ORDINANCE #2022-17

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, ESTABLISHING CHAPTER IV, SECTION 30 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, Chapter IV of the Revised General Ordinances of the Borough establishes a series of police regulations for the Borough; and

WHEREAS, the Mayor and Borough Council hereby desire to establish Chapter IV, Section 30 of the Revised General Ordinances of the Borough to provide guidelines and requirements for charitable organizations to be permitted to solicit contributions in the roadway of a highway located within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Keyport, County of Monmouth, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Council hereby amends Chapter IV of the Revised General Ordinances of the Borough of Keyport to read as follows:

§ 4-30. CHARITABLE SOLICITATIONS IN ROADWAYS.

§ 4-30.1. Definitions.

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

AUTHORIZED CHARITABLE ORGANIZATION

1. Any person determined by the Federal Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3); or

2. Any person who is, or holds himself or herself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other charitable purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety.

CHARITABLE PURPOSE

1. Any purpose described in Section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3); or

2. Any benevolent, philanthropic, humane, social welfare, public health, or other charitable objective, or an objective that benefits law enforcement personnel, firefighters, or other persons who protect the public safety.

CHARITABLE SOLICITATION PERMIT

A permit issued by the Department pursuant N.J.A.C. 16:40-1.1 et seq.

COUNTY HIGHWAY

A road owned, taken over, controlled, built, maintained, or otherwise under the jurisdiction of the County of Monmouth.

DEPARTMENT

The State Department of Transportation.

HIGHWAY

The public right-of-way whether open or improved or not, including all existing factors or improvements.

ROADWAY SOLICITATION PERMIT

The permit issued by the Borough of Keyport pursuant to this article.

SHOULDER

The portion of the roadway that lies between the edge of the traveled way and curbline, excluding auxiliary lanes.

STATE HIGHWAY

A road owned, taken over, controlled, built, maintained, or otherwise under the jurisdiction of the Department.

TRAVELED WAY

The portion of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

§ 4-30.2. Authorization.

a. Pursuant to N.J.S.A. 39:4-60 and N.J.A.C. 16:40-1.1, et seq., authorized charitable organizations are hereby permitted to solicit contributions in the roadway of a highway located within the Borough of Keyport, subject to the provisions and restrictions contained in this section.

b. All permits for charitable solicitations on a state highway or its intersections must be approved by the Department and in compliance with the provisions of N.J.S.A. 39:4-60 and N.J.A.C. 16:40-4.2.

c. All permits for charitable solicitations on any county highway or its intersections must be approved by the Monmouth County Board of County Commissioners in compliance with the provisions of N.J.S.A. 39:4-60.

d. The within authorization is subject to the regulations promulgated by the Department of Transportation in consultation with the Division of Highway Traffic Safety, as set forth in N.J.A.C. 16:40-1.1 et seq.

e. Under no circumstances may an authorized charitable organization conduct a roadway charitable solicitation without first having obtained a permit from the Chief of Police.

§ 4-30.3. Permits.

a. An authorized charitable organization seeking issuance of a roadway solicitation permit shall file an application with the Chief of Police on forms provided by the Chief of Police.

1. An application for a roadway solicitation permit shall be filed with the Chief of Police not less than seven (7) days before the date upon which it is proposed to conduct such roadway solicitation.

2. Contents of roadway solicitation permit. The application for a roadway solicitation permit shall set forth the following information:

   (a) Name, address and telephone number of the authorized charitable organization seeking to conduct a roadway charitable solicitation.

   (b) Date and times upon which roadway solicitation is proposed.

   (c) Method of roadway charitable solicitation (i.e., coin toss using blankets).

   (d) Specific location or locations of proposed roadway charitable solicitation.

   (e) Contact person for the authorized charitable organization.

   (f) Names of the persons (solicitors) conducting the roadway charitable solicitations on behalf of the authorized charitable organization at each proposed location.

