

**Ord.# 24 - 2014**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND CHAPTER 180, "PEDDLING AND SOLICITING," OF THE CODE OF THE TOWNSHIP OF MOUNT OLIVE TO ADD AN ARTICLE III, ENTITLED "SOLICITATION OF CONTRIBUTIONS ON ROADWAYS"**

**WHEREAS**, N.J.S.A. 39:4-60 prohibits solicitation of charitable contributions from motorists on roadways in the State of New Jersey unless authorized by ordinance of the municipality in which said roadways are situate; and

**WHEREAS**, the Township of Mount Olive desires to permit charitable organizations to solicit contributions within the Township subject to certain restrictions and conditions, pursuant to a roadway charitable solicitation permit issued by the Township; and

**WHEREAS**, the Township Council of the Township of Mount Olive deems it to be in the public interest to permit charitable organizations as defined by N.J.S.A. 45:17A-20 to solicit contributions in roadways situate in the Township of Mount Olive, provided same is done in a safe and reasonable manner.

**BE IT ORDAINED** by the Township Council of the Township of Mount Olive, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** Chapter 180 of the Mount Olive Township Code entitled, "Peddling and Soliciting" is hereby amended to incorporate a new Article III, entitled "Solicitation of Contributions on Roadways," as follows:

**Article III: Solicitation of Contributions on Roadways**

**180-22 Coin Drops Permitted**

The Township of Mount Olive shall permit charitable organizations which are located in the Township of Mount Olive and who provide benefits to the residents of Mount Olive, as

defined in N.J.S.A. 45:17A-20, to solicit contributions generally referred to as "coin drops" in roadways located within the Township of Mount Olive in accordance with the provisions contained herein.

**180-23 Permit required, applications requirements**

All charitable organizations, as defined in N.J.S.A. 45:17A-20, which desire to solicit such contributions in roadways located in the Township of Mount Olive shall file an application for a permit with the Mount Olive Township Council on a form supplied by the Mount Olive Township Police Department. This application must be submitted a minimum of 90 days, suggested 120 days, prior to the planned event date for the fundraiser. The application is required for the purpose of specifying the following information:

- A. Name of applicant organization
- B. Address of applicant organization
- C. Telephone number of applicant organization
- D. Contact person for applicant organization
- E. Specific location(s) of proposed charitable solicitation
- F. Date(s) and time of operation of proposed charitable solicitation, any potential

rain or inclement weather substitution dates must also be listed on all applications to the municipal, county, and state government organizations.

G. If the request involves a county roadway, the request shall include a copy of the proposed authorization from the Morris County Board of Chosen Freeholders to permit the charitable solicitation.

H. If the request involves a state roadway and/or highway, the request shall include a copy of the "New Jersey Department of Transportation, Application for Highway Occupancy"

(MT-120A). The applicant will need to submit this application to the New Jersey Department of Transportation after the necessary Mount Olive Township approval(s) and Morris County Board of Chosen Freeholders approval is granted. The New Jersey Department of Transportation requires this application to be submitted a minimum of 45 days prior to the date of the requested fundraising event. Fee(s) associated with the application to the Department of Transportation are the obligation of the applicant.

I. The applicant will provide a list of all proposed safety regulations, safety devices and training for individuals who shall participate in the charitable solicitation and/or a report as to the procedures to be used to ensure the safety of the members of the public who will be traversing the roadways within the Township of Mount Olive.

J. A certificate of insurance issued by an insurance company duly licensed in the State of New Jersey. The certificate of insurance must provide general liability insurance in an amount of not less than \$1,000,000. The Township of Mount Olive shall be listed as an additional insured on the certificate and an endorsement to the insurance policy.

K. A signed, dated and notarized release and indemnification agreement, signed by the organization sponsor or responsible party, legally binding the organization participant, which shall release and agree to indemnify and hold harmless the Township of Mount Olive, County of Morris, State of New Jersey, its agents, servants, employees and elected and appointed officials from any and all liability of any kind from injury or physical harm, including death, and damage to property occurring from or alleged to arise out of the event.

L. A signed and dated certification signed by the organization sponsor or responsible party stating that no person under the age of 18 years of age will be permitted to engage in any coin drop activity within a public right-of-way.

M. If the event is planned on a state roadway or intersection that is controlled by the New Jersey Department of Transportation, the application requires a minimum of 45 days review at the state level for any “Application for Highway Occupancy.” The Township establishes the recommended submission of the completed paperwork (120) calendar days prior to the planned event date. No applications will be accepted if the event is within (90) calendar days of the application date, as there are several approvals required before submission to the Department of Transportation.

