

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: JULY 22, 2013 TIME: 7:30 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE:	PRESENT	ABSENT	
	_____	_____	Mayor Cann
	_____	_____	Deputy Mayor Popko
	_____	_____	Committeeman Benowitz
	_____	_____	Committeeman Feltes
	_____	_____	Committeeman Moynihan
	_____	_____	Township Clerk Eckert
	_____	_____	Attorney Kearns
	_____	_____	Chief Financial Officer Kocian
	_____	_____	Public Works Director Buhrer
	_____	_____	Police Chief Nucera

1. Salute to the flag and moment of silence.
2. Roll Call.
3. Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 7, 2013, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was faxed to the REGISTER-NEWS, the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

4. The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.
5. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
- b. Questions or comments from the audience on consent agenda items.
- c. Motion, Second and Roll Call to adopt Resolutions #2013-203-6 through #2013-203-16.

6. Resolution #2013-203-6 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
7. Resolution #2013-203-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: FILING OF REPORTS.
8. Resolution #2013-203-8 entitled RESOLUTION TO APPOINT POLICE OFFICER FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.
9. Resolution #2013-203-9 entitled ACKNOWLEDGING RECEIPT OF REPORT OF AUDIT FOR THE YEAR 2012.
10. Resolution #2013-203-10 entitled RESOLUTION ACCEPTING PROPOSAL FROM HORNER BROTHERS, LLC, FOR FENCING AT JOSEPH LAWRENCE PARK.
11. Resolution #2013-203-11 entitled RESOLUTION TO REFER APPLICATION OF QUICK CHECK TO THE TOWNSHIP PLANNING BOARD FOR REVIEW AND RECOMMENDATION.
12. Resolution #2013-203-12 entitled RESOLUTION ADOPTING THE AMENDED CASH MANAGEMENT PLAN FOR THE YEAR 2013.
13. Resolution #2013-203-13 entitled AMEND JOSEPH LAWRENCE PARK PEDESTRIAN/BIKE PATH CONTRACT WITH PARAMOUNT ENTERPRISES, INC. AND APPROVE CHANGE ORDER NO. 2 FINAL AND APPROVE FINAL PAYMENT.
14. Resolution #2013-203-14 entitled RESOLUTION SUPPORTING PLANNING BOARD'S CONSIDERATION OF AN AMENDMENT TO THE MASTER PLAN CIRCULATION ELEMENT.
15. Resolution #2013-203-15 entitled RESOLUTION AUTHORIZING A REFUND OF A CONSTRUCTION PERMIT FEE TO ROOF DIAGNOSTICS SOLAR.
16. Resolution #2013-203-16 entitled AWARDING A CONTRACT TO _____ FOR THE INTERSECTION OF GLEN ROAD AND ORCHARD AVENUE EMERGENCY REPAIR IN ACCORDANCE WITH N.J.S.A. 40A:11-6.
17. Public Hearing on Ordinance #2013-14 entitled AN ORDINANCE REGULATING SMOKING IN AND UPON PUBLIC BUILDINGS AND ON PUBLIC PROPERTY, INCLUDING PARKS AND RECREATION AREAS OF THE TOWNSHIP OF BORDENTOWN.
18. Consideration of Adoption of Ordinance #2013-14 entitled AN ORDINANCE REGULATING SMOKING IN AND UPON PUBLIC BUILDINGS AND ON PUBLIC PROPERTY, INCLUDING PARKS AND RECREATION AREAS OF THE TOWNSHIP OF BORDENTOWN.
19. Public Hearing on Ordinance #2013-15 entitled AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR SOLICITORS AND CANVASSERS AND PROVIDING FOR A REGISTRY FOR RESIDENTS WHO WISH TO BE PLACED ON A "DO NOT SOLICIT" LIST.

20. Consideration of Adoption of Ordinance #2013-15 entitled AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR SOLICITORS AND CANVASSERS AND PROVIDING FOR A REGISTRY FOR RESIDENTS WHO WISH TO BE PLACED ON A “DO NOT SOLICIT” LIST.
21. Township Committee discussion of Bordentown City Water Department Fire Hydrant Flushing.
22. Township Committee and Staff Reports.
23. Public Participation.

Questions, comments or statements from members of the public in attendance.

24. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
25. Resolution to meet in closed session:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing:

RESOLUTION #2013-203-6

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated July 22, 2013, as submitted by the Office of the Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

07/22/13

RESOLUTION #2013-203-7

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: FILING OF REPORTS

BE IT RESOLVED that the following reports for the month of June 2013 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Construction, Community Development, Municipal Court, and Finance.

