

Egg Harbor Township

Ordinance No. 26

2018

An ordinance to amend the Code of the Township of Egg Harbor, Chapter 195, entitled "Streets and Sidewalks"

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 195 of the Code of the Township of Egg Harbor, Section 195-14 is hereby amended by deleting it in its entirety and replacing it as follows:

§195-14. Purpose; statutory authority.

The Township of Egg Harbor 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 Atlantic County roadways and highways located in the Township of Egg Harbor in accordance with the provision 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.

SECTION 2: Chapter 195 of the Code of the Township of Egg Harbor, Section 195-15 is hereby amended by deleting it in its entirety and replacing it as follows:

§195-15. Application; review of request; restrictions; compliance with statutory requirements.

- A. All charitable organizations herein who wish to solicit contributions on Atlantic County roadways and highways located in the Township of Egg Harbor shall file an application with the Township Clerk, at least sixty (60) days prior, specifying the following information:
- (1) The name of the organization.
 - (2) The address of the organization.
 - (3) Purpose of funds to be collected.
 - (4) Name and address of person responsible/accountable for funds collected.
 - (5) The telephone number of the organization.
 - (6) The contact person at the organization.
 - (7) The location of the proposed charitable solicitation.
 - (8) Submission of a traffic control plan.
 - (9) Submit evidence of approval of charitable exempt status.

- (10) Certificate of insurance evidencing general liability insurance coverage in the minimum amount of \$1,000,000, naming the Township of Egg Harbor as an additional insured.
 - (11) Execution of a hold harmless and indemnification agreement between the organization and the Township.
- B. Said request shall be reviewed by the Chief of Police of the Township of Egg Harbor, or his designee, who shall make a recommendation to the Mayor and Township Committee of the Township of Egg Harbor through the Township 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 Township Committee of the Township of Egg Harbor through the Township Clerk as to his/her opinion to the granting, rejecting or modification of any proposed charitable solicitation. Should the Township Committee grant the application, it shall authorize the same through the adoption of a resolution.
- C. In no event shall any charitable organization requesting authorization from the Township of Egg Harbor for said charitable solicitation use any individual under the age of eighteen (18) years to perform any function or task associated with said charitable solicitation in any roadway. Furthermore, no charitable organization shall conduct solicitation activities on a municipal roadway.
- D. Any charitable organization requesting authorization from the Township of Egg Harbor 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.
- E. The charitable organization shall submit to the Township Clerk the following: 1) A copy of the authorization from the Atlantic County Board of Chosen Freeholders to permit said charitable solicitation; and 2) a copy of the traffic control plan approved by the Egg Harbor Township Police Department.
- F. If any organization is found in violation of any of the conditions of approval, they will be barred from conducting future charitable roadway solicitations.
- G. The frequency of charitable roadway solicitations shall be limited as follows:
 - (1) A maximum of two (2) consecutive days.
 - (2) No organization shall be granted approvals for roadway solicitations more than once per year (January through December); except Egg Harbor Township Volunteer Fire Companies who are permitted two (2) per year.

- (3) Roadway solicitations are prohibited during the months of July and August.
- (4) Only one location per occasion.
- (5) Hours of solicitation to be limited between 9:00 a.m. and 3:00 p.m.
- (6) Only two charitable roadway solicitations (coin drops) shall be permitted per month throughout the Township.
- (7) Permitted to be held only on Saturday and Sunday.

SECTION 3.: Chapter 195 of the Code of the Township of Egg Harbor, Section 195-16 is hereby amended by deleting it in its entirety and replacing it as follows:

§ 195-16. Classification of organizations; application approval; lottery procedures.

Classification of organizations, application approval and lottery procedures shall be adopted by resolution. These procedures shall be issued to each prospective applicant.

SECTION 2: All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD MAY 23, 2018 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON JUNE 20, 2018.

Dated: May 23, 2018

Eileen M. Tedesco, RMC
Township Clerk