

**REPORT ON REAL ESTATE
CANVASSING ACTIVITIES
IN THE
TOWNSHIP OF TOMS RIVER**

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I. INTRODUCTION

Beginning in mid-2015, the Mayor and Township Council received numerous complaints of real estate canvassing occurring in certain areas of the Township. To combat this practice, in November 2015, the Township Council enacted Ordinance No. 4496-15, which took effect on December 4, 2015. Codified at §391-54 of the Township Code, and modeled on a similar provision in effect in the State of New York, this measure permits the Township Council prohibit door-to-door solicitations of real estate in areas that have been inordinately and repeatedly canvassed, as determined based on a report issued by the Business Administrator and Township Attorney, following an investigation and public hearing. §391-54A-C.

This report is issued pursuant to that provision and sets forth the joint findings and recommendations of the Business Administrator and Township Attorney developed from an investigation and public hearing convened on January 21, 2016. The testimony proffered at the public hearing from Township officials and Township residents; the documentary evidence, including police reports, written resident complaints, and canvassing permits issued; and the nature, extent, and location of the canvassing activities, together confirm that a certain area of the Township has experienced inordinate and excessive real estate canvassing, to the detriment of residents' privacy and quality of life.

It is therefore recommended that the Township Council enact "cease and desist" zones covering the areas described below and depicted in the map attached as Appendix A to this report:

- **Zone 1:** The area bounded by the Lakewood and Jackson borders to the north and northwest, State Hwy. 70 to the south, and Whitesville Road (County Rt. 527) to the west.
- **Zone 2:** The area bounded by the Lakewood border to the due north, State Hwy. 70 to the northwest, New Hampshire Avenue to the east and southeast, and by Whitesville Road (County Rt. 527), Riverwood Drive, U.S. Route 9, and Silverton Road to the south and southwest.

II. PROCEDURAL HISTORY

Since 2004, the Township has restricted door-to-door canvassing and solicitation under a "no-knock" ordinance. Ord. No. 3894-04, *codified at* §391-36.1. This measure allows residents who do not wish to receive in-person solicitations to

enroll in a registry established by the Township. §391-36.1A. No-knock residents receive a sticker that must be affixed prominently on the front door. §391-36.1B. Door-to-door solicitations of residences which are enrolled in the no-knock registry and which have posted the required sticker are prohibited, and violators are subject to substantial penalties, including a \$1,250 fine. §391-36.1D. A pioneering initiative, the no-knock ordinance was enacted as a public safety measure, conceived in response to the brutal murder of a Toms River widow in her home by an out-of-town solicitor.

In its original incarnation, the no-knock ordinance applied to various forms of door-to-door peddling, soliciting, and canvassing, but did not specifically cover solicitations of real estate. Beginning in mid- to late 2015, the Township received increasing reports and complaints of real estate agents, most of whom were based in other municipalities, going door-to-door in certain neighborhoods and using highly intrusive, intimidating, and questionable tactics to induce residents to sell their homes.

In response, the Township enacted an anti-real estate canvassing ordinance. Ord. No. 4491-15, *codified at* §§391-48 to -52. This measure had several major features. First, it amended the Township's general soliciting regulations to specifically include real estate canvassing as a regulated activity and to require a permit to engage in such solicitations. Second, the ordinance prohibited all forms of "blockbusting," the practice of artificially stimulating or inducing real estate sales based on appeals to racial, ethnic, and religious stereotypes. See Summer v. Twp. of Teaneck, 53 N.J. 548, 551 (1969); Help-U-Sell of Teaneck v. Twp. of Teaneck, 207 N.J. Super. 600, 603 (Law Div.1985). Finally, the measure expanded the no-knock ordinance provision to specifically cover real estate canvassing.

Nonetheless, real estate canvassing in certain sections of the Township continued unabated, either in direct defiance of these ordinances or through the newly established permit procedure, whereby a select few real estate agencies would, on a monthly basis, repeatedly mine the same neighborhoods attempting to generate sales. Additionally, residents in these neighborhoods reported being approached -- even accosted -- in their front yards and on their streets by individuals eager to purchase their homes.

Vocal public opposition to these incidents prompted the Township to explore other ways to combat real estate canvassing, which had reached excessive levels. In researching how other jurisdictions have dealt with this issue, the Division of Law discovered a New York statute permitting the imposition of "cease and desist" zones to prohibit door-to-door solicitations of real estate in areas that experienced intense and repeated canvassing. That statute was upheld by the United States Court of Appeals for the Second Circuit against a constitutional challenge, Anderson v.

Treadwell, 294 F.3d 453, 456-57 (2d Cir. 2002), cert. denied, 538 U.S. 986 (2003). The United States Supreme Court denied review, letting the ruling, and the “cease and desist” statute, stand.

Following that model, the Township enacted its own “cease and desist” ordinance. Ord. No. 4496-15, *codified at* §§391-54. This measure, adopted in November and effective December 4, 2015, authorizes the Township Council, by ordinance, to ban door-to-door solicitations of real estate in areas that have been inordinately and repeatedly canvassed. §391-54C. To determine whether such a prohibition is justified, the ordinance directs the Business Administrator and the Township Attorney to conduct an investigation and hold a public hearing concerning incidents of real estate canvassing in the Township. §391-54A. Following the public hearing, they must issue a report detailing their findings and recommending whether a “cease and desist” zone should be imposed and, if so, the geographic area encompassed. §391-54B.¹

The required public hearing was held on January 21, 2016, in Town Hall. The hearing was advertised and conducted in accordance with the Open Public Meetings Act. The hearing was transcribed by a certified court reporter and all testimony was taken under oath.²

This report follows.

II. FINDINGS

The evidence developed through the Business Administrator’s and Township Attorney’s internal investigation and the public hearing held pursuant to §391-54A clearly and convincingly establish that neighborhoods in the Township’s northwest quadrant have been heavily and repeatedly targeted for real estate solicitations. The evidence further established credible incidents of blockbusting and other suspicious behavior – in some cases tantamount to stalking or harassment – creating an atmosphere in which residents feel under siege, unsafe, and unduly pressured to sell their homes. The recent epidemic of real estate solicitations being the source of this erosion of residents’ quality of life, action by the Township Council to curb these practices and their ill effects through the imposition of “cease and desist” zones is both necessary and justified.

¹ The three ordinances referenced in this section were entered into evidence as Exhibit T-1 at the public hearing and are attached as Appendix B to this report.

² The hearing transcript is cited in the following format: “T[page number]:[line numbers].”

A. Real Estate Canvassing

The evidence presented establishes a "hot zone" of real estate canvassing activities concentrated in the northwestern sections of Toms River. The targeted area encompasses neighborhoods directly bordering, or in close proximity to, the Townships of Lakewood and Jackson, and spreads to Whitesville Road to the west, New Hampshire Avenue to the east, and Riverwood Drive and Cox Cro Road to the south. The map attached as Schedule A depicts these areas in more detail and is incorporated herein by reference.