07/22/13

RESOLUTION #2013-203-8

RESOLUTION TO APPOINT POLICE OFFICER FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT

BE IT RESOLVED by the Township Committee of the Township of Bordentown that as recommended by the Chief of Police, the following candidate for Police Officer, as listed by the Civil Service Commission Certification #OL130169 is hereby appointed as Police Officer in the Police Department of the Township of Bordentown:

Jessica Meyer

BE IT FURTHER RESOLVED that said appointment shall be effective August 5, 2013; and

BE IT FURTHER RESOLVED that compensation for said appointments shall be at the position of Police Recruit, or \$33,715/year, in accordance with Ordinance #2005-23; and

BE IT FINALLY RESOLVED that the appointments shall be subject to the Rules and Regulations of the New Jersey Civil Service Commission.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 22, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/22/13

RESOLUTION #2013-203-9

ACKNOWLEDGING RECEIPT OF REPORT OF AUDIT FOR THE YEAR 2012

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Township of Bordentown Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled Schedule of Findings and Recommendations as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Bordentown hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

07/22/13

RESOLUTION #2013-203-10

RESOLUTION ACCEPTING PROPOSAL FROM HORNER BROTHERS, LLC, FOR FENCING AT JOSEPH LAWRENCE PARK

WHEREAS, the Public Works Director, Dean Buhrer, received two proposals for fencing at the Joseph Lawrence Park; and

WHEREAS, Horner Brother, LLC, has submitted the low proposal to provide and install the fencing for Joseph Lawrence Park; and

WHEREAS, the Township Committee wishes to accept a proposal from Horner Brothers, LLC, for fencing in the amount of \$4,258.00; and

WHEREAS, funds are available for said project as evidenced by the attached Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from Horner Brothers, LLC, in the amount of \$4,258 to cover the fencing and installation services for Joseph Lawrence Park.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 22, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/22/13

RESOLUTION #2013-203-11

RESOLUTION TO REFER APPLICATION OF QUICK CHECK TO THE TOWNSHIP PLANNING BOARD FOR REVIEW AND RECOMMENDATION

WHEREAS, the Township Committee acts as the Redevelopment Authority for the Redevelopment Projects within the Township of Bordentown; and

WHEREAS, Quick Check has submitted an application, and is currently requesting approval by the Redevelopment Entity;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that the Township Committee, as the Redevelopment Authority, hereby refers the application to the Township Planning Board for review and recommendation, consistent with the adopted Redevelopment Plan for the project area, in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 22, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/22/13

RESOLUTION #2013-203-12

RESOLUTION ADOPTING THE AMENDED CASH MANAGEMENT PLAN FOR THE YEAR 2013

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby adopt the Cash Management Plan, as amended, for the year 2013.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 22, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/22/13

RESOLUTION #2013-203-13

AMEND JOSEPH LAWRENCE PARK PEDESTRIAN/BIKE PATH CONTRACT WITH
PARAMOUNT ENTERPRISES, INC. AND APPROVE CHANGE ORDER NO. 2 FINAL AND
APPROVE FINAL PAYMENT

WHEREAS, the Township Committee, by Resolution #2011-143-14B, awarded a contract to Paramount Enterprises, Inc., for the purpose of performing certain work and services with respect to the Joseph Lawrence Park Pedestrian/Bike Path project in the Township of Bordentown; and

WHEREAS, Alaimo Group, the Township's agent responsible for supervising the project as aforesaid, for the Township of Bordentown, has advised the Township Committee, by way of June 20, 2013, correspondence and change order request and the submission of the appropriate certification that the existing contract amount should be increased to reflect an increase in material necessary to complete the project by Paramount Enterprises, Inc.; and

WHEREAS, N.J.A.C. 5:30-14.4 provides that the Governing Body may authorize change orders and amend contracts in accordance with the procedures set forth in said regulations; and

WHEREAS, the Township Committee has reviewed the aforementioned request and desires to act favorably with respect to same and to amend the contract accordingly and to approve the change order;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, in the County of Burlington, State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby amends the aforementioned contract and increases the contract price by \$22,231.13 and the amended total \$314,548.73 in accordance with the terms and conditions of the aforementioned certification and June 20, 2013, correspondence and request being attached hereto as Exhibit A and made part hereof by reference hereto.
2. That the Township Committee hereby authorizes final payment to Paramount Construction in the amount of \$52,393.12.
3. That the Township Committee hereby rescinds Resolution #2012-142-11 entitled *A Resolution of the Township Committee of the Township of Bordentown Declaring Paramount Enterprises, Inc., in Default of Contract No. 2011-1 with the Township of Bordentown.* (Copy attached hereto)
4. That the Township Committee hereby directs the Township Mayor and Clerk to execute any and all documents necessary to effectuate the terms of this Resolution and which are prepared by or reviewed by the Township Attorney.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 22, 2012.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/22/13

