introduced:

Adopted: