

ORDINANCE NO. 11-18

**AN ORDINANCE AMENDING THE
PEDDLERS AND SOLICITORS ORDINANCE
AT SUBSECTION 151-9 (A) OF THE CODE OF
THE BOROUGH OF KINNELON**

WHEREAS, pursuant to N.J.S.A. 40:48-1 et. seq., N.J.S.A. 40:52-1; and N.J.S.A. 45:24-1 et. seq. the governing body of a municipality may make, amend, repeal, and enforce ordinances to regulate the conduct of peddlers and solicitors; and

WHEREAS, Borough of Kinnelon desires to amend Subsection 151-9(A) of the "Peddlers and Solicitors" Ordinance in order to amend the time periods within which conduct is permitted therein so as to be consistent with curfews addressed in New Jersey Citizen Action v. Edison Township, 797 F.2d 1250 (3rd Cir. 1986).

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION ONE. Section 151 "CONDUCT OF PERMITTEE" at Subsection "A" shall be amended such that "5:00 p.m." shall be amended to "9:00 p.m." such that subsection "A", which establishes prohibited conduct, as amended shall read as follows:

- A. Solicit, canvass, hawk or peddle before 9:00 a.m. or after 9:00 p.m. on Monday through Saturday or at any time on Sunday. However, ice cream vendors shall be permitted to sell on Borough streets during permitted hours on Sunday, but shall not be permitted to solicit from door to door on that day; and

SECTION TWO. All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

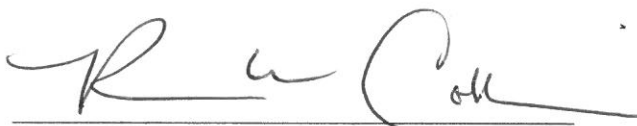
SECTION FOUR. This Ordinance shall take effect as provided by law

ATTEST:

BOROUGH OF KINNELON



Karen M. Iuele, RMC, Borough Clerk



Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on June 21, 2018 and adopted by the Governing Body at a regular meeting of the Borough held on July 19, 2018.



Karen M. Iuele, RMC, Borough Clerk