

BOROUGH OF PALMYRA

An Ordinance of the Borough of Palmyra amending Chapter 197 of the Code of Palmyra entitled Peddling and Soliciting and permitting charitable organizations as defined in N.J.S.A. 45:17A-20 to solicit contributions on public roadways situated in the Borough of Palmyra.

Ordinance No. 2014-3

Chapter 197 of the Code of Palmyra is hereby amended to designate the existing provisions as Article I and creating a new Article II to read as follows: Article II: Permitting charitable organizations as defined in N.J.S.A. 45:17A-20 to solicit contributions on public roadways situated in the Borough of Palmyra.

§ 1 Permit requirements.

All charitable organizations as defined in N.J.S.A. 45:17A-20 who desire to solicit contributions on roadways situated in the Borough of Palmyra shall file an application for a permit with the Palmyra Borough Clerk on a form supplied by the Clerk specifying the following information:

- A. Name of applicant organization. Copy of State Charitable Organization Registration letter/certificate (initial submission) as evidence of tax exempt status.
- B. Address of applicant organization.
- C. Telephone number of applicant organization.
- D. Contact person of applicant organization.
- E. Specific location or locations of proposed charitable solicitation. Solicitation shall only be permitted at signalized intersections or when the existing traffic control device causes temporary interruption in the flow of normal traffic.) A sketch is required to be attached to the application clearly indicating the location of the proposed solicitation.
- F. Dates and times of proposed charitable solicitation. It is the responsibility of the charitable organization to insure that there is sufficient time to obtain any necessary Borough of Palmyra, County of Burlington, and/or State of New Jersey approvals.
- G. Provide the number of people participating in the solicitation. No one under the age of 18 shall participate and a supervisor from the soliciting organization must be present at all times.

- H. All participants shall wear highly visible safety vests, Type II (minimum), ANSI Level 2 or 3. It will be the responsibility of the approved charitable organization to provide their own safety vests for each individual present to solicit contributions. It shall also be the responsibility of the soliciting organization to establish a work zone for its members to utilize. The soliciting organization shall be responsible for any traffic control equipment such as cones and signs to utilize for the soliciting event.
- I. The name of the organization shall be clearly displayed to the traveling public.
- J. The hours of solicitation shall be limited to daylight hours only on the approved date, and in no way shall exceed the hours of 9:00 am until 3:00 pm.
- K. Soliciting organizations will be limited to two events per year and only one location per occasion. Only two charitable solicitations may occur on any date within the Borough of Palmyra.
- L. Soliciting events shall not be conducted during any type of inclement weather.
- M. Participants shall only approach vehicles for the purposes of solicitation when the traffic is at a standstill. No solicitations are allowed when the traffic signal has turned green or when traffic is in motion. Solicitation shall not stop or impede the flow of traffic nor harass the traveling public.
- N. The charitable organization shall be responsible for the cleaning up of any debris resulting from their presence.
- O. Those soliciting contributions shall not drink alcoholic beverages, use drugs or be under the influence of drugs or alcohol when soliciting.
- P. A written work plan is to be included showing the placement of cones and signage. This plan also is to contain the rules governing those soliciting contributions. Identify the manner in which the motorist solicitation will be conducted and the procedures to be used to ensure the safety of the members of the public who will be traveling the roadways situated in the Borough of Palmyra.
- Q. If said request pertains to a location or locations on any county highway, or intersections of a county highway, the applicant will be required to submit a Burlington County Highway Department Daily Lane and Shoulder Closure Request Form. The Borough of Palmyra will forward a request for the authorization from the Burlington County Board of Chosen Freeholders to permit said charitable solicitation.

- R. If said request pertains to a location or locations on any state highway or intersection of a state highway, said application shall include a copy of an authorization from the Commissioner of Transportation of the State of New Jersey to permit said charitable solicitation.

§ 2 Issuance of permit.

Upon the filing of a complete application in accordance with the provisions of this article the Borough Clerk shall forward same to the Chief of Police for review. After which the Chief of Police or his designee shall grant or deny the applicant's request. If the event is to be held on a county roadway the permit and accompanying documents will be forwarded to the County for approval. If the event is to be held on a state roadway the permit and accompanying documents will be forwarded to the New Jersey Department of Transportation for approval.

§ 3 Indemnification / Insurance

The charitable organization shall execute an indemnification / hold harmless agreement protecting the Borough of Palmyra and the County of Burlington (as applicable) and the State of New Jersey (as applicable). The charitable organization shall provide general liability insurance coverage in the amount of \$1,000,000 naming the Borough of Palmyra as an additional insured and shall comply with any insurance requirements required by the County of Burlington (as applicable) and the State of New Jersey (as applicable).

§ 4 Statutory requirements.

Any charitable organization requesting authorization from the Borough of Palmyra 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.

§ 5 Legislative authority.

This article is adopted pursuant to N.J.S.A. 39:4-60, as amended by P.L. 1997, Chapter 82, approved April 30, 1997.

§ 6 Any person whose application for a license has been rejected by action of the Chief of Police or Borough Clerk may file an appeal with the Borough Clerk to be heard by the Borough Council. Said appeal must be filed within 15 days after the action of either of the above-named officials rejecting the application. The Borough Council will rule on the appeal within 30 days after it has been filed. In deciding the appeal, the Borough Council will consider the sworn testimony of the appellant, the Borough Clerk, the Chief of Police and other witnesses whose testimony would be relevant to the issue before the Council.

§ 7 Violations and penalties.

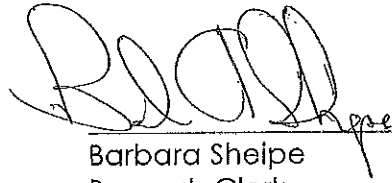
Any person or entity required by this chapter to procure a permit who fails to obtain a permit or otherwise violates fails to comply with the terms of the permit or any provision of this Article shall be subject to a fine of up to \$500 or may be incarcerated for a period of not exceeding 90 days, or both.

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

This Ordinance shall take effect after final adoption and publication according to law.

CERTIFICATION OF CLERK

I, Barbara Sheipe, Clerk of the Borough of Palmyra, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an ordinance introduced by the Borough Council held on March 17, 2014. A public hearing and adoption of the foregoing Ordinance to be held on April 21, 2014.



Barbara Sheipe
Borough Clerk