

BOROUGH OF CRESSKILL

ORDINANCE NO. 23-03-1604

ORDINANCE AMENDING CHAPTER 140 HAWKERS, PEDDLERS AND SOLICITORS  
BOROUGH OF CRESSKILL IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY

Remove existing and replace in its entirety:

WHEREAS, the Mayor and Council of the Borough of Cresskill desire to amend the Ordinance § 140 Hawkers, Peddlers and Solicitors

NOW, THEREFORE, BE IT ORDAINED

§140-1. Definitions.

CANVASSER or SOLICITOR

Hereinafter referred to only as “canvasser”, any individual, whether a resident of the Borough of Cresskill or not, traveling either by foot, wagon, automobile, motortruck or any other type of conveyance, from place to place, from house to house, or from street to street, offering to purchase or sell any real property, or broker on their behalf or on behalf of any third party, taking or attempting to take orders for sale of goods, wares, and services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether he or she is collecting advance payment on such sales or not, provided that such definition shall include any person who, for himself, herself, or for another person, hires, leases or uses or occupies any building, structure, tent, railroad, boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the Borough for the sole purpose of exhibiting samples and taking orders for future delivery; and provided, further, that the foregoing definition shall not be deemed to include any person who, acting for a manufacturer or wholesaler, shall sell or take orders for the sale of goods, wares, and merchandise to any other manufacturer or wholesaler or to a retailer for resale in the usual course of business; nor shall the provisions of this Ordinance apply to sales made under authority and by order of law nor to sales made by the vendors of farm or dairy products.

DISTRIBUTOR

A person who goes from house to house on public thoroughfares or in public places dispensing of circulars, posters, pamphlets, newspapers or other forms of advertising matter.

MULTIPLE TRANSIENT MERCHANT FACILITY

A facility in which groups of transient merchants as defined below, band together to conduct functions commonly known as "trade shows," "craft shows" and similar functions within the facility for the same dates and times.

PEDDLER

Any person, traveling by foot, wagon, automotive vehicle, or any other type of conveyance from place to place, from house to house, or from street to street. Carrying, conveying, or transporting goods, wares, or merchandise, offering and producing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction, makes deliveries to purchasers as part of a scheme or design to evade the provisions of this Ordinance, shall be deemed a “peddler”. “Peddler” shall include the words “hawker” and “huckster”. Peddler shall also include any person who is issued a veteran peddlers’ license pursuant to N.J.S.A. 45:24-9 et seq., except that the actual issuance of a veteran’s license and cancellation of a veteran’s license for sale or use to anyone other than the veteran or if the veteran is convicted of a crime or is guilty of violation of Municipal Ordinance shall be governed exclusively by N.J.S.A. 45:24-10 and 45:24-13.

## SOLICITOR

A person who goes from house to house selling or buying goods, wares, merchandise or other things of value by sample or by taking orders for future delivery or selling a service, with or without acceptance of an advance payment for the goods, wares, merchandise, other things of value or service.

## TRANSIENT BUSINESS

A sale by a person who was not permanently engaged in business in the Borough prior to the sale in which the person represents himself as a bankrupt, an assignee, or about to quit business, or that the sale is one of damaged goods as a result of fire, water or other cause.

## TRANSIENT MERCHANT

A person who, whether a resident of the Borough or not, engages in a temporary business within the Borough of selling and delivering goods, wares, merchandise or services within the Borough and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad, boxcar or boat, public room in hotels, lodging houses, apartments or shops, parking lot, sidewalk, street, alley or other place within the Borough for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction.

### §140-2. Purpose

The purpose of this chapter is to prevent dishonest business practices, to provide for traffic and pedestrian safety by regulating the use of the streets and property adjacent thereto by itinerant or transient merchants, to prevent extended parking or trespassing on private or public property, to prevent violations of this Ordinance, and to generally provide for the safety of the residents of this community in the best interest of its welfare.