1. Pre-hearing Complaints.

Since mid-2015, various Township departments have received written complaints about uninvited and unwelcome door-to-door solicitations of real estate. Overwhelmingly, these complaints originated from the affected area, including, but not limited to, Vermont Avenue, New Hampshire Avenue, Forest Ridge Court, Fiddler's Run, Mercedes Bend, Rolls Court, Hickory Street, and Orien Road. Here is an excerpt of an e-mailed complaint received by the Division Law regarding an incident on Fiddler's Run:

There was an incident that took place earlier today at 1923 Fiddlers Run at app. 5pm. The persons involved were Ms. Cynthia Fischetti, resident of the above address and "Charles from Brooklyn" who is a Real Estate Agent for Imperial Real Estate Agency

Ms. Fischetti called the TR Police Department who then dispatched two officers. Ms. Fischetti informed this agent that his permit to canvas/solicit did not start until October 19th or 22nd, although the agent was speaking to one of her neighbors. There were some words back and forth then the police arrived. After viewing his permit, the police officers agreed that the agent was in violation of the permit and I believe was issued a summons.

. . . .

Ms. Fischetti is a single mother and is terribly upset over this incident. She has been harassed by this agent and other agents from the same agency on numerous occasions and states that she has complained to both the township and police department We residents all hope and expect that this person is punished by the full extent of the law.

A husband and wife living on Mercedes Bend lodged a similar complaint with a member of the Township Council:

Earlier today I left a message with the Toms River Clerk to your attention about an incident that both my wife and I experienced at our home.

The incident involved a Mr. Shalom Elbaz from Imperial Residential Real Estate.

....

On Thursday, April 23rd, 2015 about 2PM my wife first noticed Mr. Elbaz when he parked his car in the middle of the Cul-de-sac in front of our home at 1240 Mercedes Bend. My wife observed Mr. Elbaz approaching other houses on the street in an attempt to talk to anyone at home at the time.

Finally, Mr. Elbaz approached our house and my wife alerted me that a stranger was approaching the front door. I exited my house and met Mr. Elbaz at my front walk. He told me that he was a Realtor and that he just represented a family member who was going to purchase 1227 Mercedes Bend. At that point I asked if he had a business card and he said he did and he provided me one.

I went on to introduce myself as the homeowner and asked what I could do for him. He asked if I was interested in selling my home. I felt that his question was strange. I have never been directly solicited in my walkway on my property to sell my home ever before.

I explained to him that I was in the home for over 8 years and not interested in selling. He then went on to tell me that if I did sell my home there are Orthodox families from Lakewood that would buy it. He went on to say that if I make money selling my home that he would make money. I assumed that he was talking about representing buyers who would be interested in buying my home.

He proceeded to ask questions about my house. Do I have a swimming pool? What was the square footage and so on. He also inquired about all the other houses in the neighborhood.

After Mr. Elbaz got in his car and drove away my wife and I were very upset. We felt that what he was doing was a form of intimidation and harassment.

About a week after the initial encounter with Mr. Elbaz when we talked to other neighbors my wife and I learned that Mr. Elbaz had other similar conversations with them. He asked my neighbors if any of them were also interested in selling their homes.

Since the initial incident on April 23rd my wife has seen Mr. Elbaz back in the neighborhood where we can only assume that he continues to harass other neighbors.

On Monday May 11th at 11AM my wife observed Mr. Elbaz parked in his car in front of 1227 Mercedes Bend. Then on Wednesday May 13th at 10:15AM my wife observed Mr. Elbaz talking to a woman walking her dog in front of 1281 Rolls Court. I'm going to assume he has continued to try to talk to other people in our neighborhood and see if they are interested in selling their homes.

As a taxpayer and homeowner in Toms River I am concerned about this tactic of harassment that I have observed in our neighborhood. I do not feel that a real estate agent should be able to solicit me to sell my house on my property. My wife and I strongly feel this is a form of intimidation.

We are also concerned that we have observed this uptick in behavior and pattern of harassment with all our neighbors in the last few weeks.

A resident of Orien Road complained as follows:

Yesterday, John J. Moise from Weichert Realtors in Forked River was knocking on doors of unlisted homes unsolicited in the North Dover area of town. He specifically knocked on my door (2127 Orien Road) and left a card (see attached picture of business card). I spoke with John on the phone and asked if he had notified the town he would be going door to door and he said he had not. I notified him that I was going to file a formal complaint with the intention of having him fined for his actions. His intent and purpose were similar to other agents that have been canvassing that area of town which resulted in the new ordinance.

In addition, the Chief of Police reported six realtor-related canvassing complaints having been filed with the police department. T18:21. That comprised 60% of the solicitation complaints generated in the North Dover area. T18:18-22.

2. Public Hearing Testimony

The residents who testified at the public hearing echoed these complaints. All of the residents who testified were from streets within Zones 1 and 2 depicted on the map attached as Appendix A -- Brower Avenue, Brentwood Drive, Elton Court, Dino Boulevard, Benjamin Street, Precious Court, Crystal Mile Court, Forest Circle. They described the same basic experience: incessant and unwelcome solicitation, on weekdays and weekends, in the morning and evening, on family days and holidays, by essentially the same group of agents and agencies who refused to take "no" for an answer.

As one Elton Court resident stated:

I had two occasions in which I was approached by a realtor from Four [Points] Realty. The first was on Father's Day. I was in the backyard and my dog was barking. I came around the front yard, and at this time there was a gentleman from Four [Points] that had gone to my neighborhood and then saw me outside, approached me, asked me whether or not I was willing to sell my house despite the fact that there was no sign outside the home.

....

The second occasion . . . was also on a Sunday, at 6:30 p.m., where a realtor that did not have a permit came to my home. I have a No-Knock but yet [the realtor] came at a Sunday at 6:30 p.m., during dinner time . . . knocking on our door, once again inquiring as to whether or not we would be willing to sell our house. The same realtor from the first time whom I told . . . that I had no intention of selling my home, but despite that came back 30 days later . . . looking for us to sell our home.

[T32:13-25 to 33:1-11.]

A physician residing on Crystal Mile Court described similar incidents:

[For] weeks and months, during summer and spring, every Sunday I [had] people, until I had a No-Knock sticker asking not to knock at my house. Different realtors . . . and ReMax, as well as individuals looking to buy our homes, as well as every Sunday, even if I'm playing with my kids in the driveway people are stopping by and taking pictures and asking 'Are you interested to sell.' Either individuals or realtors.

[T42:19-25 to 43:1-3.]

Several of the residents who testified live in the Tallymawr development, located in the extreme northwest corner of the Township, close to the Jackson border. This development is encompassed within Zone 1 on the map attached as Appendix A. According to both the written complaints and the testimony, starting in late 2015, this neighborhood was increasingly targeted by canvassers, intolerably disrupting and detracting from the residents' quality of life. Residents reported, among other things, canvassers disobeying stop signs and speed restrictions, endangering children playing in the streets; blocking driveways; conducting rampant "drive-bys" and snapping photographs of homes that are not for sale; and going so far as to approach and question minors about the status of their own and other homes in the neighborhood. T20:16-25 to 21:1-2; T24:1-25; T27:21-25 to 28:-1-14.

These incidents have left Tallwmawr residents unnerved. As one Brower Avenue resident testified:

Realtors and buyers were approached by another neighbor . . . in front of my house. . . . An argument ensued where the realtor had gone through a stop sign while texting and speeding while there [were] children playing, all part of a Monday afternoon activity of going through the neighborhood taking pictures of houses.

