

**TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE 2016-04  
AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF  
THE TOWNSHIP OF LEBANON REGARDING PEDDLING AND SOLICITING**

**WHEREAS**, Chapter 274 of the Code of the Township of Lebanon regulates peddling and soliciting; and

**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 Township desires to permit charitable organizations to solicit contributions within the Township subject to certain restrictions and conditions, pursuant to a roadway charitable solicitation permit issued by the Township; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Committee of the Township of Lebanon that Chapter 274 of the Code of the Township of Lebanon is hereby amended as follows:

**SECTION 1.** Chapter 274 of the Code of the Township of Lebanon is amended by adding the following:

**ARTICLE II. CHARITABLE SOLICITATIONS IN ROADWAYS**

§120-17. Solicitations in Roadways Permitted.

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

§120-18. 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 Township shall file an application for a permit with the Township Clerk on a form supplied by the Township 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 the request involves a county roadway, the request shall include a copy of the

proposed authorization from the Hunterdon County Board of Chosen Freeholders to permit the charitable solicitation.

H. If the request involves a state roadway and/or highway, the request shall include a copy of the authorization from the Commissioner of Transportation of the State of New Jersey to permit such charitable solicitation or a copy of the appropriate application thereto.

I. In accordance with the recommendations of the Township Police Department, all proposed safety regulations, safety devices and training for individuals who shall participate in the charitable solicitation and/or a report as to the procedures to be used to ensure the safety of the members of the public who will be traversing the roadways within the Township.

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 Township 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 Township'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 Township of Lebanon, County of Hunterdon, 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 30 days prior to the planned event date for the fundraiser.

#### §120-19. Limit on Number and Duration of Coin Drops; Hours of Operation

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

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

C. No permits shall be granted by the Township 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 and shall commence no earlier than 9:00 a.m. and be concluded no later than 6:00 p.m.

#### §120-20. 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 500 feet in advance. Signs must be temporary, break-away, and a maximum of 16 square feet.

D. Persons soliciting in the roadway, or within 15 feet of the roadway, must wear properly sized, ANSI 107-2004 (or later) Class 2 or 3 high visibility apparel. Wearing non-ANSI approved apparel will be reason for immediate cessation of the event.

E. 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 Township 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 Township Police Department and receiving permission to resume such activities from the Township 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 Township Police Department and receiving permission to resume such activities from the Township Police Department.

§120-21. 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.

§120-22. Approval or denial of application.

Upon filing of a complete application and completion of the required review by the Township Police Department, the applicant shall present the application to the Township Committee a minimum of (30) days prior to the proposed coin drop for its review and consideration, after which the Township Committee shall grant or deny the applicant's request by resolution.

In the event the applicant's request is approved, the Township 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 Township Committee.

§120-23. Compliance with state statute.

Any charitable organization requesting authorization from the Township 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.

§120-24. 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, Hunterdon County official, Lebanon Township 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.

§120-25. 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 Township 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 section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

**SECTION 5.** This Ordinance shall take effect upon final passage and publication according to law.

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Marc Laul, Mayor

ATTEST:

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Karen J. Sandorse, RMC/CMC/CMR

Township Clerk

Date of Introduction and First Reading: April 6, 2016

Date of Second Reading and final adoption:

I certify that the foregoing Ordinance is a true and accurate copy of an Ordinance adopted by the Lebanon Township Committee on.

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Karen J. Sandorse, RMC/CMC/CMR  
Township Clerk