### §140-3. License Required

- A. It shall be unlawful for any distributor, transient merchant, itinerant vendor, itinerant merchant, peddler, hawker or solicitor to sell, buy, dispose of or offer to sell or dispose of any goods, wares, merchandise or other things of value or services or to solicit contributions, gifts, pledges or subscriptions of money or goods within the Borough of Cresskill without first obtaining a license therefor.
- B. A transient merchant shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection with, as part of or in the name of any local dealer, trader, merchant or auctioneer.
- C. The license requirements of this chapter shall not be applicable to persons distributing material or soliciting contributions for charitable, religious or political purposes.

### §140-4. Fees; Identification Tag.

- A. The requirements of this chapter insofar as the same shall apply to fees shall be held not to include the following persons who are expressly exempt from its application: any person selling fruits, vegetables and farm products grown by himself, with or without the help of others; any person honorably discharged from the military, naval or marine forces of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-10 and the amendments thereof; any non-profit-making vendor; any person who conducts a sale pursuant to statute or court orders; or any person who is an exempt member of a volunteer fire department, as defined by N.J.S.A. 45:24-9b, possessing a license issued in conformity with said law and the amendments thereof.
- B. Each Peddler shall procure a peddler's identification tag from the Borough Clerk prior to engaging in business as a peddler, as such tag shall be conspicuously displayed on the peddler's vehicle, wagon, cart or person while engaged in such business. If applicable, the application for a peddler's identification tag shall contain an appropriate certification

by the applicant that he or she is a bona fide grower, producer, or manufacture of the products to be sold by him or her, and the application shall be signed by the peddler.

- C. The fee for a peddler's identification tag shall be as provided in this Ordinance.
- D. A peddler's license and identification tag shall be nontransferable and shall not be used or worn at any time by any person other than the one to whom it was issued.

#### §140-5. Advertising matter; license.

It shall be unlawful for any person to distribute, or cause to be distributed, to the occupant of any house, unless the same has been previously ordered, or place or cause to be placed in or on any premises or in any automobile, or hand to any person on the street, or attach to any tree, pole, sign, billboard, fence or building except where located on the premises of the distributor or issuer of any card, circular, pamphlet, newspaper, papers or other publication or any form of advertising matter, unless said person shall first obtain a license therefor. Every person distributing any card, circular, pamphlet, newspaper, paper or other publication or any form of advertising matter shall do so in a manner to avoid the littering and scattering of papers and shall comply with the rules and regulations pertaining thereto established by the Borough.

#### §140-6. Application.

- A. Any person desiring to obtain a license for the purposes heretofore mentioned in this chapter shall apply, in writing, to the Chief of Police of the Borough on an application which shall contain the following information:
  - (1) The name, date of birth and social security number of the applicant.
  - (2) The applicant's permanent home residence.
  - (3) The name and address of the firm represented.
  - (4) Three reputable individual references.
  - (5) Driver's License (Copy front and back).
  - (6) The place or places of residence of the applicant for the preceding five years.
  - (7) A description of the merchandise and or wares to be offered for sale.
  - (8) A statement as to whether or not the person has ever been convicted of a crime, place of arrest, the nature of the offense and the disposition of the matter.
  - (9) To the application must be appended a letter from the firm for which he purports to work, authorizing the applicant to act as its representative.
  - (10) If a vehicle is to be used, a description of such vehicle and its license number, registration and insurance certification.
  - (11) Two photographs of the applicant taken within 60 days immediately prior to the date of the application, which photographs shall clearly show the head and shoulders of the applicant and shall measure 1 1/2 inches by two inches.
  - (12) A list of the Municipalities (if any) in which the applicant and/or his or her employer has conducted the business for the six (6) months prior to the date of the application.
  - (13) Only the person applying for the license can apply and obtain their own license.
  - (14) Submit a Fingerprint Results form from Identego.

#### §140-7. Investigations.

When the application is properly filled out and signed by the applicant, it shall be presented to the Chief of Police, whose duty it shall be to investigate the statements made therein, and a period of not more than ten (10) business days shall be allowed for such investigation after fingerprint results are returned, whereupon the Chief of Police will indicate his approval or disapproval upon the application.

