

CITY OF NORTHFIELD, NEW JERSEY
ORDINANCE No. 7-2017

**AN ORDINANCE PERMITTING CHARITABLE ROADWAY
SOLICITATIONS IN THE CITY OF NORTHFIELD**

WHEREAS, the City Council of the City of Northfield, Atlantic County, is of the opinion that the public interest will best be served by adopting an ordinance permitting charitable roadway solicitations in the City of Northfield;

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Northfield, County of Atlantic, and State of New Jersey that the Code of the City of Northfield is hereby amended to include the following:

Charitable Roadway Solicitations

1. Purpose; statutory authority.

The City of Northfield shall permit charitable organizations, as defined in Section 3 of P.L. 1994, c. 16 (N.J.S.A. 45:17A-20), to solicit contributions on the roadways and highways located in the City of Northfield, except those roadways and highways owned, controlled and maintained by the State of New Jersey, between April 1st and November 30th, in accordance with the provisions contained herein. This article is promulgated pursuant to N.J.S.A. 39:4-60, as amended by P.L. 1997, Chapter 82, approved April 30, 1997.

2. Application; review of request; restrictions; compliance with statutory requirements.

All charitable organizations herein who wish to solicit contributions in the roadways and highways located in the City of Northfield shall file a completed signed and dated application form, as developed by the City of Northfield, with the Municipal Clerk at least 90 days prior to the proposed solicitation event, but in no event sooner than January 1st of the calendar year in which the requested solicitation is to occur, which shall specify the following information:

- a) The name of the organization.
- b) The address of the organization.
- c) Purpose of funds to be collected.
- d) Name and address of person responsible/accountable for funds collected.

- e) The telephone number of the organization.
- f) The contact person at the organization.
- g) The location of the proposed charitable solicitation.
- h) The date of the proposed charitable solicitation event and two (2) alternate event dates in the event of a conflict.
- i) Submit evidence of approval of charitable exempt status.
- j) Certificate of insurance evidencing general liability insurance coverage in the minimum amount of \$1,000,000, naming the City of Northfield as an additional insured.
- k) Execution of a hold harmless and indemnification agreement between the organization and the City.
- l) The name and contact phone number of the coin drop supervisor (who must be on location for the duration of the solicitation event) for police, safety and other contact or communication.
- m) A map is required to be attached by the applicant to the completed Application showing the location of the event and the names of the intersection / road(s) affected by the solicitation.
 - 1) The map must contain an identifying legend and must display the following:
 - i. Location of existing traffic control signals and/or signs.
 - ii. Proposed location of any and all cones / barriers / solicitation signs.
 - iii. Any and all known or expected safety hazards.
 - 2) A sketch of the traffic control plan must accompany the application.

3. Said request shall be reviewed by the Chief of Police of the City of Northfield, or his designee, who shall make a recommendation to the Mayor and Common Council of the City of Northfield through the Municipal Clerk as to the relative aspects of the request, including a review of the location, dates and times of the request, and a review of the safety procedures and/or methods to be employed by said charitable organization. The Chief of Police shall thereafter forward a report to the Mayor and Common Council of the City of Northfield

through the Municipal Clerk as to his/her opinion to the granting, rejecting or modification of any proposed charitable solicitation. Should the Common Council grant the application, it shall authorize the same through the adoption of a resolution.

4. No charitable organization shall conduct solicitation activities on a municipal roadway, nor on any state highway. Requests shall only be considered for county roadways and/or highways, and shall be subject to the further approval of the Atlantic County Board of Chosen Freeholders to permit said charitable solicitation.

5. Any charitable organization requesting authorization from the City of Northfield for said charitable solicitation shall comply with all of the terms and conditions of N.J.S.A. 39:4-60, as amended by P.L. 1997, Chapter 82, approved April 30, 1997.

6. Failure of the organization to timely submit to the Municipal Clerk at least 90 days prior to the scheduled solicitation event the completed signed and dated application, with satisfactory responses to all information and documentation requests contained therein, and the Certificate of Insurance and the Indemnification and Hold Harmless Agreement referenced above, shall subject the application to rejection.

Additionally, the Chief of Police or the Common Council may consider the reasons below for not bringing a resolution of approval to action, or for an adverse vote on such a resolution:

- a) Where circumstances suggests that traffic would be unreasonably impeded, interrupted or delayed;
- b) When the turning movements, traffic densities and/or speeds of the particular highway or intersection do not permit the safe interaction between the solicitor and vehicular traffic;
- c) Solicitation would interfere with construction activity; or
- d) Denial of the solicitation permit is necessary to protect public safety.

7. The frequency of charitable roadway solicitation events shall be limited as follows:

- a) A maximum of three (3) total roadway solicitation events shall be permitted during any calendar year.

