

**BOROUGH OF BERGENFIELD  
PUBLIC NOTICE**

**ORDINANCE 17-2504 - AN ORDINANCE OF THE BOROUGH OF  
BERGENFIELD, BERGEN COUNTY, NEW JERSEY PERMITTING QUALIFIED  
CHARITABLE ORGANIZATIONS TO SOLICIT CONTRIBUTIONS IN THE  
ROADWAYS SITUATED IN THE BOROUGH OF BERGENFIELD**

was introduced at a regular meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, held on Tuesday, March 7, 2017 and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Executive Council Chambers, Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, March 21, 2017 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement for this ordinance is to create a "Roadway Solicitation Ordinance" implementing a process by which charitable organizations having a principal place of business or location within the Borough or otherwise establishing a bonafide charitable purpose insuring to the benefit of residents of the Borough, as defined by N.J.S.A. 45:17A-20, to solicit contributions in roadways situated in the Borough of Bergenfield subject to and in accordance with the requirements, regulations and protocols established, as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quinones, RMC  
Borough Clerk  
Dated: March 10, 2017

**BOROUGH OF BERGENFIELD  
ORDINANCE NO. 17-2504**

**AN ORDINANCE OF THE BOROUGH OF BERGENFIELD, BERGEN COUNTY,  
NEW JERSEY PERMITTING QUALIFIED CHARITABLE ORGANIZATIONS TO  
SOLICIT CONTRIBUTIONS IN THE ROADWAYS SITUATED IN THE BOROUGH OF  
BERGENFIELD**

**WHEREAS**, N.J.S.A. 45:17A-20 defines a charitable organization as (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.S. 501(c)(3); or (2) any person who is, or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare, public health or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or any appeal which has a tendency to suggest there is a charitable purpose to any such solicitation; and

**WHEREAS**, many charitable organizations depend on donations to further their mission; and

**WHEREAS**, solicitation made on public roadway may assist said charities in furthering a public good; and

**WHEREAS**, the Borough of Bergenfield seeks to create a "Roadway Solicitation Ordinance" implementing a process by which charitable organizations having a principal place of business or location within the Borough or otherwise establishing a bonafide charitable purpose insuring to the benefit of resident of the Borough, as defined by N.J.S.A. 45:17A-20, to solicit contributions in roadways situated in the Borough of Bergenfield subject to and in accordance with the requirements, regulations and protocols established herein.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough of Bergenfield as follows:

**Section 1. Purpose and Scope.**

Charitable organizations shall be permitted to solicit contributions in the right-of-way of municipal and county roads with approval of the Borough and County, when applicable. Solicitation shall be 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.

Scope. These rules apply to charitable organizations as that term is defined in N.J.S.A. 45:17A-20.

**Section 2. Definitions.**

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

Charitable organization.

A. 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. Sec. 501(c)(3); or

B. 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, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal, which has a tendency to suggest that there is a charitable purpose to any such solicitation.

Charitable purpose.

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

B. 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 Borough pursuant to this Chapter.

Department

The Bergenfield Police Department and Borough Clerk.

Shoulder

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

Traveled Way

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

**Section 3. General Provisions**

A. No person shall solicit charitable contributions on a Borough or County road or intersection thereof without approval from the Borough and/or County where applicable.

**Section 4. Roadway Solicitation Application Rejection.**

The application will be rejected if the following is not met or if:

A. There is reason to believe that traffic would be unreasonable impeded, interrupted or delayed.

B. The turning movements, traffic densities and/or speeds of the particular highway or intersection do not permit the safe interaction between the solicitor and vehicular traffic.

C. Solicitation would interfere with a construction project or activity.

D. There exists a public safety concern.

E. If the Borough denies a permit, the notice of denial will set forth the reasons for the denial.

**Section 5. Roadway Solicitation Suspension or Termination.**

A. The Borough reserves the right to suspend or terminate solicitation operations at any time if any condition of the permission is violated or if, in the judgment of the Borough

Police, County Police or the Bergen County Director of Public Safety, traffic is being impeded or delayed or the public safety is at risk.

B. Failure to comply with any of the provisions of Roadway Solicitations of the New Jersey Administrative Code or N.J.S.A. 39:4-60 and/or the regulations of the Department of Transportation previously referenced, may be grounds for immediate termination of the event by the appropriate municipal authorities for the municipality or the Bergen County Director of Public Safety.

