

**ORDINANCE OF THE CITY OF GLOUCESTER CITY
COUNTY OF CAMDEN, STATE OF NEW JERSEY
#012- 2017**

**ORDINANCE MODIFYING, AMENDING THE CODE OF THE CITY OF
GLOUCESTER REGARDING PEDDLING AND SOLICITING**

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 Mayor and Common Council of the City of Gloucester desires to permit charitable organizations to solicit contributions within the City of Gloucester subject to certain restrictions and conditions, pursuant to a roadway charitable solicitation permit issued by the City; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Gloucester hereby adds Chapter 53A to the Code of the City of Gloucester as follows:

SECTION 1:

**Chapter 53A
CHARITABLE SOLICITATIONS IN ROADWAYS**

§53A-1. Solicitations in Roadways Permitted.

The City of Gloucester shall permit charitable organizations as defined in N.J.S. 45:17A-20 to solicit contributions in roadways, commonly referred to as "coin drops," situated in the City in accordance with the provisions contained herein.

§53A-2. Permit Required; Application 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 City shall file an application for a permit with the City Clerk on a form supplied by the City Clerk, 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 said request pertains to a location or locations on any County highway, or intersection of a County highway, said application shall include a copy of an authorization from the Camden County Board of Chosen Freeholders to permit said charitable solicitation.
- H. 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.

I. 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 City of Gloucester.

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 City shall be listed as an additional insured on the certificate and an endorsement to the insurance policy. This subsection shall not apply if the soliciting group is covered by the City's 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 City of Gloucester, County of Camden, 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.

This application must be submitted a minimum of 60 days prior to the planned coin drop event. The application must be approved by the Police Department.

§53A-3. Limit on Number and Duration of Coin Drops; Hours of Operation

A. No permits will be granted by the City for more than one event, three consecutive days maximum, per calendar year, per location for any organization.

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

C. No permits shall be granted by the City 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.

D. All approved coin drop solicitations shall be conducted only during daylight hours, but in no event shall commence no earlier than 9:00 a.m. and be concluded no later than 7:00 p.m. or dusk, whichever is earlier.

E. Coin Drop Solicitation shall be permitted only at the following locations:

1. Market Street & Baynes Avenue
2. Johnson Boulevard & Hudson Street
3. Broadway & Jersey Avenue
4. Broadway & Koehler Street
5. Broadway & Monmouth Street
6. Collins Avenue & Essex Street
7. Broadway & Warren Street

F. The Police Department shall have the right to relocate or terminate any Coin Drop if public safety or traffic flow concerns develop.

§53A-4. Conditions of Approval.

The following conditions shall be placed on all approvals for coin drops:

A. Solicitation shall only be permitted at controlled intersections (i.e. those with a stop sign or traffic signal) during daylight hours.

B. Solicitation may not substantially impede the flow of vehicular or pedestrian

traffic. However, traffic must be stopped for a sufficient period of time to ensure the safety of persons soliciting in the roadway. 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 75 feet in advance of the intersection where the solicitation will take place and must be placed no less than 50 feet before the intersection where the solicitation will take place. Signs must be temporary, break-away, and a maximum of 16 square feet. Signs must identify the charity organization collecting for the Coin Drop.

D. Persons soliciting in the roadway, or within 15 feet of the roadway, must wear properly sized, high visibility apparel and a safety vest. Wearing non-high visibility apparel will be reason for immediate cessation of the event.

E. All persons soliciting shall be no less than 18 years of age. Individuals under the age of 18 years may be present but must be at a safe distance and location from the street. Decisions of the City Police Department will be final in determining such safe location.

F. Solicitors may not harass the motorists or public.

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

I. The charitable organization will be responsible for cleaning any debris, including any signage or advertisements associated with the roadway solicitation, from the solicitation site within two hours of the end of solicitation.

J. In the event of severe weather, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the City Police Department and receiving permission to resume such activities from the City Police Department.

K. In the event of a motor vehicle accident or injury to a person in the vicinity of the roadway solicitation, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the City Police Department and receiving permission to resume such activities from the City Police Department.

L. All streets and intersections that shall be used for the Coin Drop Solicitation shall be listed on the permit.

M. All organizations receiving a Coin Drop permit agree to participate in the Celebration Committee.

§53A-5. 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.

§53A-6. Approval or denial of application.

Upon filing of a complete application and completion of the required review by the City Police Department, the applicant shall present the application to the Mayor and Common Council of the City of Gloucester a minimum of (30) days prior to the proposed coin drop for its review and consideration, after which the Mayor and Common Council of the City of Gloucester shall grant or deny the applicant's request by resolution. In the event the applicant's request is approved, the City resolution shall be forwarded by the applicant

to the state and/or county, if necessary. 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 Mayor and Common Council of the City of Gloucester.

§53A-7. Compliance with state statute.

Any charitable organization requesting authorization from the City for a charitable solicitation shall comply with all the terms and conditions of N.J.S.A. 39:4-60, as same may be amended and supplemented and all other applicable state statutes.

§53A-8. 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 New Jersey Department of Transportation, Camden County officials, Gloucester City Police Chief or designees, 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.

§53A-9. Penalties.

Any person or group 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 City police under N.J.S.A. 39:4-60 et seq.

SECTION 2: All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3: If any subsection, paragraph subsection, clause or provision of this ordinance shall be judged by the Courts to be invalid, such adjudication shall apply only to that section, paragraph, subsection, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4: This Ordinance shall become effective upon final passage and publication as required by law on September 1, 2017.

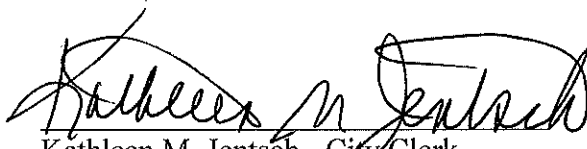

By: William P. James, Mayor

ATTEST:

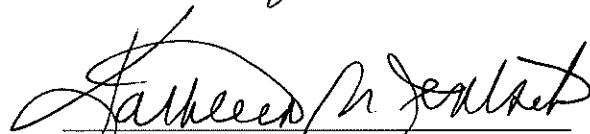

Kathleen M. Jentsch, City Clerk

PUBLIC MEETING

NOTICE is hereby given that the foregoing ORDINANCE was introduced and passed at a meeting of the Common Council of the City of Gloucester City, County of Camden, New Jersey, held on the 5th day of June, 2017, and will be considered for final passage after a public hearing at a meeting of the Common Council of the City of Gloucester City to be held on the 22nd day of June, 2017 at 7:30 pm in the evening prevailing time at ~~512~~³¹³ Monmouth Street, Gloucester City, New Jersey.


Kathleen M. Jentsch, City Clerk

I hereby certify that the foregoing ORDINANCE was approved for final adoption by the Mayor and Common Council of the City of Gloucester City, County of Camden, State of New Jersey at a regularly scheduled meeting held on the 22nd day of June, 2017


Kathleen M. Jentsch, City Clerk