

ORDINANCE NO. 2021-24

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XVI
ENTITLED POLICE REGULATIONS.**

BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 16 and Chapter 20 of the Borough Code is hereby amended to include the following:

SECTION I. Section 16-24.2 entitled “Prohibition of Soliciting, Canvassing; Registration and Regulations” is hereby by amended and supplemented to read as follows:

A. Soliciting.

1. No person shall solicit on behalf of a charitable organization or for a charitable purpose, as defined in subsection 16-24.1, without registering with the Borough as set forth herein. This section and the requirements herein do not relieve persons or organizations from the licensing requirements of the Borough of Belmar Revised General Ordinances, if applicable, for other activities not defined or addressed herein.

B. Canvassing.

1. Persons or organizations are permitted to canvass, as defined in subsection 16-24.1, without registering with the Borough. This section and the requirements herein do not relieve persons or organizations from the licensing requirements of the Borough of Belmar Revised General Ordinances, if applicable, for other activities not defined or addressed herein.

C. No Knock Registry.

1. The Borough Clerk shall maintain a list of names and addresses of residents who have determined that solicitors, peddlers and/or hawkers shall not be invited to their respective residence. Any resident shall be included on such list if they complete a form to be so included. The form shall be available at Borough Hall and online. The list shall be distributed to applicants seeking a license for the purposes mentioned herein. The licensee shall not solicit, peddle or hawk at any residence on the list. Any solicitor, peddler or hawker who goes upon any premises or rings a doorbell upon or near any door or creates any sound in any manner calculated to attract the attention of the occupant of such residence, when such residence is on

the list provided shall be considered to be engaging in uninvited soliciting subject and shall be subject to the penalties set forth herein.

D. Exceptions to No Knock Registry.

1. Members of religious groups who appear at the premises for those purposes.
2. Political or political action group persons who appear at the premises for those purposes.
3. Annual fundraising events by bona fide 501C3 organizations.
4. Halloween trick or treaters.

E. License required.

1. Any person or organization wishing to solicit, as defined in subsection 16-24.1, must comply with all licensing requirement set forth in Chapter 20 of the Borough Ordinances and must register with the Borough at least 48 hours prior to the commencement of soliciting, as follows:
 - i. The person or organization must submit a letter to the Borough Clerk, upon the organization's letterhead if applicable, containing at least the following information:
 1. The specific date(s) and times of day the participants will be in Belmar; and
 2. The specific location(s) where the solicitation will occur; and
 3. The name, address, and a legible photocopy of a form of identification for each participant; and
 4. The name, mailing address and telephone number of a person to contact should any questions arise before the person or organization comes to the Borough and the same information for a person to act as a contact while the person or organization is present in Belmar.
 - ii. Upon receipt of this information, the Borough Clerk shall promptly provide copies of the same to the Chief of Police, and the Director of Code Enforcement.
 - iii. No fee or other cost shall be charged to the person or organization in conjunction with the requirements of this section. The Borough will only contact the person or organization if the Borough determines that certain persons or the organization will not be permitted to solicit in the Borough.

Appeals from the Borough's decision in this regard may be taken to any court of competent jurisdiction. The basis for the Borough's determination that certain persons, or the organization, will not be permitted to solicit in the Borough are:

1. Any pending criminal or quasi-criminal claims of fraud, financial wrongdoing, acts of violence, robbery, burglary or other claims involving the person's or the organization's moral turpitude; or
2. A conviction or finding within the past three years against the persons, or the organization, in any criminal, quasicriminal or civil matter involving fraud, financial wrongdoing, acts of violence, robbery, burglary or other claims involving the persons or organization's mortal turpitude.

F. Regulations. Once a person or organization has registered with the Borough, the following regulations apply to their solicitation activities:

1. No solicitation is allowed after 6:00 p.m. or before dawn. The Borough requests, but does not require, that solicitation occur during daylight hours.
2. Persons, organization and its participants must abide by all other rules, regulations, ordinances and laws.
3. Failure to abide by these prerequisites, regulations and conditions may result in legal action and/or criminal process, and the person and/or organization may be ordered to cease all further solicitation until the applicable prerequisites, regulations and conditions have been complied with.

G. Violations and Penalties.

1. A person or organization violating the terms of this article or engages in uninvited soliciting shall be subject to revocation of the Borough-issued license and issued the following penalties:
 - i. First offense: a fine of \$250.00.
 - ii. Second offense: a fine of \$500.00.
 - iii. Third or subsequent offense: a fine of not less than \$1000.00, nor more than \$2000.00.

SECTION II. To avoid confusion Section 16-24.2 of the Borough Code is hereby deleted in its entirety and replaced with the provisions set forth herein.

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

SECTION IV. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

ORDINANCE NO. 2021-27

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XVI
ENTITLED POLICE REGULATIONS.**

BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 16 and Chapter 20 of the Borough Code is hereby amended to include the following:

SECTION I. Section 16-24.2 entitled “Prohibition of Soliciting, Canvassing; Registration and Regulations” subsection F entitled “Regulations” is hereby by amended and supplemented to read as follows:

F. Regulations. Once a person or organization has registered with the Borough, the following regulations apply to their solicitation activities:

1. No solicitation is allowed after 6:00 p.m. or before 9:00 a.m. The Borough requests, but does not require, that solicitation occur during daylight hours.
2. Persons, organization and its participants must abide by all other rules, regulations, ordinances and laws.
3. Failure to abide by these prerequisites, regulations and conditions may result in legal action and/or criminal process, and the person and/or organization may be ordered to cease all further solicitation until the applicable prerequisites, regulations and conditions have been complied with.

SECTION II. To avoid confusion subsection F entitled regulations of Section 16-24.2 of the Borough Code is hereby deleted in its entirety and replaced with the provisions set forth herein.

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

SECTION IV. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.