....

. . .The increased activity from December 4 right through the holidays, including Thanksgiving Day house showings, Christmas Eve canvassing has been unrattling. It's been scary.

The other activities that we've seen on normal days throughout the week . . . [are] slow drive-bys where the camera's outside the car snapping a picture of house after house. Pictures tak[en] of people, [including] children playing outside. I don't know whether they're taking pictures of the house or children playing.

[T21:6-12; 21:18-25 to 22:1-7.]

A Brentwood Avenue resident voiced an identical disgust:

During the time of the canvassing permits I've been getting fliers in the name of my son who is 14, and that's unacceptable. . . . He's a minor. He shouldn't be a part of it. And we've also experienced . . . a tremendous amount of drive-bys. . . . They drive down the middle of the road and they stop and they are taking pictures of homes that are on the market and that are not on the market. And it's very threatening.

....

My son was running one day and he went to cross the street and they almost [hit] him. . . . They're speeding And now, every day, especially Sunday, Monday, and Tuesday, it's car after car flying through

It's just very upsetting

[T23:21-25to 24:1-8, 16-25 to 25:2.]

Not even children are immune from the canvassers' overtures. According to another Brentwood Avenue resident:

. . .[T]here was an issue with my son who is 13. . . . [The kids] . . . got their own little hockey group together and they play throughout the development.

I don't think they've actually played a hockey game now in about a month-and-a-half.

There was an occasion where . . . a car pull[ed] up to a group of teenagers . . . anywhere from ten to 14 . . . and ask[ed] 'Do you know who's selling that house down there? Is your house up for sale?

. . . They haven't [played hockey] in a month-and-a-half because the cars going by, the parents don't even want to let their kids out.

[T27:22-25 to 28:1-21.]

Thus, the complaints directly registered by residents, both before the enactment of the "cease and desist" ordinance and at the public hearing, strike the same chord: that, over the past several months, certain neighborhoods, specifically those in the northwest quadrant of the Township, have been persistently and aggressively besieged by real estate canvassers. The canvassing has been conducted almost exclusively by the same individual agents and agencies, which hail from another municipality, and whose tactics have been highly suspicious and threatening. As a result, residents have experienced disruption in the peaceful enjoyment of their neighborhoods and a tangible decline in their quality of life.

In upholding New York's "cease and desist" statute, the Second Circuit noted a situation in which "homeowners [felt] harassed, overwhelmed, threatened, and offended, by the extensive telephonic, mail, flyers, and personal direct solicitation they receive[d]," justifying the state's prohibition on real estate solicitation. Anderson, supra, 294 F.3d at 461-62 (internal quotation marks omitted). That aptly describes the situation in North Dover, warranting similar action by the Township Council under the Township's own "cease and desist" legislation.

3. Canvassing Permits/No-Knock Registrants

Two other factors corroborate the location and intensity of the canvassing occurring in the Township. The first is the real estate canvassing applications filed by the agents and agencies themselves. Ordinance No. 4491-15 took the anonymity out of real estate canvassing activities by requiring agents and agencies to apply for and receive a permit to engage in door-to-door solicitations. §391-49A. As part of the application process, canvassers are required to list the streets where they intend to solicit. §391-49A(3). This information has enabled the Township to track both the location and duration of canvassing activities. According to the testimony of Township Clerk J. Mark Mutter, whose office processes the real estate canvassing permits, the applications submitted centered overwhelmingly on the "northwestern section of" the Township. T:17:17-21.

Between August 1, 2015, and January 3, 2016, there were 16 applications for real estate canvassing permits.³ These were marked and entered into evidence as Exhibit T-2. T15:15-19. As Mr. Mutter testified, all but one of these applications covered streets in the northwestern sections of the Township, within Zones 1 and 2 as depicted on the map in Appendix A. T16:16 to 17:21.⁴ These applications confirm what the residents have expressed: that this area was “ground zero” for real estate canvassing.

Further, the applications confirm that canvassing was not only concentrated, it was also frequent and intense. Many of the streets were listed multiple times, with some appearing on ten or more of the 16 applications. T17:3-16. At the hearing, the Township prepared and presented to the public a color-coded map depicting the streets named in the 16 canvassing applications and the number of times each street was listed. The tally appears in a spreadsheet attached as Appendix C.

And just as the canvassing was geographically concentrated and recurrent, so were the canvassers themselves. The same three agencies (all based in another municipality), and the agents associated therewith, comprised 15 of the 16 applicants. Exhibit T-2.⁵ These were the same agencies identified in many residents’ written complaints and in their testimony at the public hearing. It should be noted too that an agent for one of these agencies was charged in November 2015 with canvassing without a permit in violation of Ord. No. 4491-51. Proceedings in that case are pending.

As further proof the real estate canvassing had reached epidemic proportions in the North Dover area, the Township measured a huge spike in the number of No-Knock registrants. At the hearing, Mr. Mutter presented a numerical breakdown of this increase, which was entered into evidence as Exhibit T-3. T16:13-15. Between the opening of the No-Knock registry in 2004 and December 31, 2015, there were 9,810 No-Knock registrants. Exhibit T-3. Of those, 2,315 were added between July

³ In total, fourteen real estate canvassing permits were issued. The remaining two applications were submitted after the effective date of the “cease and desist” ordinance and by administrative directive were held in abeyance pending the outcome of these proceedings. T16:16-25.

⁴ The lone outlier covered “the area along Route 37 in the area of Division Street, . . . closer to downtown” Toms River. T16:25 to 17:1. No complaints were received regarding canvassing in this area.

⁵ The fourth agency submitted the application for the downtown area referenced in the preceding footnote.

1, 2015, and December 31, 2015. This 23.59% increase coincided with the surge in real estate canvassing activity in the North Dover area.

B. Blockbusting

Unchecked real estate canvassing is fertile ground for blockbusting, which, as noted, “is the practice of inducing owners of property to sell because of [the] actual or rumored [influx] into [the] neighborhood of [certain] racial, religious, or ethnic group[s].” Black’s Law Dictionary 172 (6th ed. 1990); accord Help-U-Sell, supra, 207 N.J. Super. at 603 (“Blockbusting . . . is the practice of causing homeowners to sell their property for fear that their neighborhoods’ racial, religious, or ethnic composite will soon change drastically.”). While door-to-door “cold calls” to sell one’s home are annoying and disruptive, blockbusting is more pernicious because it uproots neighborhoods by exploiting racial, ethnic, and religious stereotypes to incite panic-selling under the threat of reduced property values. As the New Jersey Supreme Court explained:

The inducement is the supposed loss in property values for those who remain. The evils are evident. Sellers are exploited, and hostility is excited both in those who are persuaded their economic interests are thus threatened and in the group of citizens who are given to understand their presence is a blight.

[Summer, supra, 53 N.J. at 551.]

Blockbusting is illegal under the federal Fair Housing Act of 1968 (“FHA”), 42 U.S.C. §3604 (e); the New Jersey Law Against Discrimination (“LAD”), N.J.S.A. 10:5-12k; and under the regulations promulgated by the New Jersey Real Estate Commission, N.J.A.C. 11:5-7.4(a). Additionally, several municipalities around the state have enacted local anti-blockbusting ordinances, which include restrictions on real estate canvassing, and which have withstood legal challenges. See Summer, supra, 53 N.J. at 555-57; Mogolefsky v. Schoem, 50 N.J. 588, 597-600 (1967). Toms River’s first anti-real estate canvassing ordinance, Ord. No. 4491-15, was modeled on those measures.

