

TOWNSHIP OF MANALAPAN  
ORDINANCE NO. 2009-22

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**AN ORDINANCE AMENDING AND SUPPLEMENTING  
THE MUNICIPAL CODE OF THE TOWNSHIP OF MANALAPAN ARTICLE II  
CHAPTER 169-16 et. seq. PEDDLING, SOLICITING AND CANVASSING  
IN ORDER TO AMEND SECTION 169-16 DEFINITIONS, AND TO ADD  
SECTIONS 169-18.1 REQUEST FOR CRIMINAL BACKGROUND CHECKS; COSTS  
AND SECTION 169-18.2 SUBMISSION OF INFORMATION  
FOR CRIMINAL HISTORY BACKGROUND CHECKS**

**WHEREAS**, Municipalities are empowered to make, amend, repeal and enforce ordinances pursuant to N.J.S.A. 40:48-1 et. seq.; and

**WHEREAS**, it is the intention of the Township Committee to amend the Municipal Code of the Township of Manalapan Article II Peddling, Soliciting and Canvassing more particularly set forth in Section 169-16 et. seq. in order to supplement the definition section as well as to add a new section under Section 169-18.01 Request for Criminal Background Checks; costs and 169-18.2 Submission of Information for Criminal History Background Checks; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Manalapan, County of Monmouth, State of New Jersey as follows:

**Section I.**

**Section 169-16. Definitions**

Shall be amended to include the following definition: CRIMINAL HISTORY BACKGROUND CHECK – A review and determination as to whether a person has any prior criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, the State Bureau of Identification and the Division of State Police, the Manalapan Township Police Department, and/or any division/agency of the referenced entities.

**Section II.**

The following section shall be added to the ordinance.

**Section 169-18.1. Request for Criminal Background Checks; Costs.**

- A. The Township requires the State Bureau of Identification and the Division of State Police (or other appropriate policing/investigating agency) conduct a criminal history background check on each and every person or individual either seeking a permit or acting under

the auspices of a permit issued for the purpose of peddling, soliciting and or canvassing.

- B. No person or individual will be permitted to commence peddling, soliciting and canvassing prior to the successful completion of the criminal history background check process.
- C. Any person or individual required by this chapter to undergo a criminal history background check who refuses to consent to this procedure shall not be issued a permit for peddling, soliciting and canvassing.
- D. The costs associated with the fingerprinting process shall be paid directly by the person or individual seeking a permit for peddling, soliciting and canvassing.

### **Section III.**

The following section shall be added to the ordinance.

#### **169.18.2. Submission of Information for Criminal History Background Checks.**

- A. Any person seeking a peddling, soliciting or canvassing permit or who intends to act under the auspices of a peddling, soliciting or canvassing permit as part of the application process shall submit their name, address, date of birth, written consent and any other data deemed necessary by the Manalapan Police Chief to the Township Clerk of the Township of Manalapan. Fingerprints will be taken by a company designated by the New Jersey State Police, or agency/division thereof, subsequent to submission of the aforementioned information. The Manalapan Police Chief or his/her designee shall coordinate the criminal history background check.
- B. The Manalapan Police Chief is hereby authorized to exchange fingerprints and all other pertinent record information submitted by the person seeking a peddling, soliciting and canvassing permit, and to receive criminal history record information from the Federal Bureau of Investigation, Identification Section, the Division of State Police, Bureau of Identification, and such other law enforcement agencies and jurisdictions as may be necessary for the purposes of the within section.
- C. The Manalapan Police Chief shall act as a clearing house for collection and dissemination of non-confidential information obtained as a result of conducting criminal history background

checks pursuant to the within section, as well as maintaining all confidential information.

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**Section IV.**

The following section shall be added to the ordinance.

**169.18.3. Disqualification from Obtaining a Permit.**

- A.** A person or individual shall be disqualified from obtaining a permit or acting under the auspices of a permit issued for the purpose of peddling, soliciting and canvassing if that person's criminal history background reveals a record of conviction of any crime or disorderly offense.
- 1) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq. (criminal homicides); N.J.S.A. 2C:12-1 et seq. (assault; reckless endangering; threats); N.J.S.A. 2C:13-1 et seq. (kidnapping and related offenses); N.J.S.A. 2C:14-1 et seq. (sexual offenses); or N.J.S.A. 2C:15-1 et seq. (robbery); or
  - 2) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq.; or
  - 3) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or
  - 4) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except for N.J.S.A. 2C:35-10a(4) (minimal amounts of marijuana or hashish).
  - 5) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly person's offenses described herein.
- B.** In the event a charge is pending against a person, that person shall be temporarily disqualified from obtaining a permit pending the resolution of that charge. If such charge results in a conviction of a crime or disorderly person's offense described herein which would disqualify the person from receiving such a permit, the person shall be deemed disqualified as of the date of conviction.

- C. If a pending charge is for an offense which would serve to disqualify the person from receiving such a permit upon conviction, the person shall report the pending charge on the earliest of his/her submission to the criminal history background check or the date he/she learns of the charge. The individual shall also report the disposition of the charge immediately upon receiving notice of said disposition.
- D. The Manalapan Police Chief shall be authorized to conduct any additional investigation which in his/her discretion he/she deems appropriate in order to obtain accurate information in regard to the criminal history background check.

**Section V.**

**Severability.**

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

**Section VI.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section VII.**

This Ordinance shall take effect immediately upon final passage and publication according to law.

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Rose Ann Weeden, Clerk  
Township of Manalapan

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Rick Klauber, Mayor  
Township of Manalapan  
ATTEST:

**NOTICE OF INTRODUCTION**

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and committee of the Township of Manalapan, in the County of Monmouth, New Jersey held on the 14 day of October 2009 and introduced and read by title and passed on the first reading. The Township Committee will further consider the same for the second reading and final passage thereof at a meeting to be held on the day of 10 day of November 2009 at the Municipal Complex, 120 Route 522 & Taylors Mills Road, Manalapan, New Jersey at 8:00 p.m. at which time and place a public hearing will be held thereon by the Township Committee and all persons and citizens in interest shall have an opportunity to be heard concerning same. The proposed Ordinance in its entirety is on file in the Municipal Clerk's office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township website [www.twp.manalapan.nj.us](http://www.twp.manalapan.nj.us) by clicking on the Ordinance title listed on the agenda posted for the Township Committee meeting of November 10, 2009.

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Rose Ann Weeden, Clerk  
Township of Manalapan

**STATEMENT OF PURPOSE**

The purpose of the aforesaid Ordinance is to amend Article II Section 169-16 et. seq. Peddling, Soliciting and Canvassing so as to include provisions for criminal history background checks and fingerprinting of persons applying for a permit for peddling, soliciting and canvassing within the Township of Manalapan.

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Rose Ann Weeden, Clerk  
Township of Manalapan

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Dated: