

ORDINANCE 2023-19

**ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN,
STATE OF NEW JERSEY CREATING CHAPTER 124 ENTITLED “CHARITABLE
SOLICITATION ON ROADWAYS” OF THE CODE OF THE TOWNSHIP OF
WASHINGTON AUTHORIZING THE SOLICITATION OF CONTRIBUTIONS
BY CHARITABLE ORGANIZATIONS ON ROADWAYS**

WHEREAS, the Township of Washington wishes to authorize the solicitation of contributions by charitable organizations on Township roadways, as permitted by N.J.S.A. 39:4-60; and

WHEREAS, the Township shall not be liable in any civil action for damages for property damage or personal injury resulting from a motor vehicle accident arising out of or in the course of roadway solicitation by charitable organizations, as provided by N.J.S.A. 59:2-1.1; and

WHEREAS, the Township Committee believes such authorization to be in the Township’s best interest.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, in the County of Warren, State of New Jersey that Chapter 124, entitled “Charitable Solicitation on Roadways” is hereby created, permitting charitable organizations to engage in roadway solicitations on Township roadways as follows:

Section 1. Solicitation Permitted

Organizations which qualify as charitable organizations under the Internal Revenue Code and as defined in N.J.S.A. 45:17A-20 shall be permitted to solicit charitable contributions on the roads running through the Township, provided that such organizations comply with the provisions set forth hereafter. No solicitations for charitable contributions shall be permitted on any county road or intersection thereof without the approval of the Warren County Board of Commissioners (the Commissioner Board). No solicitations for charitable contributions shall be permitted on any New Jersey state highway or intersection thereof without the approval of the New Jersey Department of Transportation (NJDOT).

Section 2. Permit and Approval Requirements

Solicitation by charitable organizations shall be permitted only at signalized intersections or when the existing traffic control device causes temporary interruption in the flow of normal traffic. No solicitation shall be permitted without the charitable organization having first obtained all requisite permits and approvals from the Township of Washington hereunder, the Commissioner Board, and NJDOT, where applicable. A charitable solicitation permit from the Township Washington shall be the subject of a written application submitted to the Police Chief who may prescribe the form of such application and amend same from time to time. Applications for a charitable solicitation permit shall be filled with the Police Chief no later than 30 days prior to the requested commencement date for charitable solicitations.

Section 3. Requirements for Charitable Solicitations

Any person who, after the issuance of a charitable solicitation permit by the Police Chief, engages in charitable solicitation in accordance with such a permit shall comply with the following requirements:

- A. All solicitation permits required for charitable solicitation activities shall be in possession of one designated responsible person on the scene at all times when charitable solicitation activities are occurring.
- B. Each person soliciting charitable contributions on behalf of a charitable organization shall be at least 18 years old.
- C. Solicitations shall be subject to the specific terms and conditions of each permit granted.
- D. Solicitation shall not cause the stoppage of traffic or impede the flow of traffic. Traffic must be stopped before solicitation may occur and shall cease when traffic is moving. Use of a flagman shall be prohibited.
- E. The charitable organization shall be responsible for cleaning up any debris from the roads and adjoining areas.
- F. Solicitation shall only be permitted during the daylight hours.
- G. Enforcing agencies of Warren County and NJDOT, as well as members of the Township's Police Department, may suspend solicitation operations at any time if any condition of the permit is violated or, in the police officer's or the agency's sole discretion, traffic is being impeded or delayed or the public safety is at risk.
- H. Solicitors shall not drink alcoholic beverages, use controlled dangerous substances or be under the influence thereof when soliciting. Solicitors shall not harass the public.
- I. Solicitation shall conform to the locations, dates, duration, and times of charitable solicitation as approved by the Police Chief as reflected in the charitable solicitation permit issued by the Police Chief to a charitable organization.
- J. All solicitors shall wear safety vests that are in accordance with the standards of the NJDOT.
- K. No solicitor shall install any traffic control devices and the parking of vehicles of solicitors shall comply with all applicable traffic regulations.

- L. Signs advertising charitable solicitations shall be permitted, provided that such signs must be of a temporary construction, be of a breakaway nature to the extent possible, and shall be no larger than six square feet.
- M. At least two warning signs shall be placed on each approach at all locations where charitable solicitations occur. The first sign shall be placed at least 500 feet ahead of the solicitation location, and one sign must identify the names of the charitable organization soliciting. Signs shall not be permitted in the traveled way or in the medians less than eight feet in width. All signs, warnings, noticing, and advertising shall be removed immediately following each solicitation activity.
- N. Charitable organizations shall provide proof of insurance acceptable to the Township or request a waiver of same.

Section 4. Violations and Penalties

Any person guilty of violating any provision hereof shall be liable for a fine not to exceed \$100 for each day of such violation.

Section 5. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Washington inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 6. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 7. This ordinance shall take effect upon its passage and publication and filing with the Warren County Planning Board, and as otherwise provided for by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Washington held August 16, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on September 20, 2023 at 6:30 pm or as soon thereafter as the matter may be heard at the Municipal Building, 211 Route 31 North, Washington, NJ 07882 at which time all persons interested will be given an opportunity to be heard concerning such Ordinance.

Ann Kilduff, RMC
Township Clerk