Despite these longstanding prohibitions, blockbusting is evident in Toms River. One Crystal Mile Court resident was a blatant victim:

We live in an estate of 18 homes in a cul-de-sac, and our first real experience with the whole situation with the real estate started . . . last year. And during a snowstorm one of my neighbors had said he was approached by a realtor from Imperial. He stated that he has a lot of his cousins and friends from

Brooklyn that . . . want to move into the area and . . . wanted to buy homes on the street.

A few days later I was approached by that realtor [in] my driveway. . . . I told him . . . '[M]y house is not for sale. I'm not interested.

A few days later he said, 'Can we just come to talk to you?' . . . So he came in . . . with another gentleman. . . . He said that 'We're ready to buy the whole neighborhood. We want to buy every single house . . . and my community wanted to move[] to this area. . . . *Why do you want to live with us?*'

I said, 'What do you mean?'" And when he learned my profession as a physician, he said, 'Oh, I guess having a physician in the neighborhood is not a bad thing, *and we need a gentile in the neighborhood.*'

So he wanted to push me . . . to give him a price for the house and I refused. . . . And eventually they left and few days later he called me on my cell phone that he got from my neighbor I believe and he said, 'I have a buyer who needs to look at your house'

I refused, and since then every once in a while he stops by the driveway [looking to buy the house].

Since then, obviously he did a similar approach to a lot of people in the neighborhood. Last year around the same time they didn't have any house[s] for sale in my cul-de-sac. Currently, out of 19 homes we have 11 . . . sold, under contract, or are for sale because of the panic attack that everybody was afraid for . . . the value of their homes.

[T40:9 to 42:9 (emphasis added).]

The personal experience of two Dino Boulevard residents was just as stark:

. . . . [My wife] and I tried to go to an open house that was held by a firm from Lakewood They didn't want to show us the house. They . . . told us that the neighborhood was changing to Orthodox and that . . . they wouldn't show me the home.

The homeowner saw me outside . . . [and allowed me to come in].

When I went into the house he told me that these realtors had solicited him to the point where he felt he had no choice but to list with them. They [used] tactics like, 'The only way that you're going to sell your house is if you list with us. We have the only buyers willing to buy in your community.'

So he listed with them and . . . every offer . . . was an extreme low ball offer. .

Then he's showing me the house . . . [and] his wife's sitting there . . . crying . . . because [she felt as if she were] 'being forced out of [her] house. . . . 'They harassed us to list the house and now they won't let anybody except for the chosen people that they want to see it'

. . . . The end result is . . . once they get . . . the listing, they won't even show it to . . . honest people that might want to buy the house. . . . [T]his is blockbusting in its . . . highest form.

[T33:21 to 35:14.]

This disturbing testimony demonstrates that while blockbusting may not yet be prevalent, certain groups are openly using this vile remnant of a past racially-charged era to serve their interests. Like any other form of prohibited discrimination, it must be extinguished in its early stages, before its cancerous effects irreparably desiccate and devalue entire neighborhoods. Decades ago, the New Jersey Supreme Court affirmed municipalities' power to combat blockbusting, finding that "being nearer the scene, they are more likely to detect the practice and may be better situated to devise an approach to their special problems." *Summer, supra*, 53 N.J. at 553. Based on the testimony provided, the practice has been detected, and is being fueled by the recent spate in real estate canvassing. Consequently, the enactment of a "cease and desist" zone in the affected areas is an appropriate means to "nip an offensive movement[.]" Id.

C. Other Issues

As previously noted, in addition to high-volume direct solicitations and incidents of blockbusting, residents have also documented other highly annoying, suspicious, and creepy activities by certain parties interested in purchasing homes in the affected areas. These include:

- "Drive bys" and photographing homes not for sale. T20:25 to T20-1; 22:2-3; 24:3-8; 26:18-23; 29:15-19.
- Speeding through residential streets and other traffic violations. T21:6-17; 24:16-20; 26:25 to 27:1.

- Direct mail solicitations and advertisements of questionable validity. T22:7-24; T23:21-25; 30:3-9, Ex. T-6; 38:8-15.⁶
- Accosting minors. T27:21 to 28:14.
- People walking down streets, staring at, and photographing houses for extended periods of time. T31:3-6.
- Telephone solicitations.

While this conduct may not technically qualify as canvassing, it is unmistakably fueled by it, exerting a more subtle form of pressure and exacerbating the tense atmosphere created by the unrelenting solicitations. The Township may have to explore other methods of dealing with these specific problems; however, the imposition of a “cease and desist” zone should have a partial deterrent effect on this type of behavior, which no residents should have to endure.

In short, it is the finding of the Business Administrator and the Township Attorney that residents in the northwestern sections of the Township have been subject to intense and repeated real estate solicitations warranting action by the Township Council under the “cease and desist” ordinance.

III. RECOMMENDATIONS

It is recommended that the Township Council impose two “cease and desist” zones as depicted on the map attached as Appendix A. Zone 1 encompasses the triangular area bounded by the Lakewood and Jackson borders to the north and northwest, State Hwy. 70 to the south, and Whitesville Road (County Rt. 527) to the west. Zone 2 encompasses the adjacent area bounded by the Lakewood border to the due north, State Hwy. 70 to the northwest, New Hampshire Avenue to the east and southeast, and an irregular south/southwestern boundary running along portions of Whitesville Road (County Rt. 527), Riverwood Drive, U.S. Route 9, and Silverton Road. These zones were so structured for the following reasons.

First, they cover the neighborhoods most heavily targeted by canvassers and that generated the most resident complaints. Zone 2, for example, encompasses all of the streets listed on the 16 applications for canvassing permits. Similarly, Zone 1 includes the Tallymawr development in the upper northwest corner of the Township,

⁶ One resident informed the Township he reported these advertisements to the Real Estate Commission.

near the Jackson border. Although not as heavily canvassed as the streets in Zone 1, it was clearly in the canvassers' sights. It appeared on one of the later-issued canvassing permit applications, and Tallmawr residents complained vocally at the public hearing about canvassing-related activities in the development. One resident even pointed to an on-line flyer (from one of the agencies most actively engaged in canvassing activity) advertising Tallmawr (constructed in 2002) as a "new discovery." T22:13-16. If it had not already, Tallmawr was on the verge of becoming another flashpoint in this controversy.

Second, although the zones are abutting, and could have been combined into a single larger zone, it was determined that splitting the area into two separate, neighboring zones would be easier to delineate and enforce. Additionally, the zones track familiar geographic boundaries.

Third, although the proposed zones include neighborhoods that have not yet been canvassed or the subject of complaints, they were viewed as attractive targets for future canvassing because of their proximity to the affected neighborhoods and because they seemingly fit the canvassers' profile: spacious single-family homes on medium- to large-sized lots in a suburban residential setting. Zone 1, for example, includes Tallmawr's sister development to the southeast, Walden Woods, which is just starting to experience similar problems and in which many residents have signed up for the No-Knock registry. T47:20-25 to 48:1-7.⁷

In terms of duration, §391-54C(5) permits a "cease and desist" zone to be imposed for a maximum period of five years. It is recommended that the "cease and desist" zones proposed in this report be imposed for five years.

