

**BOROUGH OF FANWOOD
ORDINANCE NO. 11-03-R**

**AN ORDINANCE AMENDING SECTION 141
OF THE CODE OF THE BOROUGH OF FANWOOD
CONCERNING BUSINESS, TRADE OR
OCCUPATION LICENSING**

BE IT ORDAINED by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey, as follows:

Section 1. Section 141-1 of the Borough Code is amended to add a Subsection D, as follows.

D. The Mayor and Council have also determined that this Chapter is intended to serve as a further means of protecting homeowners from criminal activity, annoyance including intrusion upon their hours of rest and making certain that there are sufficient police available to perform the duties geared toward protecting the residents from criminal activity.

Section 2. Section 141-10 of the Borough Code is amended as follows:

§ 141-10 Hours of business. No licensee or licensee's agent shall sell or offer for sale any goods, wares, services, food or merchandise at any time other than 8:00 a.m. to 9:00 p.m.

Section 3. Section 141-11 of the Borough Code is amended as follows:

§ 141-11 Entry upon private property. No licensee or licensee's agent shall enter upon any private property for the purpose of selling or offering for sale any goods, wares, food, merchandise or services if the property owner and/or resident has indicated, by posting or other notice, his/her desire to prohibit such entry. Such notice shall indicate that the resident or property owner wishes not to be disturbed and shall comply with the requirements of Section 184-157A(1).

Section 4. Section 141-19 is amended as follows:

§ 141-19 Nonapplicability. This Chapter shall not apply to any person engaged in the delivery of goods, wares, or merchandise or other articles or things in the regular course of business to the premises of persons ordering or entitled to receive them, and provided that persons canvassing for charitable, religious, cultural, civic, educational, and political purposes, those engaged in interstate commerce, and those otherwise exempted by law, shall also be excepted from the terms of this Chapter. Notwithstanding anything in this Section to the contrary, Sections 141-10 and 141-11 shall apply to all such persons referenced in this Section unless specifically requested by the persons residing or occupying the premises in question.

Section 5. Section 141-20 is amended as follows:

§ 141-20 Violations and penalties; revocation of permit.

A. Any person who shall violate any provision of this Chapter, except as set forth in Subsection B herein, shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days; or by having a license issued hereunder immediately revoked thereby necessitating the cessation of any peddling or soliciting, or any combination of the foregoing.

B. Any person who shall violate the provisions of Section 141-11 or Section 141-19 as it applies to Section 141-11 shall, upon conviction thereof, be punished by a fine not exceeding \$100 for the first offense in any single calendar year and a fine not exceeding \$250 for the second offense in the same calendar year. In the event a person violates such provisions more than two times in the same calendar year, the provisions of Section A above shall apply.

Section 6. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 7. This ordinance shall take effect immediately upon final passage and publication as required by law.

Introduction: January 11, 2011

Public Hearing
and Adoption: February 8, 2011

Colleen Mahr, Mayor

Attest:

Eleanor McGovern,
Borough Clerk