N. In the event that the proposed location for a coin drop is requested for a roadway which is solely maintained by the Township of Mount Olive, the applicant will need to submit the necessary applications a minimum of (60) calendar days prior to the planned event.

**180-24 Limit on number of coin drops per organization**

No permits will be granted by the Township of Mount Olive for more than one event, three consecutive days maximum, per calendar month, per location for any organization.

**180-25 Duration of coin drops**

No approved coin drop solicitation shall be permitted for longer than three consecutive days.

**180-26 Limit on number of permits granted**

No permits shall be granted by the Township of Mount Olive for more than a maximum of two coin drop solicitations per calendar month at a specific location. The coin drops events shall not be scheduled on back to back calendar weeks. Permits may be granted on a first come, first serve basis.

**180-27 Hours of operation**

All approved coin drop solicitations shall be conducted only during daylight hours and shall commence no earlier than 9:00 a.m. and be concluded no later than 6:00 p.m.

**180-28 Location, approval by Department of Transportation required**

No coin drop solicitation shall be conducted on State Route 46 or State Route 206, intersecting roadway, or state controlled intersection within the Township of Mount Olive without approval from the New Jersey Department of Transportation for the specific date. The Mount Olive Police Department will maintain a list of acceptable intersections or locations which coin drops would be permitted for roadways or intersections within the Township.

**180-29 Prohibition of solicitation by minors**

No applicant or organization seeking permission for a coin drop will use any individual under the age of 18 years to perform any function or task associated with the said charitable solicitation in any roadway.

**180-30 Approval or denial of application**

Upon filing of a complete application and completion of the required review by the Mount Olive Township Police Department, the applicant shall present the application to the Mount Olive Township Council a minimum of (90) days prior to the proposed coin drop for its review and consideration, after which the Township Council shall grant or deny the applicant's request by resolution. In the event the applicant's request is approved, the Township resolution shall be forwarded by the applicant to the state and/or county for their necessary approval. In the event that the coin drop is approved for a roadway which does not intersect or fall within the jurisdiction of the county or state, the resolution shall serve as the final approval for the coin

drop. The applicant shall follow and abide by all conditions imposed in the resolution adopted by the Township of Mount Olive Council.

**180-31 Compliance with other applications**

Any charitable organization requesting authorization from the Township of Mount Olive for said charitable solicitation shall comply with all the terms and conditions of N.J.S.A. 39:4-60, N.J.A.C. 16:40 as same may be amended and supplemented.

**180-32 Compliance, revocation of approval or order to cease operations**

Any charitable organization that is granted municipal, county, or state approval for a coin drop, understands that at any point prior to the event, during the event, or for future events; the Department of Transportation, Morris County official, Mount Olive Municipal official, or any law enforcement officer can order the charitable organization to cease operations based upon, but not limited to: roadway issues, public safety concerns, weather conditions, or traffic conditions. This cease order does not transfer any liability or exposure to expenses to the official who is delaying or revoking the coin drop event.

**180-33 Penalties**

Any person engaged in solicitation activities found guilty of violating a provision of this section shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by local police under N.J.S.A. 39:4-60. Prosecution shall take place in the municipal court of the municipality where the solicitation fundraising event occurred.

**180-34 Conditions of Approval**

A. Solicitation shall only be permitted at signalized intersections during daylight hours.

B. Solicitation may not stop or impede vehicular or pedestrian traffic. Traffic must be stopped before solicitation can begin, and cease when traffic resumes movement. Flagmen are not permitted to be utilized to control or regulate traffic movement.

C. Signs and traffic control devices must be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. Signs advertising the solicitation may be placed approximately 500 feet in advance. Signs must be temporary, break-away, and a maximum of 16 square feet.

D. Only adults over the age of 18 shall be allowed in the roadway.

E. Adults soliciting in the roadway, or within 15 feet of the roadway, must wear properly sized, ANSI 107-2004 (or later) Class 2 or 3 high visibility apparel. Wearing non-ANSI approved apparel will be reason for immediate cessation of the event. Children may be present but must be at a safe distance and location from the street. Decisions of the Mount Olive Township Police Department will be final in determining the safe location.

F. Solicitors shall be trained on safely working in traffic and any special provisions of the solicitation permit.

G. Solicitors may not harass the motorists or public.

H. Solicitors shall not consume or be under the influence of alcohol or drugs.

I. The solicitor will be responsible for cleaning any debris from the solicitation site within two hours of the end of solicitation.

**SECTION 2.** All ordinances of the Township of Mount Olive, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This ordinance may be renumbered for purposes of codification.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

TOWNSHIP OF MOUNT OLIVE

---

John Mania, Council President

ATTEST:

---

Lisa Lashway, Township Clerk