Finally, it was determined that the imposition of "cease and desist" zones would not adversely affect the real estate market in the covered areas. Whatever its value in the past, door-to-door solicitations of real estate are largely an anomaly today, where homes can be advertised for sale conventionally through real estate agents, or over the Internet and social media. Prospective buyers and sellers need not resort to canvassing to generate real estate transactions. In this context, door-to-door solicitations can only serve to harass and annoy.

⁷ The adult community of Lake Ridge also falls within Zone 1, but is not affected either way by the imposition of a "cease and desist" zone, since it is a gated community protected by internal by-laws restricting door-to-door solicitations of any sort, and does not fit the profile of the type of community in which canvassers appear to be interested.

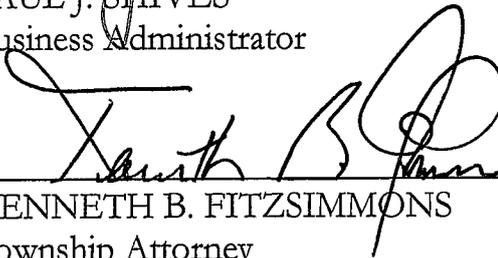
IV. CONCLUSION

In sum, the results of the investigation and public hearing conducted pursuant to §391-54A establish that real estate canvassing has become a problem that demands action. Over the past several months, residents in the northwestern sections of the Township have been beset by intense, incessant, and intimidating direct solicitations by individuals and agents looking to induce sales of their homes. Some streets have been canvassed over a dozen times. This has led to credible incidents of blockbusting and a deterioration of the peaceful quality of life in these neighborhoods, which are now trafficked and surveyed on a daily basis by parties who presumably desire to become neighbors, but whose behavior disregards basic community standards. Inaction only encourages such unacceptable practices, and risks increased strife, panic-selling, and further decline in the quality and character of these neighborhoods.

The “cease and desist” ordinance was designed for precisely this situation. Accordingly, it is strongly recommended that the Township Council impose the “cease and desist” zones proposed in this report.



PAUL J. SHIVES
Business Administrator



KENNETH B. FITZSIMMONS
Township Attorney

Dated: February 5, 2016

APPENDIX A

CEASE AND DESIST ZONES

"NORTH DOVER SECTION"

TOMS RIVER TOWNSHIP
OCEAN COUNTY NEW JERSEY

FLD. BK.	DATE	DESIGNED	CHECKED
	02.05.16	BW	
	SCALE	DRAWN	APPROVED
	1" = 2000'	BW	
FILE NO. GIS\Maps\Clerk\Canvassing			SHEET 1 OF 1

Zone 1

Zone 2

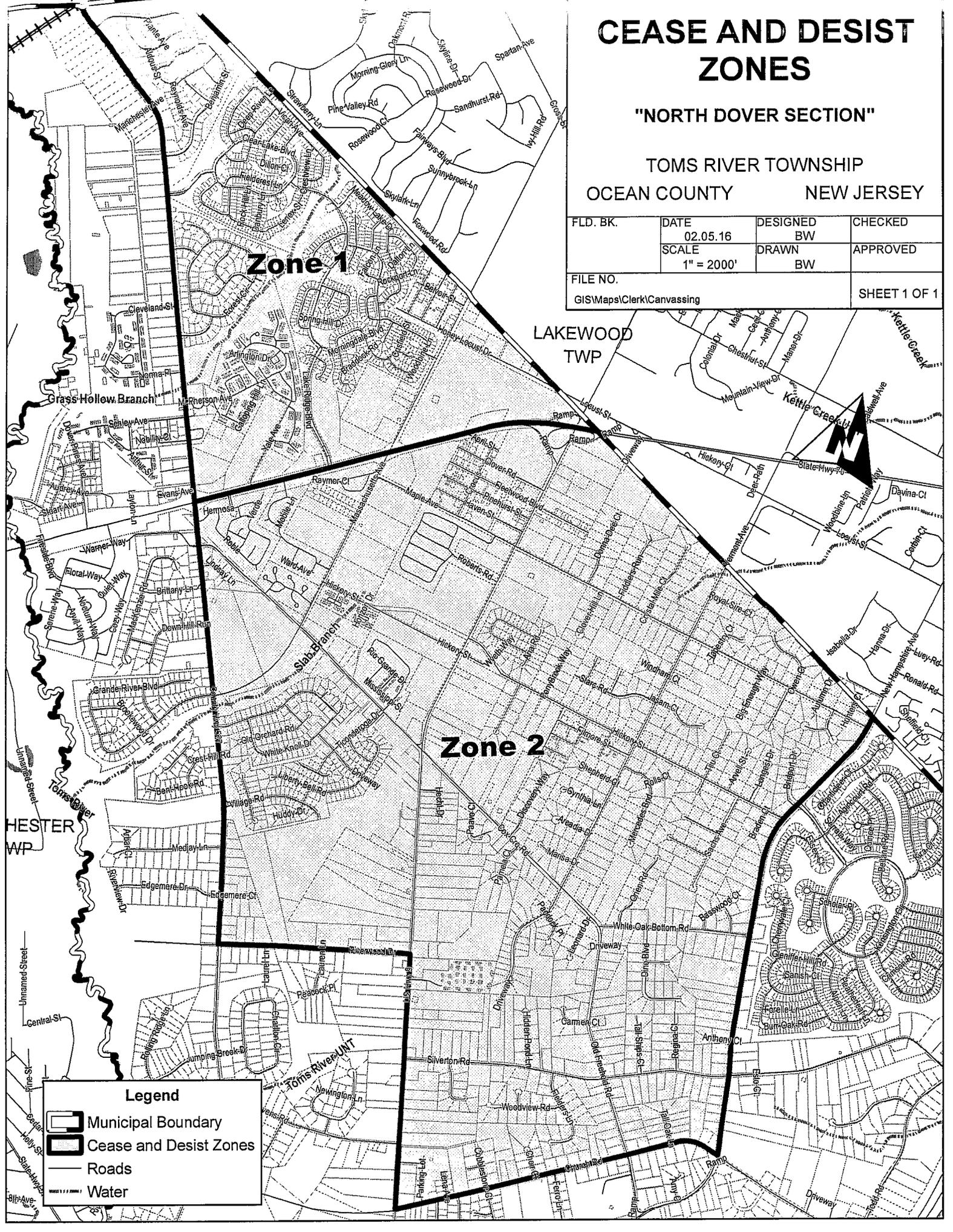
LAKEWOOD
TWP

HESTER
WP



Legend

-  Municipal Boundary
-  Cease and Desist Zones
-  Roads
-  Water



APPENDIX B

6

95
8/24/04

3 3 3 4 0 4

**AN ORDINANCE TO AMEND AND SUPPLEMENT
ARTICLE III, SECTION 391 OF THE
CODE OF THE TOWNSHIP OF DOVER**

BE IT ORDAINED, by the Municipal Council of the Township of Dover in the County of Ocean, State of New Jersey, as follows:

Article III, Section 391-27 "Definitions" shall be supplemented as follows:

"Chief of Police" shall mean the Chief of Police/Director of Law Enforcement of the Township of Dover, or a representative authorized by the Chief of Police/Director of Law Enforcement to perform the acts of the Chief of Police in accordance with this article.