**Section 6.** All such organizations as defined above who seek to solicit contributions in roadways situated in the Borough of Bergenfield shall be required to first obtain a permit authoring such activity pursuant to the procedures set forth herein as follows:

1. At least thirty (30) days prior to the conduct of the requested activity, the applicant shall file a letter requesting authorization to the office of the Borough Clerk (or application to be determined by the Police Department)

The letter shall require Mayor and Council authorization at a public meeting

The application shall specify

- Name of the organization
- The Address of the organization
- Name and telephone number of the contact person designated by the organization for the coordination of the roadway solicitation activities so requested;
- Date, time and duration of the proposed charitable solicitation;
- Identification of the public charitable purpose to be served by the proposed solicitation;
- Identification of all persons participating in the charitable solicitation

The Borough shall have the right to modify the times of solicitation so requested by the applicant and to impose reasonable conditions upon the conduct of such activities as may be deemed necessary to promote the health, safety, and welfare of motorists and solicitors. Such modifications, requirements and/or conditions, if any, shall be set forth on the permit so issued.

**Section 7.** In-roadway charitable solicitation activities shall be limited to the following locations:

1. Main Street
2. Clinton Avenue
3. New Bridge Road
4. W. Church Street

Solicitation on Washington Avenue and any other County Roads shall require County approval

**Section 8.** In-roadway charitable solicitation activities shall be limited to Saturdays and Sundays only, and shall be conducted for a period of no more than four (4) hours per day, consecutive or otherwise, between the hours of 8:00 a.m. through 4:00 p.m.

**Section 9.** The Traffic Division of the Bergenfield Police Department may regulate the conduct of all charitable solicitation activities permitted in accordance with the procedures established herein, and may, in his/her discretion, order the termination or cancellation of such charitable solicitation activities so permitted on the basis of weather conditions, darkness or any other unforeseeable circumstances which, in the determination of the Police Officer, may compromise the health, safety, and welfare of motorists and/or solicitors.

**Section 10.** The Traffic Division of the Bergenfield Police Department shall promulgate, and may, from time to time, amend and supplement, Rules and Regulations governing the conduct of in-roadway charitable solicitation activities, which Rules and Regulations shall, at a minimum, contain the following requirements:

1. Each person soliciting charitable contributions on behalf of the charitable organization shall be at least 18 years old.

2. Only one adult solicitor shall be permitted in any given lane of traffic.

3. A maximum of four (4) adult solicitors shall be permitted to be present at any intersection simultaneously, with each of the four (4) adult solicitors to be situated at the North, East, South, and West quadrants of any intersection at any given time.

4. All solicitors shall be required to wear yellow vests at all times during the duration of the solicitation event, which shall be made available through the Bergenfield Police Department.

5. The use of electronic devices such as cell phones, portable music players, or wireless communications devices shall be prohibited at all times as to all persons in lanes of traffic.

6. At least one responsible contact person shall be present and accessible at all solicitation sites.

7. Solicitors shall not engage motorists in extended conversations so as to unduly delay traffic.

**Section 11.** No charitable organization shall be permitted to conduct an in-roadway charitable solicitation event more than two (2) times in any calendar year.

**Section 12.** Any charitable organization requesting authorization from the Borough of Bergenfield to conduct in-roadway solicitation activities shall comply with all the terms and conditions of N.J.S.A. 39:4-60, and any other applicable law, as well as all of the terms and conditions specified by the permit authorizing such conduct and the terms of this Ordinance. Any permit granted in accordance with the terms of this Ordinance shall be valid for the locations, times and dates specified therein and no solicitations other than as set forth therein shall be permitted.

**Section 13.** Special Conditions.

The Police Department may impose special conditions on any charitable solicitation permit to preserve and protect the public safety and the free flow of traffic on its roadways.

**Section 14.** Except as may be provided in this Ordinance, no solicitations along or on the roadways of the Borough of Bergenfield shall be permitted. Any person and/or organization who shall engage in-roadway solicitation activities within the Borough of Bergenfield without first obtaining the permit required by operation of this Ordinance, or who shall violate of the terms and conditions set forth in a Coin-toss permit issued in accordance with this ordinance, shall be submitted to a fine of \$100.00 by the Borough of Bergenfield.

This ordinance shall take effect immediately upon adoption and publication in the manner prescribed by law.

***Introduced:***

***Adopted:***

Approved: \_\_\_\_\_

Norman Schmelz, Mayor

Attest: \_\_\_\_\_

Corey Gallo

Borough Administrator