- A. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons therefor. Any determination by the Chief of Police that an

application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:

- (1) Conviction of a crime involving moral turpitude.
- (2) Prior violation of an ordinance or law pertaining to solicitors and canvassers.
- (3) Previous fraudulent acts or conduct.
- (4) Record of breaches of solicited contracts.

B. Approval of application.

- (1) In the absence of any such finding, the Chief of Police shall find the application satisfactory, endorse his approval thereupon and issue a license.
- (2) If, as a result of an investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his or her approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the license issuing authority, who shall, upon payment of the prescribed investigation fee, deliver to the applicant the permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The license issuing authority shall keep a permanent record of all licenses issued.
- (3) When a fee is required under this chapter, the application, bearing the approval of the Chief of Police, shall be presented by the applicant to the Borough Treasurer, to whom the fee shall be paid. The Treasurer shall acknowledge receipt of the fee, in writing, upon the application, which shall be returned by the applicant to the Chief of Police.

C. Disapproval of application; appeal.

- (1) It shall be sufficient for the Police Chief to disapprove an application for the license for any of the following reasons:
  - (i) If the applicant or his or her employer has been convicted of any crime, misdemeanor, criminal offense or other violation of any municipal ordinance, or State or Federal Statute;
  - (ii) If there is any fraud, misrepresentation, or false statement contained in the application;
  - (iii) If the applicant or his or her employer or the employer's representatives have committed any fraud, misrepresentation, or false statement in conducting said business in this Borough or elsewhere;
  - (iv) If the applicant or his or her employer or the employer's representatives have conducted said business in an unlawful manner in this Borough or elsewhere.
- (2) If an application is found unsatisfactory by the Chief of Police and he has endorsed his disapproval upon the application, he shall notify the applicant by mail that the application is disapproved and shall deny the applicant a license.
- (3) Any person aggrieved by the action of the Chief of Police or, in the absence of the Chief of Police, the officer in charge of police headquarters, or the license issuing authority, upon the denial of the license as provided in this Ordinance shall have the right of appeal to the Council or their designee. Such appeal shall be taken by filing with the Borough Clerk, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a typed written statement setting forth fully the grounds for the appeal. The Borough Clerk shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in this Ordinance, for a notice of hearing. The decision and order of the Council or its designee on such appeal shall be final and conclusive.
- (4) In case of disapproval of an application, the applicant may appeal to the Superior Court of New Jersey, for and against the issuance of a license.

§140-8. License required for agent or peddler, solicitor and/or transient merchant.

- A. A separate license must be obtained by a licensed peddler, solicitor and/or transient merchant for every agent or employee working for him. No more than two employees shall sell from the same wagon or vehicle without a separate license.
- B. All licenses shall be issued on forms drawn in accordance with this Ordinance. The license shall contain suitable blank space for writing in the name, address the location of the business and the amount of fee paid. The licensee shall also be required to wear an identification tag designated by the Borough.

§140-9. Prohibited peddling locations; use of streets; private property.

- A. No peddler who shall make use of the streets to vend goods, either from a wagon, or vehicle or other conveyance, shall remain in one place longer than twenty (20) minutes or return thereto within a period of less than five hours; provided, however, that this time limitations shall not apply to physically handicapped persons who have been issued a specific vehicle identification card by the Motor Vehicles Commission.
- B. No peddler shall be deemed to have complied with the foregoing requirements unless such peddler shall have moved at least one hundred (100) feet from the point at which he or she last stopped.
- C. No peddler's location upon the streets for the purpose of sale shall be at a distance of less than one hundred (100) feet from the entrance of the store or place of business of a permanent retailer who sells any merchandise, foodstuffs, or produce as the peddler.
- D. No peddler shall make entry upon private property for the purpose of offering for sale or selling any merchandise, foodstuffs, or produce unless the property owner shall have given prior consent to such entry.

§140-10. Issuance of Licenses.