"Criminal history record background check" means a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of State Police.

"Door to Door Sales Enterprise" means any public or private business, corporation or partnership that produces earnings primarily through door to door sales. "Door to door sales enterprise" shall include businesses, corporations or partnership that participate in canvassing, itinerant vending, and/or peddling, as defined herein. "Door to door sales enterprise" shall not include an organization that participates solely in non-profit solicitation, as defined in Section 391-16 of the Code of the Township of Dover.

"Owner(s)" of Door to Door Sales Enterprise shall be defined to include all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

Article III, Section 391-31 shall be amended and supplemented as follows:
Removing Section 391-31 "Application for license" in its entirety.

Amending Section 391-31 to add the following language:

An application for a license as provided by Section 391-29 shall be made to the Chief of Police upon forms provided by the Township of Dover. Such application shall be sworn to and filed with the Chief of Police at least 10 days prior to the time at which the license applied for shall become effective. The application herein required shall contain the following information:

A. The name, description, address or headquarters of the person applying for the license.

B. If the applicant is not an individual, the names and addresses of the applicant's principal officers, operating managers and all members of the applicant's Board of Directors.

C. If the applicant is a nonprofit corporation of the State of New Jersey, a certified copy of its certificate of incorporation, together with any amendments or supplements thereto.

D. If the application is a corporation, an in-state registered agent must be identified by name and street address.

E. If the applicant is an individual, the permanent home address and full local address of the applicant.

F. If the applicant is employed, the name and address of the employer, together with credentials establishing the exact relationship.

G. A brief statement of the nature of the business and description of the merchandise or service to be sold.

H. The name and address of the person or persons who will be in direct charge of conducting the sale or offer of merchandise or service(s) and

the names of all promoters connected or to be connected with the proposed sale or offer.

I. An outline of the method or methods to be used in conducting the sale or offer of merchandise or service(s).

J. The length of time for which the license is desired including a schedule of the streets or portions thereof which will be canvassed and the preferred dates of such canvassing.

K. If a vehicle or vehicles are to be used, a description of such vehicles and license numbers.

L. The place where the goods or property to be sold or offered for sale are manufactured or produced, where such goods or property are located at the time such application is filed and the proposed method of delivery.

M. If the applicant is an individual, two photographs of the applicant taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two inches by two inches, and a set of fingerprints to be taken by the Township Police Department.

N. Two business or banking references located in the County of Ocean, State of New Jersey.

O. A statement to the effect that if a license is granted, it will not be used or represented in any way as an endorsement by the Township of Dover or by any department or officer thereof.

P. Two business or banking references located in the County of Ocean, State of New Jersey.

Q. A signed statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

R. Such other information as may be reasonably required by said Chief of Police in order for him to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of any not inimical to the public welfare.

S. Applicants shall maintain and produce proof of insurance coverage in the minimum amounts of \$100,000 per person for personal injuries, \$300,000 per occurrence for personal injuries and \$50,000 for property damage. The Township of Dover shall be named as an additional insured on all such insurance policies. The insurance coverages shall not be terminated or canceled prior to the expiration date thereon unless 30 days' advance written notice is provided to the Township of Dover.

T. A temporary license may be issued for a period not to exceed 60 days upon the written recommendation of the Chief of Police.

Article III, Section 391-31 shall be amended and supplemented as follows:

Section 391-31.1

A. The Chief of Police shall initiate criminal history record background checks of present and prospective canvassers, peddlers, itinerant venders or owners and employees of a door to door sales enterprise as set forth in this article.

B. No person shall be licensed as a canvasser, peddler, itinerant vender or owner or employee of a door to door sales enterprise unless the Chief of Police certifies that the person has no criminal history record of a conviction for an offense enumerated in subsection C of this section.

C. A person subject to subsection B of this section whose criminal history record background check reveals a conviction for any of the following crimes and offenses shall be disqualified from receiving a license to conduct canvass, peddle, itinerant vend or perform door to door sales:

(1) If the conviction was in New Jersey, for a crime:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1, et seq., N.J.S.A. 2C:14-1 et seq., or N.J.S.A. 2C:15-1 et seq.; or

(b) 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 N.J.S.A. 2C:25-17 et seq.; or

(c) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or

(d) involving any controlled dangerous substance or analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.A. 2C:35-10.

(2) If the conviction was in any other state or jurisdiction, for conduct constituting any of the crimes described in paragraph (1) of this subsection.

(3) The Chief of Police is authorized to receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost, if any, for the criminal history record background check, including all costs of administering and processing the check.

(4) The Division of State Police in the Department of Law and Public Safety, upon the request of the Chief of Police, shall conduct a criminal history record background check requested by the Chief of Police in accordance to the provisions of this article. The check shall be performed only upon certification by the Chief of Police that the person has submitted to the Chief of Police the person's name, address, fingerprints and written consent for a criminal history record background check to be performed.

For purpose of conducted the criminal history record background check, the State Police shall examine its own files and arrange for a similar examination of federal criminal records. The information obtained as a result of any such check shall be forwarded to the Chief of Police.

(5) (a) A criminal history record background check shall not be initiated pursuant to this article without the written consent of the person. The consent required under this section shall be in the manner and form prescribed by the Chief of Police and shall include, but not be limited to, the signature, name, address and fingerprints of the person.

(b) Upon receiving the results of a criminal history record background check, the director shall promptly notify any person who has not been convicted of a disqualifying offense. Along with that notice, the Chief of Police shall forward a certification stating that the person has been subject to a criminal history record background check and that the check has not revealed any record that the person has been convicted of a disqualifying offense. The certificate shall be in a form, and contain any additional information, as the Chief of Police may prescribe by rule and regulation.

(c) The Chief of Police shall promptly notify a person whose criminal history record background check reveals a disqualifying criminal conviction of the results of the background check. The person shall have 30 days from the receipt of that notice to petition the Chief of Police for a review and cite reasons substantiating the review. If the person successfully challenges the accuracy of the criminal history record information indicating a criminal conviction or the person demonstrates affirmatively to the Chief of Police clear and convincing evidence of rehabilitation, the Chief of Police may issue a certificate indicating that the person has successfully cleared a background check.

In determining whether the rehabilitation of a person has been affirmatively demonstrated, the Chief of Police shall consider:

- (1) The nature and seriousness of the offense;
- (2) The circumstances under which the offense occurred;
- (3) The date of the offense;
- (4) The age of the person when the offense was committed;
- (5) Whether the offense was repeated;

(6) Social conditions which may have contributed to the offense; and

(7) Any evidence of rehabilitation, including good conduct in the community, counseling, psychological or psychiatric treatment, additional academic or vocational training, or personal recommendations.

(d) In the case of a door to door sales enterprise, a copy of the notification required under subsections b or c of this section also shall be forwarded to the owner of the enterprise.

(e) The Chief of Police shall not certify a person subject to the provisions of this article who refuses to consent to, or cooperate in, the securing of a criminal history record background check.

