

ORDINANCE NO. *940-08*

AN ORDINANCE PERMITTING CHARITABLE ORGANIZATIONS TO SOLICIT CONTRIBUTIONS IN THE ROADWAYS SITUATED IN THE BOROUGH OF AUDUBON

I. PURPOSE

The purpose of this Ordinance is to permit charitable organizations to solicit contributions in the Borough of Audubon's roadways in accordance with approved safety procedures.

WHEREAS, New Jersey Statute 39:4-60 authorizes a municipality to enact an ordinance to permit solicitation of charitable contributions from motorists on roadways within the municipal boundaries; and

WHEREAS, the Commissioners of the Borough of Audubon deem it to be in the public interest to permit charitable organizations as such are defined by NJSA 45:17A-20 to solicit contributions in roadways located in the Borough of Audubon, provided that such solicitations are conducted in a safe and reasonable manner and in accordance with requirements established by the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Borough of Audubon, in the County of Camden, and State of New Jersey, as follows:

Section 1. The Borough of Audubon shall permit charitable organizations as such are defined in NJSA 45:17A-20 to solicit contributions in roadways located in the Borough of Audubon in accordance with the provisions contained herein.

Section 2. All charitable organizations as defined in NJSA 45:17A-20 who desire to solicit contributions in roadways located in the Borough of Audubon shall file an application for a permit with the Borough Clerk on a form prepared by the Borough which shall include the following information:

- a. Name, address, telephone number and name of contact person and proof of its designation as a charitable organization as provided in NJSA 45:17A-20,
- b. Specific location or locations of proposed charitable solicitation,
- c. Dates and times of proposed charitable solicitation,
- d. A diagram of the proposed solicitation areas including the location of any persons anticipated to be situated within the roadway,
- e. Written approval from the Camden County Board of Chosen Freeholders to conduct the solicitation in the event that it is to be conducted on any County highway or intersection of a County highway,
- f. Written approval from the Commissioner of Transportation of the State of New Jersey to conduct the solicitation in the event that it is to be conducted on any State highway or intersection of a State highway
- g. A description of 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 Borough of Audubon, and
- h. Consent by an authorized representative of the charitable organization that it shall comply with any conditions imposed by the Borough of Audubon during the time that the solicitation is conducted.

Section 3. Upon filing of a complete application in accordance with the provisions of this Ordinance, following review by the Borough Chief of Police or his designee and the Borough Administrator, the Borough Administrator shall be authorized to grant or deny the applicant's request. In the event the applicant's request is granted, a permit shall be issued to the applicant which shall be subject to the representations contained in the applicant's application and any conditions imposed by the Borough Administrator.

Section 4. The Borough Administrator, following consultation with the Borough Chief of Police and the Borough's insurer, shall be authorized to impose condition for the motorist solicitation.

Section 5. Any charitable organization requesting authorization from the Borough of Audubon for charitable solicitation shall comply with all of the terms and conditions of NJSA 39:4-60, as amended by P.L. 1997, Chapter 82, approved April 30, 1997 and any procedures required by the Borough of Audubon.

Section 6. This Ordinance is adopted pursuant to NJSA 39:4-60, as amended by P.L. 1997, Chapter 82, approved April 30, 1997.

Section 7. In the event any section of this Ordinance shall be determined to be invalid by any Court of competent jurisdiction, such determination shall not affect the continuing validity of this Ordinance or any other section thereof other than the section determined to be invalid.

Section 8. This Ordinance shall take effect immediately upon adoption and publication in the manner required by law.

BOROUGH OF AUDUBON

COSTANTINO "CHRIS" TASSI, COMMISSIONER

ROBERT HOWARD, COMMISSIONER

ROBERT SCOTT WARREN, COMMISSIONER

ATTEST:

NANCY DOMAN, CLERK

INTRODUCTION: 7/15/08
PUBLIC HEARING / ADOPTION: 8/19/08