It shall be the duty of the Chief of Police to issue licenses in all cases where the applicant has complied with the provisions of this chapter. Licenses will expire on December 31 of each year and will be in the form of a card bearing the name of the licensee, the purpose for which it is issued, the date of expiration and the signature of the Chief of Police, Borough Clerk and seal of the Borough of Cresskill.

§140-11. No-Knock List/Registry.

- A. Establishment of No-Knock List/Registry.
  - (1) For the purpose of protecting residents from criminal activities and safeguarding their privacy, there is hereby established a No-Knock List of properties where canvassing and soliciting are prohibited. The No-Knock List shall be maintained by the Police Department.
  - (2) All residents of the Borough may register their name, address and/or unit/apartment number with the Police Department to be placed on the No-Knock List, indicating that they do not want canvassers, distributors, solicitors, peddlers, transient merchants or hawkers of any sort to approach their homes and/or seek personal contact with the occupants of the registered residence. The Police Department shall provide the registration form, which shall be available during normal business hours. By registering for the No-Knock List, the resident acknowledges that the Borough police, fire and other emergency services groups are exempt from the requirements of this section.
- B. Updating and provision of list.
  - (1) The Police Department shall prepare a list of addresses of those premises whose owners or occupants have notified the Police Chief that canvassing or soliciting

are not permitted on their premises. Notification shall be by the completion of a form, available online and at the Police Department, during normal business hours. The premises shall remain on the No-Knock List for a period of three (3) years, unless the owners or occupants notify the Police Department in writing that they wish the property be removed from the list. The Police Department shall update the list monthly. The inclusion of a premises on the list shall be deemed a revocation of any privilege or license to enter or attempt to enter the property.

- (2) The Police Department shall maintain a No-Knock List, a copy of which shall be provided to all persons or organizations required to obtain a license or register pursuant to this chapter.
- (3) The Borough shall post a No-Knock List application on the Borough's webpage and distribute to other media outlets as designated by the Borough. The Borough shall provide copies of the application to the public and undertake reasonable efforts in education and distribution, in order to further public awareness of the No-Knock List.

C. Registration and display of notice.

- (1) Owners or occupants who have requested to be listed on the no-knock list pursuant to the terms herein, may procure from the Police Department a notice for display on the premises indicating that the resident enlisted on the No-Knock. The notice shall indicate which solicitors may contact residents and shall read substantially as follows:

“These premises are listed on the Borough of Cresskill's ‘No-Knock List’ (Borough of Cresskill Ordinance Sec. 140-11). You may not enter or attempt to enter these premises for the purpose of canvassing or soliciting which includes offering to purchase real estate on behalf of any person or organization. Charitable, political, religious organizations are exempt from this law. Violations of Borough of Cresskill's Code Ordinance 140-11 may result in a fine between \$100.00 and \$2,000.00 and/or up to 90 days of community service”
- (2) The notice shall be provided free of charge and may be picked up in person during regular business hours. Pursuant to N.J.S.A. 2C:18-3 “any owner or occupant who has listed his or her premises on the registry shall be deemed to have revoked any express or implied legal privilege or license to enter or attempt to enter the premises”.

D. Receipt of No-Knock List.

- (1) The Borough Clerk shall distribute the current No-Knock List to a licensed canvasser or solicitor at the time of issuance of a license.
- (2) Although the most current list of registrants on the Borough's No-Knock List shall be provided by the Borough Clerk, it is the responsibility of the canvasser or solicitor to have the most up-to-date list prior to engaging in any canvassing or soliciting.

E. Violations.

- (1) It shall be unlawful for any canvasser, distributor, solicitor, peddler, transient merchant or hawker to approach and/or seek personal contact with the occupants of any residence if that residence is registered on the No-Knock List. Anyone violating this subsection shall, upon conviction thereof, be subject to fines and penalties in accordance with this Ordinance.
- (2) Any person convicted of violating this Ordinance shall be subject to the following:
  - (i) First Offense: a minimum fine of one hundred dollars (\$100.00) with a maximum of up to two thousand dollars (\$2,000.00)
  - (ii) Each subsequent Offense: a minimum fine of one hundred dollars (\$100.00) with a maximum of up to two thousand dollars (\$2,000.00) for each offense, together with community service for a period of up to 90 days;

- (iii) Any Offense: in addition to the above, a permanent revocation of any license issued under the within chapter.
- (3) This section does not preclude an owner or occupant from filing any other appropriate complaint with the Cresskill Police Department.