Section 391-36 shall be amended and supplemented as follows:

Section 391-36.1 – "Do Not Knock" Registry

a. The Township Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that canvassing, peddling, itinerant vending and door to door sales enterprising are not permitted on the premises (hereinafter referred to as the "Do Not Knock" Registry). Notification shall be by completion of a form available at the Township Clerk's office during normal business hours. The list shall be updated on January 1st and July 1st of each year.

b. Any owner and/or occupant who has requested enlistment on the "Do Not Knock" Registry, pursuant to subsection (a) herein, shall be able to purchase from the Clerk's Office, for a nominal fee, a sticker for display at his/her/its premises indicating enlistment on the "Do Not Knock" Registry.

b. The Township Clerk shall submit the "Do Not Knock" registry to the Chief of Police bi-annually to be distributed to applicants for a license to peddle, canvass, itinerant vend or otherwise door to door sell pursuant to the provisions of this Chapter. The licensee shall not peddle, canvass, itinerant vend or conduct door to door sales at any premises identified on the then current "Do Not Knock" registry.

c. Any canvasser, peddler, itinerant vender or owner or employee of a door to door sales enterprise who violates any provision of this section shall be:

(1) Subject to a maximum ordinance violation fine of \$1,250 per offense;

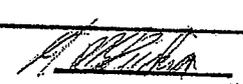
(2) Subject to a one-year revocation of any license issued pursuant to the within Chapter; and

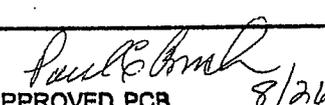
(3) Ineligible to receive a new license, pursuant to the within Chapter, for a period of one year, coinciding with the terms of one-year revocation noted in subsection (2) herein.

If any section, sub-section, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

APPROVED	 8-27-04
NOT APPROVED	_____
COUNCIL PRESIDENT	

 APPROVED PCB	8/26/04
NOT APPROVED PCB	_____

10
NOTICE

AN ORDINANCE TO AMEND AND SUPPLEMENT
ARTICLE III, SECTION 391 OF THE
CODE OF THE TOWNSHIP OF DOVER

- PURPOSE:
- 1) TO PROVIDE FOR ADDITIONAL LICENSING REQUIREMENTS FOR DOOR TO DOOR SALES ENTERPRISES.
 - 2) TO CREATE A TOWNSHIP-WIDE "DO NOT KNOCK" REGISTRY.

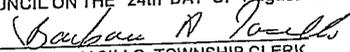
NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Dover, in the County of Ocean, New Jersey, held on August 10, 2004 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on August 24, 2004, at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.



BARBARA IASILLO
TOWNSHIP CLERK.

APPROVED AS TO FORM:
MARK A. TRONCONE
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, N.J. 08753

I, BARBARA A. IASILLO, CLERK OF THE TOWNSHIP OF DOVER,
IN THE COUNTY OF OCEAN, HEREBY CERTIFY THAT THE ABOVE
IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE TOWNSHIP
COUNCIL ON THE 24th DAY OF August 2004


BARBARA A. IASILLO, TOWNSHIP CLERK

- C. Provided the notice requirements have been satisfied, the Township 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.

§391-50. Do not knock registry.

- A. Any owner of real property within the Township who refuses to be canvassed or solicited for the sale or rental of their property may enroll in the Township's "no knock" registry established pursuant to §391-36.1, 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.

§391-51. 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 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 representations (or misrepresentations) 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 City 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. Solicit 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.

§391-52. Enforcement.

- A. The Police Department is charged with enforcing the provisions of this article.
- B. Any person claiming to be aggrieved by an alleged unlawful practice forbidden by this article may, by himself or by his attorney at law, make, sign and file a complaint directly with the Police Department, or with the Township Clerk, who shall forward the complaint to the Police Department for investigation.
- C. In addition to any other enforcement actions, the Police Department or the Township Clerk may refer the complaint to the Real Estate Commission, the New Jersey Division on Civil Rights, or any other appropriate state or federal agency for disposition.

§391-53. Violations and penalties.

- A. As provided under §391-36.1D, any person convicted of impermissibly canvassing or soliciting a property owner enrolled in the Township's "no knock" registry is subject to the following fines and penalties:
 - (1) A maximum fine of \$1250 per offense, with each "no knock" registrant impermissibly canvassed or solicited constituting a separate offense.
 - (2) Revocation of any permit issued pursuant to this article, and a period of ineligibility, not to exceed one year, to engage the canvassing or soliciting activities covered by this article.
- B. Convictions for violations of any other provision of this article carry a fine not to exceed \$500, with each property owner canvassed, solicited, or discriminated against, as prohibited under this article, constituting a separate offense.

C. Activities proscribed under subsections A and B above constitute separate offenses subject to cumulative fines and penalties.

§391-52. 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.

2. All other parts of Chapter 391 remain in full force and effect.

3. All ordinances or parts of ordinances which are inconsistent

herewith are repealed, but only to the extent of the inconsistency.

4. 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.

5. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

L-June 9, 2015-15

Approved: <u>T</u>
<u>Thomas F. Keleher</u>
Thomas F. Keleher
Date: <u>June 24, 2015</u>
Not Approved: _____
Thomas F. Keleher
Date: _____

APPROVED <u>June 23, 2015</u>
<u>Thomas F. Keleher</u>
NOT APPROVED _____
COUNCIL PRESIDENT

TOWNSHIP OF TOMS RIVER TOWNSHIP

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER 391 (PEDDLING AND SOLICITING) OF
THE TOWNSHIP CODE TO REGULATE THE PRACTICE OF
NEIGHBORHOOD CANVASSING

PURPOSE: TO REGULATE THE PRACTICE OF REAL ESTATE
CANVASSING AND SOLICITING IN TOWNSHIP
NEIGHBORHOODS

NOTICE IS HEREBY GIVEN that the ordinance published
herewith was introduced and passed upon first reading at a meeting of the
Township Council of the Township of Toms River, in the County of Ocean,
New Jersey, held on June 9, 2015 at 6:00 p.m. It was considered for final
passage at a public meeting held on June 23, 2015 at 6:00 p.m. or as
soon thereafter as this matter can be reached, at which time all persons
interested shall be given an opportunity to be heard concerning this
ordinance. Prior to the second reading, a copy of this ordinance shall be
posted on the bulletin board in the Municipal Building and copies shall be
made available at the Township Clerk's Office in said Municipal Building to
members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

APPROVED AS TO FORM:



KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NEW JERSEY 08753

L-June 9, 2015-15 - NOTICE

Legal Notice of Adoption:
Published in the Asbury Park press on:

6-12-15

<p>TOWNSHIP OF TOMS RIVER</p> <p>ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 381 (PEDDLING AND SOLICITING) OF THE TOWNSHIP CODE TO REGULATE THE PRACTICE OF NEIGHBORHOOD CANVASSING</p> <p>PURPOSE: TO REGULATE THE PRACTICE OF REAL ESTATE CANVASSING AND SOLICITING IN TOWNSHIP NEIGHBORHOODS</p> <p>NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on June 9, 2015 at 8:00 p.m. It was considered for final passage at a public meeting held on June 23, 2015 at 6:00 p.m. or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal</p>	<p>Building to members of the general public who shall request such copies.</p> <p>J. MARK MUTTER TOWNSHIP CLERK</p> <p>APPROVED AS TO FORM: KENNETH B. FITZSIMMONS TOWNSHIP ATTORNEY MUNICIPAL BUILDING 33 WASHINGTON STREET TOMS RIVER, NEW JERSEY 08753 (\$40.50)</p> <p>0000117718-01</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