RESOLUTION #2013-203-14

RESOLUTION SUPPORTING PLANNING BOARD'S CONSIDERATION OF AN AMENDMENT
TO THE MASTER PLAN CIRCULATION ELEMENT

WHEREAS, the Planning Board is considering an amendment to the Master Plan Circulation Element to facilitate the efficient movement of people and goods into, about and through the municipality, to add a new two-way road that travels both northbound and southbound, connecting Rising Sun Road and Dunns Mill Road; and

WHEREAS, the Federal Highway and New Jersey Department of Transportation are restricted from developing a full interchange at I-295/Rising Sun Road and a traffic signal at New Jersey State Highway 130/Rising Sun Road; and

WHEREAS, the failure of the I-295 full interchange and traffic signal at Route 130 have created a hardship on the local traffic movements, specifically Farnsworth Avenue, due to the location and heavy truck traffic volume generated by the New Jersey Turnpike Interchange and I-295 Interchange; and

WHEREAS, this connector roadway will allow for the Southern Gateway Redevelopment, now under the review and development by the Township Committee, to be realized by the removal of the heavy truck traffic from Farnsworth Avenue; and

WHEREAS, the connector roadway will enhance and facilitate development/redevelopment of the HC zoned Route 130 properties by way of lot consolidation and circulation; and

WHEREAS, the connector roadway will promote and enhance the development and access to the previously approved three plus million square feet of warehouse space on Hedding, Old York and Rising Sun Roads;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby support the actions of the Planning Board in consideration of an amendment to the Master Plan Circulation Element.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 22, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/22/13

RESOLUTION #2013-203-15

RESOLUTION AUTHORIZING A REFUND OF A CONSTRUCTION PERMIT FEE TO ROOF
DIAGNOSTICS SOLAR

WHEREAS, Roof Diagnostics Solar submitted a construction permit for a project located at 14 Adirondak Road in the Township of Bordentown; and

WHEREAS, the fee for said permit was for a total of \$595.00; and

WHEREAS, the residents of 14 Adirondak Road have since cancelled the installation of the project and no work has been performed; and

WHEREAS, Roof Diagnostics Solar is requesting a refund of the permit fee by correspondence received on July 8, 2013;

WHEREAS, in accordance with the Uniform Construction Code 5:23-4.18, a municipality may retain 20 percent of the construction permit fee as the plan review fee;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize a refund in the amount of \$476.00 to be paid to Roof Diagnostics Solar.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 22, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/22/13

RESOLUTION #2013-203-16

AWARDING A CONTRACT TO _____ FOR THE INTERSECTION OF GLEN ROAD AND ORCHARD AVENUE EMERGENCY REPAIR IN ACCORDANCE WITH N.J.S.A.40A:11-6

WHEREAS, there is an emergent need to repair a sinkhole at the intersection of Glen Road and Orchard Avenue; and

WHEREAS, N.J.S.A. 40A:11-6 allows a governing body to award a contract without competitive bidding for emergency purposes; and

WHEREAS, _____ has supplied a cost proposal in the amount of \$ _____ to repair the sinkhole; and

WHEREAS, funds are available for said project as evidenced by the attached Chief Financial Officer's Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby award a contract for the repair of the sinkhole at the intersection of Glen Road and Orchard Avenue to _____, in the amount of \$ _____; and

BE IT FURTHER RESOLVED that \$ _____ is authorized for payment of inspection fees of said project to Turek Consulting, LLC.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 22, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/22/13

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2013-14

AN ORDINANCE REGULATING SMOKING IN AND UPON PUBLIC BUILDINGS AND ON PUBLIC PROPERTY, INCLUDING PARKS AND RECREATION AREAS OF THE TOWNSHIP OF BORDENTOWN

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey that the Code of the Township of Bordentown is hereby amended by adding the following:

Smoking

§ 1 Findings.