   (g) Any additional information which the Chief of Police shall find reasonably necessary for the fair determination as to whether a permit should be issued.

3. The Borough of Keyport may impose special conditions on any roadway solicitation permit to preserve and protect the public safety and the free flow of traffic on its roadways.

4. The Chief of Police is hereby authorized to sign the roadway solicitation permit on behalf of the Borough of Keyport.

5. The Chief of Police has been consulted and shall be responsible for supervising the solicitation and enforcing the terms of the roadway solicitation permit.

b. If the proposed roadway charitable solicitation is to be conducted upon any county highway or intersection, the authorized charitable organization must submit evidence of approval by the Monmouth County Board County Commissioners pursuant to N.J.S.A. 39:4-60.

c. If the proposed charitable solicitation is to be conducted upon any state highway or intersection, the authorized charitable organization must submit evidence of approval in the form of a charitable solicitation permit received from the Department of Transportation pursuant to N.J.A.C. 16:40-1.1 et seq.

d. The roadway solicitation permit issued by the Borough of Keyport and (if applicable) the charitable solicitation permit issued by the Department of Transportation shall be in the possession of the solicitor for the authorized charitable organization during all times of solicitation and be available for inspection by the state, county and Keyport police enforcement personnel.

§ 4-30.4. General Restrictions and Provisions.

a. Solicitation of contributions is prohibited along traffic circles or highway segments determined to be inappropriate in the interest of public safety.

b. Solicitation is permitted only at signalized intersections or when the existing traffic control device causes temporary interruption in the flow of normal traffic, such as at the opening of a movable bridge.

c. Keyport Borough police may suspend solicitation operations at any time if any condition of either permit is violated or if, in a police officer's sole discretion, traffic is being impeded or delayed or the public safety is at risk.

d. Solicitation shall be subject to the specific terms and conditions of each permit granted.

e. Solicitation shall not stop traffic or impede the flow of traffic. Traffic shall already be stopped before solicitation may occur and shall cease while traffic is moving. Use of a flagperson or any traffic control device, either portable or permanent, shall be prohibited.

f. The authorized charitable organization shall be responsible for cleaning up any debris from the roadway.

g. Solicitation shall only be permitted during daylight hours.

h. Solicitors shall not drink alcoholic beverages, use drugs, or be under the influence of drugs or alcohol when soliciting. Solicitors shall not harass the public.

i. Each person soliciting charitable contributions on behalf of the authorized charitable organization shall be at least 18 years of age.

§ 4-30.5. Safety Criteria.

a. All solicitors shall wear safety vests that are in accordance with Department standards.

b. Parking of vehicles shall comply with applicable traffic regulations. Off-site parking is recommended.

c. Coin tosses using blankets located off the traveled way are the preferred method of solicitation.

d. Solicitors shall not install any traffic control devices.

§ 4-30.6. Signage Requirements.

a. Signs advertising the roadway solicitation are permitted but they must be of temporary construction and break-away to the extent possible.

b. Signage shall be a maximum of 16 square feet.

c. Signage shall be in accordance with the temporary signage standards contained in the Manual on Uniform Traffic Control Devices.

d. At least two warning signs shall be placed as follows:

   1. "CHARITABLE SOLICITATION 500 FEET AHEAD"; and

   2. A second sign following identifying the name of the organization soliciting.

e. Signs shall not be permitted in the traveled way or medians less than eight feet in width.

f. All signs warning, noticing or advertising solicitations shall be removed immediately following the solicitation event.

§ 4-30.7. Violations.

Pursuant to N.J.S.A. 39:4-60, any person who violates any provision of this section shall, upon conviction, be liable for a fine not to exceed $100.00.

Section 3. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: July 5, 2022
Public Hearing: August 16, 2022
Adopted: August 16, 2022

Michele Clark, RMC
Borough Clerk

Collette J. Kennedy, Mayor
Borough of Keyport