

ORDINANCE 15-11

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER III, OF
THE BOROUGH CODE TO REGULATE THE PRACTICE OF NEIGHBORHOOD
CANVASSING

BE IT ORDAINED by the Borough Council of the Borough of South Toms River, Ocean County, New Jersey, as follows:

1. Chapter III (**POLICE REGULATIONS**) of the Borough Code is hereby amended and supplemented to establish the following provisions:

CHAPTER III

Canvassing and Soliciting for Real Estate

3-1.19. Definitions.

For the purposes of this article, the following words and phrases are defined as follows:

CANVASSING - Door-to-door soliciting or solicity by the use of circulars, visitations, or any other means, where the canvasser or his or her employer has not been invited or requested by the owner (as defined below), to obtain a listing of real property or to confer with the owner regarding a real estate transaction.

OWNER - The lessee, sublessee, assignee, managing agent or other person having the right of ownership or possess or to sell, rent, or lease any real property.

PURCHASER - Any occupant, prospective occupant, lessee, prospective lessee, buyer, prospective buyer, or any agent thereof.

3-1.20. License and notice requirements.

- A. Any person, corporation, partnership, limited liability company, or other institution or entity that canvasses in order to obtain listings of real property, or to bring about the sale, lease, or purchase of real property, must provide advance written notice to the Borough Clerk before engaging in such activities. The advanced notice must provide the following information:
 - a. The names and addresses of the persons engaging in the canvassing or soliciting
 - b. The names and addresses of the individuals or companies by which such persons are employed.
 - c. A listing of the street or streets in the Borough in which the canvassing or soliciting will take place
 - d. The starting and ending dates in which the canvassing or soliciting will take place.
- B. The notice required hereunder must be filed with the Borough Clerk no less than 14 business days prior to the scheduled start date.

- C. Provided the notice requirements have been satisfied, the Borough Clerk shall issue a permit allowing the canvassing or soliciting to take place. This permit shall be valid for a period not to exceed 30 days from the date of issuance. Once expired, the permit must be renewed following the same notice requirements.

3-1.21 Do not knock registry.

- A. Any owner of real property within the Borough who refuses to be canvassed or solicited for the sale or rental of their property may enroll in the Borough's "No Knock" registry established pursuant to ORDINANCE 15-11 and this said portion, the provisions of which are incorporated herein.
- B. Current "no knock" registrants are protected against the canvassing or soliciting activities regulated by this article without having to re-register.
- C. The unauthorized canvassing or soliciting of property owners who are valid "no knock" registrants constitutes a violation of this article.

3-1.22. Prohibited discrimination

No person shall engage in the following acts:

- A. Promote, influence, or attempt to promote or influence a property owner, occupant, or tenant to list for sale, sell, or remove from a lease real property by referring to race, color, sexual orientation, ethnicity, or religious affiliation of neighbors, prospective buyers or other occupants or prospective occupants of real property.
- B. Induce directly or indirectly, or attempt to induce or directly or indirectly, the sale or listing for sale of real property by representing that the presence or anticipated presence of persons of any particular race, religion, or national origin in the area has resulted or may result in:
 - (1) The lowering of property values
 - (2) A change in the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located.
 - (3) An increase in criminal or antisocial behavior in the area.
 - (4) A decline in the quality of the schools serving the area.
- C. Make any representation (or misrepresentation) concerning the listing or sale of the anticipated listing for sale or the sale of any real property in any residentially zoned areas for the purpose of inducing or attempting to induce the sale or listing for sale of other real property in such area.
- D. Make any representation to any prospective purchaser that any block, neighborhood or area has, will, or might undergo an adverse change with respect to the religious, racial, or ethnic composition of the block, neighborhood or area for the purpose of discouraging the purchase of property in a particular area.
- E. Place a sign purporting to offer for sale any property that is not in fact offered for sale.
- F. Advertise for sale or rental property which is non-existent or which is not actually for sale or rental.
- G. Engage in or hire or conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest, create or play upon fear with the purpose of inducing or attempting to induce the sale or listing for sale of real property.

- H. To solicit or canvass any owner whose name and property address is included on the list maintained by the Borough Clerk of persons requesting that they not be canvassed or solicited.
- I. To engage in any economic reprisal or any other form of intimidation against any person because that person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under the terms of this article.
- J. To aid, abet, incite, compel or coerce any person to engage in any of the practices forbidden by this article or to obstruct or prevent any person from complying with the provisions of this article.
- K. Refer, directly or indirectly or by implication, to race, color, creed, ethnicity, or sexual orientation in any advertisement or other solicitation offering real property for sale or rental.
- L. Solicity or attempt to solicit the sale or rental or the listing for sale or rental of real property without furnishing in written form to the owner or occupier of such real property the name of the person or organization soliciting such sale, rental or listing.
- M.

3-1.23 Exemptions

This article does not apply to real estate that is publicly advertised for sale or to “open houses,” sponsored by the owner or listed real estate agent for a specific home on a specific day.

1. All other parts of Chapter III remain in full force and effect.
2. All ordinance or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.
3. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.
4. This ordinance shall take effect following its final passage by the Borough Council, and twenty days after publication as required by law

Joseph Kostecki
Borough Clerk