The Township Committee of the Township of Bordentown hereby finds and determines that:

- A. The smoking of tobacco products is a major contributor to indoor air pollution and breathing second hand smoke is a cause of disease to non-smokers;
- B. The United State Department of Environmental Protection (EPA) has designated second hand smoke as a Class A carcinogen as well as a significant cause of respiratory problems in children;
- C. In 1986 the U.S. Surgeon General found that the active smoking of tobacco products and the passive inhalation of environmental tobacco smoke are the most prevalent causes of preventable death, disease and disability;
- D. The U.S. Surgeon General found that separating smokers from non-smokers within the same air space does not eliminate the exposure of non-smokers to environmental tobacco smoke;
- E. Smoking leads to the inevitable discard of tobacco products and a source of litter by those who fail to properly dispose of cigar, cigarette, pipe or other combustible tobacco product in any manner or in any form.
- F. The State of New Jersey has entered into litigation against various tobacco product manufacturers and others for the purpose of improving the public's health and adopting policies and programs to achieve a significant reduction in smoking by its citizens and, in particular, by youth;
- G. As part of a settlement, the State of New Jersey will receive significant funding for the advancement of public health, including the implementation of important tobacco-related public health measures and restrictions; and
- H. The Legislature has deemed the control of smoking to be a necessary and proper exercise of municipal authority pursuant to N.J.S.A. 40:48-1 et seq., 40:48-2 et seq., N.J.S.A. 26:3D-46 et seq. and N.J.S.A. 2C:33-13 for the preservation of public health, safety and welfare of the community.

§ 2. Definitions.

As used in this chapter only, the following words and terms shall be defined as set forth below. All other terms, words and phrases not defined herein shall be given their customary meaning.

PERSON - Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or any other legal entity.

PUBLIC BUILDING - Any building, structure, facility or complex, including appurtenant parking areas; parks, playgrounds and recreation areas owned, leased, operated or under the ownership or control of the Township of Bordentown to which the general public is invited.

SMOKING - The inhaling, exhaling, burning or possession of any lighted cigar, cigarette, pipe or other combustible tobacco product in any manner or in any form.

§ 12.50-3. Smoking Prohibited.

- A. Except as otherwise provided herein, smoking shall be prohibited in the following places:
1. Every room, chamber, lobby, hallway and other common areas in and upon any public building.
 2. Any entrance or exit areas of any public buildings where smoke may enter the air people breathe through such entrances, exits, windows or ventilation systems.
 3. On any public property including parks, recreations areas and playgrounds. This prohibition on smoking shall not apply to individuals in vehicles, provided that all debris is retained within the vehicle.
- B. Smoking optional areas. Notwithstanding the prohibitions contained in the foregoing provisions, outdoor smoking areas may be designated upon application and approval by the Township Committee. Smoking areas, once approved, shall bear signs specifically designating that they are smoking areas. Smoking areas shall be clear of any public entrance or exit areas of any public buildings where smoke may enter the air people breath through such entrances, exits, windows or ventilation systems.

§ 4. Signs.

"Smoking" or "No Smoking" signs, as appropriate, or the international, "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it) shall be clearly and conspicuously posted by the owner, operator, manager, employer or such other person in control of every public building where smoking is controlled by this chapter. The color of such signs, when not of the international type, shall have letters that are distinct, contrasting to the background and easily read. Letters shall have a minimum height of three-quarters of an inch and should be posted in English and such other languages as the Township Committee approves. The "No Smoking" signs shall be posted, at a minimum, on every doorway which provides an entry to the building. The "Smoking" signs shall be posted only in those areas so designated by the Township Committee as provided by this chapter.

§ 5. Enforcement.

The provisions of this article shall be enforceable by a police officer, employee or elected official of the Township of Bordentown, as well as by any other individual. Any person seeking to enforce the provision of this ordinance shall be authorized to file a complaint in the Municipal Court of the Township of Bordentown.

§ 6. Violations and Penalties.

- A. It shall be unlawful for any person to smoke in any area where smoking is prohibited under this chapter.
- B. Unless a greater fine is permitted under N.J.S.A. 26:3D-56 et seq., for smoking in specific areas defined therein, in which case such higher level of fine shall be utilized, any person who smokes in an area in which smoking is prohibited shall be guilty of a disorderly persons offense and subject to a maximum fine of \$200 for each violation pursuant to N.J.S.A. 2C:33-13.
- C. Any person found guilty defacing, tampering with or removing "No Smoking" signs which are required by this chapter shall be guilty of a disorderly persons offense and subject to a maximum fine of \$200, plus the cost of replacing the sign.

- D. Any juvenile adjudicated to have violated the provisions of this article shall be subject to such penalties, fines or other discipline as may be imposed upon an adult pursuant to this chapter.