§140-12. License issued part of monthly report.

It shall be the duty of the Chief of Police to incorporate as a part of his monthly report to the Borough Clerk the number of licenses issued for all licenses.

§140-13. Revocation and suspension of license.

- A. Licenses issued under the provisions of this Ordinance may be revoked by the Council after notice and hearing for any of the following causes:
  - (1) Fraud, misrepresentation or any false statement contained in the application for license.
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as transient merchant, peddler, vendor, solicitor or distributor.
  - (3) Any violation of this chapter.
  - (4) Conviction of any crime or misdemeanor involving moral turpitude.
  - (5) Conducting the business as transient merchant, peddler, vendor, solicitor or distributor in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
  - (6) Violations of law as set forth in this article.
- B. The Chief of Police, upon receiving information providing reasonable cause to believe that the holder of any license issued hereunder has violated any provision of this chapter or has been convicted of any violation referred to in this chapter or has been convicted of any crime or offense, may forthwith temporarily suspend such license until a hearing is held by the Council as provided herein, and the Council shall have issued a determination thereon.
- C. Notice of a hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, certified mail, return receipt requested, to the licensee at his last known address at least five days prior to the date set for the hearing.
- D. If the licensee has one or more employees, the revocation hereunder shall apply to the licensee and all employees determined to be in violation of this Ordinance.
- E. Upon revocation, the license shall be surrendered to the Police Department or its duly appointed designee

§140-14. License fees.

The license fees shall be as follows:

- A. Solicitors: \$50 per year, which is hereby determined to be the reasonable cost of investigating the character and record of such solicitor.
- B. Distributors: \$50 per year, which is hereby determined to be the reasonable cost of investigating the character and record of such distributor.
- C. Peddlers: \$50 per year, which is hereby determined to be the reasonable cost of investigating the character and record of such peddler.
- D. Transient merchants: \$50 per year, which is hereby determined to be the reasonable costs of investigating the character and record of such transient merchant.

§140-15. Exemptions.

- A. The requirement to pay a license fee under this Ordinance shall be held not to include the following persons, who are expressly exempt from the payment of the license fee:
  - (1) Any person who conducts a sale pursuant to statute or court order.
  - (2) Any person exempt from paying fees by statute.
  - (3) Any person who is a non-profit-making vendor.
- B. The requirement to obtain a license and pay a license fee under this chapter shall be held not to include any person who is requested specifically by a resident of the Borough to deliver or remove goods to or from the house of such resident.
- C. The following activities shall be exempt from this Article:
  - (1) Delivery of goods, foods, wares, or merchandise in the regular course of business to the premises of persons ordering or entitled to receive same.
  - (2) Solicitations on behalf of members of any charitable organizations, religious purpose, or on behalf of a political candidate or activity.
- D. Nothing stated in this section shall be construed to exempt any person from any provision of this chapter except as stated above.

§140-16. Hours of Operation restricted.

- A. Every person holding a license shall have the privilege of selling his goods or delivering wares and merchandise in the Borough of Cresskill only during the hours from 10:00 a.m. to 9:00 p.m. Eastern time, except holidays, and unless specifically requested otherwise by a resident of the Borough of Cresskill.
- B. A copy of the licensee's photograph shall be carried on the license, which photograph shall be furnished by the applicant. The licensee shall exhibit his or her license in full public view. The licensee shall be courteous to all persons in canvassing and shall not importune nor annoy any of the inhabitants of the Borough and shall conduct himself or herself in a lawful manner. On expiration of the license, the licensee shall surrender the same to the Chief of Police.