With the 20 day estoppel period, this ordinance is effective: _____

Legal Notice of Adoption:
Published in the Asbury Park press on:

6-26-15

TOWNSHIP OF TOMS-RIVER
Take notice that the following ordinance as set forth herein was finally passed by the Township Council of the Township of Toms River in the County of Ocean at regular meeting of said Council as indicated and shall take effect according to law:
Ordinance 4491-15:
ORDINANCE of the Township Council of the Township of Toms River, Ocean County, New Jersey, amending and supplementing Chapter 391 (Peddling and Soliciting) of the Township Code to regulate the practice of neighborhood canvassing.
Passed: June 23, 2015
By: J. Mark Mutter, Township Clerk
(518.75)

With the 20 day estoppel period, this ordinance is effective: July 17, 2015

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 391 (PEDDLING AND SOLICITING) OF THE TOWNSHIP CODE TO REGULATE THE PRACTICE OF REAL ESTATE CANVASSING

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

1. Chapter 391 (Peddling and Soliciting) of the Township Code is hereby amended and supplemented to add the following subsection:

§391-54. Cease and desist zones.

A. Investigation and Public Hearing. Based on reports thereof, the Business Administrator and Township Attorney, or their designees, are hereby authorized to investigate incidents of solicitations of real estate in the Township. This investigation may be conducted with the assistance and advice of any and all Township Departments. As part of the investigation, the Business Administrator and Township Attorney, or their designees, shall conduct a public hearing to determine the nature and extent of, and to develop additional information concerning, these incidents.

B. Report. The Business Administrator and Township Attorney, or their designees, shall submit to the Township Council a report detailing the findings of the investigations and any recommended action.

C. Cease and Desist Zones.

1. If, based on the results of the investigation and public hearing, the Township Council finds (a) that residential real property owners within a defined geographic area of the Township are subject to intense and repeated solicitations or canvassing by real estate brokers and salespersons, or other persons or entities, to list or sell their property; or (b) are subject to intense and repeated canvassing or solicitation by other persons regularly engaged in the trade or business of buying and selling real estate to list or sell their real estate; or (c) have been subject to the discriminatory practices prohibited under §391-51, the Township Council may, by ordinance, establish a "cease and desist zone."
2. The geographic boundaries of a cease and desist zone shall be set forth in the ordinance.
3. The establishment of a cease and desist zone prohibits real estate brokers, salespersons, or persons regularly engaged in the trade or business of buying and selling real estate, or any other persons or entities, from canvassing for or soliciting the listing or sale of real estate, as defined under §391-48, within the zone's geographic boundaries.
4. Residential property owners who wish to continue to receive solicitations may file an affirmative statement to that effect with the Township Clerk.

J. MARK MUTTER
TOWNSHIP CLERK, RMC

J. Mark Mutter

5. A cease and desist zone may remain in effect for a period not to exceed five years from its effective date; however, the zone may be re-established or continued in accordance with the procedures previously set forth. A cease and desist zone may be repealed by ordinance of the Township Council.
6. The boundaries of a cease and desist zone may not be amended unless formally repealed by ordinance and a new zone established in accordance with the procedures previously set forth.

D. Violations and Penalties. Real estate brokers, salespersons, persons regularly engaged in the trade or business of buying and selling real estate, or any other person or entity, convicted of violating a cease and desist zone are subject to the penalties set forth in §391-53B and C.

2. Section 35 (Duties of licensee) of 391 (Peddling and Soliciting) of the Township Code is hereby amended and supplemented to provide as follows:

Every holder of a license issued by the Township Clerk under the authority of this article or by the Clerk of the County of Ocean under the authority of N.J.S.A. 45:24-9 shall be required to carry such license with him or her while engaged in the business or activity licensed within the corporate limits of the Township of Toms River. He or she shall produce such license at the request of any official of said Township or of any resident of said Township with whom he or she wishes to conduct his or her said business or activity. Every such licensee shall restrict his or her activity within the Township of Toms River to the hours between 9:00 a.m. and 7:00 p.m. prevailing time on Mondays through Saturdays. The licensee shall not engage in any door-to-door business or activity on the following family oriented holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

3. Section 49 (License and notice requirements) of Chapter 391 (Peddling and Soliciting) of the Township Code is hereby amended and supplemented to add the following subsection:

D. Canvassing or soliciting is restricted to the hours of 9:00 am and 7:00 p.m. prevailing time, Monday through Saturday. Canvassing or soliciting is prohibited on the following family-oriented holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

4. All other parts of Chapter 391 remain in full force and effect.
5. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.
6. 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.

7. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

L-Oct 27, 2015-17.docx

Approved: _____ <i>Thomas F. Kelaher</i>
Thomas F. Kelaher
Date: <i>11/11/15</i>
Not Approved: _____
Thomas F. Kelaher
Date: _____

APPROVED _____ <i>Thomas F. Kelaher</i> <u>11/10/15</u>
NOT APPROVED _____
COUNCIL PRESIDENT

TOMS RIVER TOWNSHIP NOTICE

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 391 (PEDDLING AND SOLICITING) OF THE TOWNSHIP CODE TO REGULATE THE PRACTICE OF REAL ESTATE CANVASSING

PURPOSE: TO FURTHER REGULATE THE PRACTICE OF REAL ESTATE CANVASSING WITHIN THE TOWNSHIP BY ESTABLISHING A PROCEDURE TO CREATE CEASE AND DESIST ZONES, TO SET TIME RESTRICTIONS, AND TO PROHIBIT CANVASSING ON CERTAIN HOLIDAYS.

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on October 27, 2015 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on November 10, 2015 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

J. MARK MUTTER
TOWNSHIP CLERK

APPROVED AS TO FORM:



KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

APPENDIX C

Street Name	Appl. 1	Appl. 2	Appl. 3	Appl. 4	Appl. 5	Appl. 6	Appl. 7	Appl. 8	Appl. 9	Appl. 10	Appl. 11	Appl. 12	Appl. 13	Appl. 14	Appl. 15	Appl. 16	Total
Lionbrook Way		X					X										5
Rainbow Way		X					X										10
Discovery Way		X					X										10
Any Ct		X					X										4
New Hampshire Ave		X					X										4
Lox Cro Rd		X					X										4
White Oak Bottom		X					X										10
Basswood Ct		X					X										4
Crystal Mile Ct			X				X										14
Vermont St			X				X										1
Fiddlers Run				X			X										14
Forest Glen Ct						X	X										7
Hickory St						X											1
N. Chaticleer									X								1
Spirit Bear Rd																	2
Hecht Dr																	2
Paddock Pl																	2
Leonard Dr																	2
Pamela Court													X				2
Paavo Ct													X				2
Brentwood Ave														X			2
Plante Ave														X			2
Aldous St														X			2
Benjamin St														X			2
Reynolds Ave														X			2
Brower Ave														X			2
Whitesville Rd														X			1
Palmer Ave														X			1
South Tapestry Ct														X			1