

ORDINANCE 11 - 05

ORDINANCE BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF SCOTCH PLAINS TO AMEND ORDINANCE # 4-4 (HAWKERS, PEDDLERS AND SOLICITORS)

WHEREAS, the Township of Scotch Plains have entered into a Certain Settlement Agreement with the New Jersey Citizen Action, a non-profit Corporation, (hereinafter NJCA), in the United States District Court for District of New Jersey, *N.J.C.A. vs. Scotch Plains, Civil Action No. 04-4037 (KSH)*; and,

WHEREAS, as part of said settlement the Township has agreed to revise certain portions of T.O. 4-4 (Hawkers, Peddlers and Solicitors) to conform with various holdings of the United States Court of Appeals, Third Circuit, rulings defining and regulating noncommercial solicitation or canvassing within the Township including dates, hours, and persons engaged in noncommercial solicitation and canvassing; and,

WHEREAS, Section 4-4.1(b) shall be amended to read that "Noncommercial solicitation or canvassing may take place... between the hours of 9:00 a.m. to 9:00 p.m., on each and every day of the year" and all other portions commencing with the words "and 8:00 p.m." shall be deleted; and,

WHEREAS, Section 4-4.5 shall be amended to delete with reference to noncommercial solicitors any requirement of approval by the Chief of Police or the requirement or granting of a permit with the sole exception that any noncommercial solicitor or canvasser must register with the Police Department in accordance with Section 4-4.4 to have knowledge of their presence in the Township; and,

WHEREAS, Section 4-4.6 is to be amended so that it shall not apply to individuals persons engaged in noncommercial solicitation and/or canvassing; and,

WHEREAS, Section 4-4.11 shall be amended to delete all language commencing with the words “located within the Township” to the end of said paragraph, and , the words “or engaged in noncommercial solicitation or canvassing”; and,

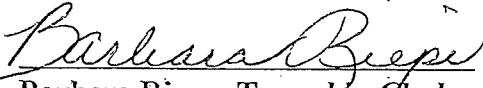
NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of Scotch Plains that Township Ordinance 4-4 be amended as follows in order to comply with a certain Settlement between N.J.C.A. the Township of Scotch Plains, Docket # 04-4037 (KSH) and the decisions of the United States District Court of Appeals, Third Circuit and the Constitutions of the United States and the State of New Jersey with respect to noncommercial solicitations within the Township as follows:

1. Section 4-4.1(b) is amended to read “noncommercial solicitation or canvassing may take place within the Township between the hours of 9:00 a.m. to 9:00 p.m. 365 days per year.”
2. That Section 4-4.5 is hereby amended to add the following sentence at the end of the current paragraph: “Persons engaged in noncommercial speech or canvassing shall only be required to register pursuant to Section 4-4.4.” All other provisions of the paragraph shall be applicable to persons engaged in noncommercial speech, canvassing or solicitation.
3. The following shall be added to Section 4-4.6: This provision shall not apply to persons engaged in noncommercial solicitation or canvassing.”
4. That Section 4-4.11 is hereby amended to delete all word in line four (4) following the words “organization” to the end, and the words “or persons engaged in noncommercial solicitation

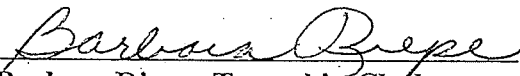
or canvassing.”

Dated: March 8, 2005

TOWNSHIP OF SCOTCH PLAINS


Barbara Riepe, Township Clerk
Township of Scotch Plains

This is to certify that the within Ordinance is
a true and exact copy of the Ordinance adopted
on March 8, 2005 by the Township
Council of the Township of Scotch Plains.


Barbara Riepe, Township Clerk