§140-17. Prohibited Acts.

No person or license holder shall:

- A. Peddle, solicit or distribute merchandise except between the hours of 10:00 a.m. and 9:00 p.m., unless specifically having been invited to a dwelling by an occupant thereof or having previously made an appointment with an occupant.
- B. Attempt to peddle, solicit or distribute merchandise or printed material without first having identified himself as a transient merchant, peddler, solicitor or distributor registered with the Borough and displaying his badge.
- C. Have exclusive right to any location in the public streets or operate in any congested area in such a manner as to impede the flow of traffic or of pedestrians or create a breach of the peace.
- D. Peddle, solicit or distribute on the premises of any business establishment, shopping center or mall without the written consent of the owner or individual agency or organization responsible for the management and/or operation of the same.
- E. Enter or attempt to enter the land of any resident in the Borough where such resident has posted a notice prohibiting such entry.



- F. Refuse to leave any private dwelling or property after having been once requested to do so by the owner or occupant thereof.
- G. Shout, cry out, blow a horn, ring a bell or use any sound-making or amplifying device upon any of the streets, parks or public places of the Borough or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon private premises, for the purpose of attracting attention to any merchandise or services, without first obtaining written authorization for the same from the appropriate Borough official.
- H. Litter the streets, public places or public or private properties within the Borough with any merchandise or printed material.
- I. It shall be unlawful for any transient merchant, itinerant vendor, itinerant merchant, peddler, hawker or solicitor to sell, buy, dispose of or offer to sell or dispose of any goods, wares, merchandise or other things of value or services in or on any portion of a public right-of-way.

§140-18. Use of Borough Name in Fund-Raising Activities.

- A. No person, as defined in this Ordinance, shall use the name of the Borough, in any fundraising activities until such person shall obtain the consent of the Borough Council to conduct such fund-raising activities.
- B. Any person seeking consent of the Council to conduct any fund-raising activity shall submit to the Borough Clerk in writing, which shall contain the following information:
  - (1) The name and address of the person or organization which will conduct or be responsible for the fund-raising activity.
  - (2) Names and addresses of all persons who shall be involved in the fund-raising activities.
  - (3) A detailed statement of the purpose of the fund-raising program, setting forth for whose benefit the program is to be conducted.
  - (4) The names and addresses of the persons who shall be responsible for the collection of an account of said funds.
  - (5) Names and addresses of the persons who shall be responsible for any expenditures made of said funds.
  - (6) The name and address of the bank in which the funds will be deposited, setting forth the number of the account and the names and addresses of the authorized signatures pertaining to said account.
  - (7) Whether or not there is any intention to utilize public buildings or property and the location of same.
  - (8) Whether or not the city or any agency will furnish any personal property, specifying what kind of personal property and the quantity thereof.
  - (9) Whether or not the city or any agency will be requested to provide any funds and, if so, the amount of such funds.
  - (10) Whether or not the city will be requested to furnish the services of any of its employees during their duty hours and, if so, the names of the employees and the purpose for which the services of these employees will be utilized.
  - (11) A statement notarized under oath setting forth the following:
    - (i) That the applicant will deposit all funds raised in a separate and distinct bank account and will not co-mingle said funds with any other funds.
    - (ii) That the applicant will furnish to the Council an accounting of all funds received and expended.
    - (iii) That the applicant hereby authorizes the Council, at its option, to audit the account.
    - (iv) That the applicant will have all persons managing the money for the fund-raising activity bonded so as to insure the funds against any loss.
  - (12) The applicant agrees to furnish all necessary liability insurance in appropriate amounts naming the Borough, its officers and employees as additional insureds,

so as to hold the Borough and its officers and employees harmless for any claim for personal injuries or damages which may occur as a result of the fund-raising activities.

- (13) The applicant agrees to abide by all appropriate Federal, State and Local Laws pertaining to such activity.

- C. In addition to the above penalties, if the applicant fails to comply with the conditions set forth herein, the Council may rescind its consent to conduct such fund-raising program in the name of the Borough.

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

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