§ 7. Construal of Provisions.

No provision of this chapter shall be construed or interpreted to allow smoking where it is otherwise restricted or prohibited by other laws.

§ 8. Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2013-15

AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR SOLICITORS AND CANVASSERS AND PROVIDING FOR A REGISTRY FOR RESIDENTS WHO WISH TO BE PLACED ON A “DO NOT SOLICIT” LIST

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey that the Code of the Township of Bordentown is hereby amended by adding the following:

Section 1. Code of Conduct for Solicitors and Canvassers: There is hereby established a Code of Conduct for Solicitors and Canvassers in the Township of Bordentown, as follows

Every individual engaged in soliciting or canvassing in the Township of Bordentown shall conduct himself or herself according to the following code of conduct:

- A. The individual engaged in soliciting or canvassing shall not enter or remain upon any resident's property upon which it is posted that solicitors are not permitted or notice of similar content.
- B. The individual engaged in soliciting or canvassing shall display his badge or identification in a visible manner.
- C. The individual engaged in soliciting or canvassing shall not enter or attempt to enter any dwelling unit without express invitation from the occupant therein.
- D. The individual engaged in soliciting or canvassing shall immediately leave the resident's property upon request by the resident to do so.
- E. The individual engaged in soliciting or canvassing shall not leave on or about the resident's property any circular, samples or other matter or material unless the item is handed to an occupant of the property.
- F. The individual engaged in soliciting or canvassing shall not indicate that the Township endorses or sponsors any of the views expressed or the organization for which support or contribution is sought.
- G. The individual engaged in soliciting or canvassing 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. The individual engaged in soliciting or canvassing shall not engage in any course of alarming conduct or engage in conduct so as to alarm or seriously annoy the occupant of the dwelling.
- I. The individual engaged in soliciting or canvassing shall not engage in any conduct that is prohibited by any statute, regulation or ordinance in effect in the Township of Bordentown.
- J. Any person or organization receiving money or any other thing for a value of \$1 or more from any contributor under a solicitation made pursuant to this chapter shall give to the contributor a written receipt signed by the solicitor showing the date and the amount received, provided that this section shall not apply to any contribution collected by means of a closed box or receptacle used in solicitation where the use thereof has been approved by the Township in accordance with this chapter where it is impractical to determine the amount of each contribution.
- K. When soliciting for charitable purposes, the individual shall verbally advise the prospective donee of the percentage of the funds received and/or collected by the organization which are used directly for the purposes or cause stated for the collection and the percentage of such funds used indirectly to support the purpose or cause stated, i.e., used for administrative expenses, related causes, etc. In addition, he shall also present to the prospective donee a pamphlet or other written documents prominently setting forth the above-stated information.
- L. No individual shall go upon any property or create any sound in a manner calculated to attract the attention of any occupant of a residence on which is posted a sign expressly prohibiting such activity. This provision shall not apply to any individual or entity otherwise exempt from the provisions of this chapter which intends to engage in door-to-door canvassing, solicitation, political campaigning, advocacy, education or proselytizing.

Section 2. Do not solicit list. There is hereby established a “Do Not Solicit List” as follows:

- A. Notwithstanding the provisions of any other ordinance provisions, any person or entity who owns or rents property within the Township may register that property on a do not solicit list.
- B. Registration for the do not solicit list shall be made as follows:
 - (1) The do not solicit list shall be maintained by the Township Clerk.
 - (2) The do not solicit list shall consist solely of property addresses and shall include no further identifying information concerning the ownership of each property.
 - (3) 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.
- C. The Township Clerk's office shall provide a copy of the do not solicit list to every applicant to whom a soliciting or canvassing permit is issued by the Township. The Township Clerk's office shall also make available a copy of the do not solicit list to any individual or entity otherwise exempt from the licensing provisions which intends to engage in door-to-door canvassing, solicitation, political campaigning, advocacy, education or proselytizing as those individuals and entities.
- D. Residents who register a property on the do not solicit list shall be advised that they must post a “No Soliciting” sign on the property as notice to potential solicitors.
- D. Solicitation at any address identified on the do not solicit list shall constitute a violation. Each and every solicitation at an address identified on the do not solicit list shall constitute a separate violation.

Section 3. Enforcement The Soliciting Code of Conduct and the Do Not Solicit List may be enforced by any resident filing a complaint charging the individual with a violation. The penalty shall be a fine imposed by the Municipal Court in an amount not to exceed \$50 on a first offense and not to exceed \$100 on any subsequent offense.

Section 4. Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.