- b) The solicitation event shall be a maximum of one day which shall not be on a holiday or a holiday weekend.
 - c) No single organization shall be granted approvals for solicitations on more than two occasions per year (January through December).
 - d) Only one solicitation location per occasion.
 - e) Hours of solicitation to be limited between 9:00 a.m. and 4:00 p.m.
 - f) Only one charitable roadway solicitation event shall be permitted per day throughout the Municipality.
8. Each organization approved by the City of Northfield *and the County of Atlantic* for a solicitation event shall additionally be required to comply with the following requirements:
- a) Provision of the written approval from the County of Atlantic of the organization's charitable roadway solicitation to the Clerk of the City of Northfield.
 - b) Terms and conditions as provided for in the Application, this Ordinance, and the requirements of N.J.A.C. 16:40-6.1.
 - c) Solicitation activities shall be undertaken by persons age 18 or older;
 - d) Participants must wear reflective safety vests in accordance with New Jersey Department of Transportation standards;
 - e) Solicitors shall not drink alcoholic beverages, use drugs or be under the influence of drugs or alcohol when engaged in solicitation activities;
 - f) Solicitation shall not stop or impede the flow of traffic. Traffic shall be stopped before solicitation may occur and solicitation shall cease while traffic is moving. Soliciting organizations shall not use a flagman;
 - g) No assistance will be rendered by the City of Northfield or any of its departments or employees including but not limited to the Northfield Police Department in terms of traffic control, signage, provision of cones, reflective vests, equipment or personnel. Applicant must supply their own materials, equipment and personnel.
 - h) Solicitation signs shall be constructed of wood or other stable material and be no smaller than 3' high and 2' wide and no larger than 4' high and 3' wide.

- i) All solicitation signs must be removed immediately upon completion of the solicitation event.
- j) Solicitations may only occur at controlled intersections and when traffic is stopped.
- k) A minimum of six (6) participants must be in attendance and working at all times during each solicitation event.
- l) The soliciting organizations shall place two warning signs, the first of which shall indicate "charitable solicitation 500 feet ahead" and a second sign following which shall identify the organization conducting the solicitation. Signage shall comply with all requirements contained in N.J.A.C. 16:40-6.1.
- m) Violations of any of these requirements and/or the safety requirements of Chapter 43 of the Atlantic County Code, N.J.S.A. 39:4-60 and/or the regulations of the Department of Transportation previously referenced, may be grounds for immediate termination of the event by the Northfield Police Department.

9. The City of Northfield assumes no responsibility for the sponsorship, direction or control of any fundraising event permitted under this ordinance. The charitable organization conducting any event hereunder shall assume full and complete responsibility for the sponsorship and control of all aspects of the fundraising event, including the safety and welfare of its member participants as well as members of the public. The City of Northfield shall retain all tort claim immunities pursuant to both the New Jersey Claims Act, N.J.S.A. 59:1-1 et seq., and common law. Any charitable organization, as previously defined, availing itself of the activities afforded under this ordinance agrees to indemnify, defend and hold harmless the City of Northfield, and their agents, servants, and employees from any claims for death, personal injury, property damage or claims of any type that may arise as a result of activities and events conducted by the organization pursuant to this ordinance.

10. The Common Council of the City of Northfield may authorize approval for a solicitation event to those organizations that meet the requirements described herein by resolution, subject to the provisions of this ordinance pursuant to N.J.S.A. 39:4-60 and the criteria and safety requirements described herein. The Common Council shall not be required to list a resolution of approval for action, nor shall the Common Council be precluded from denying approval by way of an adverse vote on such a resolution. In the event of a denial, a denial letter shall be issued which sets forth the reasons for the denial. An applicant which has been

denied a permit shall, if it desires, submit a written request for reconsideration within 30 days of denial of the permission, to the Municipal Clerk, and the reconsideration request will be considered and/or acted upon by resolution using the same process and criteria set forth herein. After reconsideration a rejection shall be considered to be final.

11. The City of Northfield reserves the right to suspend solicitation operations at any time if any condition of the permission is violated or if, in the judgment of the Northfield Police Department, traffic is being impeded or delayed or the public safety is at risk.

12. Any person engaged in solicitation activities found guilty of violating a provision of this ordinance shall be liable for a fine not to exceed \$2000.00 for each day of such violation.

13. Classification of organizations; application approval; lottery procedures.

Classification of organizations, application approval and lottery procedures shall be adopted by Resolution.

REPEALER: All Ordinances or portions thereof which are inconsistent in whole or in part with the provisions contained herein are hereby repealed to the extent of any such inconsistency.

SEVERABILITY: If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

EFFECTIVE DATE: This ordinance shall take effect upon final passage and publication in accordance with law.

Mary Canesi, RMC
Municipal Clerk

Erland Chau
Mayor

The above Ordinance was introduced and passed on its first reading at a regular meeting of the Council of the City of Northfield, New Jersey held on May 16, 2017 and will be taken up for a second reading, public hearing and final passage at a meeting of said Council held on May 30, 2017 in Council Chambers, City Hall, Northfield, New Jersey.

FIRST READING: May 16, 2017
PUBLICATION: May 20, 2017
SECOND READING: May 30, 2017
PUBLICATION: June 3, 2017