

COUNTY OF ATLANTIC

Stillwater Building, 201 Shore Road

Northfield, N. J. 08225

www.aclink.org

APPLICATION FOR COUNTY CONSENT FOR ROADWAY SOLICITATION

PLEASE NOTE: The County of Atlantic and your municipality each have different requirements that must be completed separately. **Failure of the organization to submit for filing to the County this COMPLETED Application with all of the items listed below and containing sufficient information in response to the questions below shall be cause for REJECTION of the Application by the County.**

Pursuant to N.J.S.A. 39:4-60 and County of Atlantic Ordinance 14-2011 (Chapter 43 of the Atlantic County Code), the County's consent is required before any charitable organization roadway solicitation may take place involving any County road. The completed Application must be filed with the County at least **30 days** before the scheduled solicitation event. Charitable organizations shall be limited to charitable organizations defined under the provisions of N.J.S.A. 45:17 A-20.

- Application is being filed at least **30 days** before the scheduled solicitation event.
- The applicant has carefully reviewed Ordinance No. 14 - 2011, a copy of which is attached to this Application. Applicant is required to comply with all sections.
- A copy of the municipal ordinance authorizing roadway solicitations in the municipality is required from the applicant with this completed Application.

Attached: Yes _____ No _____

- A copy of the municipal resolution or other written evidence of the municipality's approval to conduct the roadway solicitation is required from applicant with this completed Application.

Attached: Yes _____ No _____

- A current Certificate of Insurance from a reputable insurance company authorized to transact business in the State of New Jersey, evidencing liability insurance coverage to the Applicant organization and naming the County of Atlantic AND the Atlantic County Board of Freeholders as additional insured, for the solicitation dates, in an amount not less than One Million Dollars (\$1,000,000) must be provided with this completed Application.

Attached: Yes _____ No _____

- A signed and notarized Indemnification, Defense, and Hold Harmless Agreement form, attached to this Application, executed by an appropriate officer or official of the organization, setting forth his/her name, title, address, contact phone numbers (home, work and cell) and email address is required from the applicant with this completed Application.

Attached: Yes _____ No _____

Name: _____ Title: _____

Address: _____

Telephone: _____ (Work) _____ (Cell)

Email Address: _____

- The organization shall place **two (2) warning signs**, the first of which shall indicate “**charitable solicitation 500 feet ahead**” and a second sign following which shall identify the organization conducting the solicitation. Signage shall comply with all requirements contained in N.J.A.C. 16:40-6.1.
- Participants must obtain and wear reflective safety vests in accordance with New Jersey Department of Transportation standards. Solicitation shall take place **ONLY** during daylight hours.
- Provide complete name of organization and indicate whether it is a Corporation, LLC, Association or other type of organization and set forth the State in which it is so registered.

- Name and address and title of appropriate principal(s) or officer(s) that are acting on behalf of the organization in filing this Application, together with a contact address and phone numbers (home, work and cell) and email address. Note the same information here for the contact person(s) prior to, during and after the scheduled solicitation event if he/she or they are different from the Application filing person(s).

- Place of scheduled solicitation event, date and time of same requested. Note, participation by persons under age 18 is not permitted. **The Ordinance shall limit the applicant to two (2) one (1) day solicitation events per year in the aggregate.**

- Purpose of the scheduled solicitation event.

- Note that a copy of Ordinance 14-2011 (Chapter 43 of the Atlantic County Code) is attached to this Application and it contains this information and additional information regarding permitted and prohibited practices. It is required that the person(s) submitting this Application for filing sign below, certifying that he/she/they have read the Ordinance, understand its provisions, and certify that the organization and principals, officers and participates will comply with the provisions of the Ordinance.

- A location map is required to be submitted by the applicant with the completed Application showing the names of the intersection/road(s) affected by the solicitation. The map must display the location of existing traffic signals/signs and the proposed location of cones/barriers/solicitation signs, known or expected safety hazards. It must also contain an identifying legend. Two sample maps are provided as the last pages of this packet. All solicitation signs must comply with the requirements in this Application, the Ordinance, and State requirements of N.J.A.C. 16:40-6.1. Please attach map to this Application.

Print Name Title

Signature: _____ Date: _____

ORDINANCE NO. 14 - 2011

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 43 OF THE ATLANTIC COUNTY CODE ENTITLED "ROADWAY SOLICITATION" AND AUTHORIZING CHARITABLE ORGANIZATIONS TO SOLICIT CONTRIBUTIONS ON COUNTY ROADWAYS AND COUNTY INTERSECTIONS PURSUANT TO N.J.S.A. 39:4-60.

WHEREAS, N.J.S.A. 39:4-60 permits charitable organizations to solicit for contributions on county roadways in situations where the organization received municipal and county approval as provided in the aforementioned statute; and

WHEREAS, certain charitable organizations are dependent upon charitable donations to support and fund their operations; and

WHEREAS, solicitations on public roadways in the form of coin drops play a role in funding solicitations of those charitable organizations; and

WHEREAS, the County desires to implement a process by which charitable organizations can have access to designated county roadways and county intersections to engage in solicitation fund raising via the process known as coin drops; and

WHEREAS, the County desires to amend the current provisions of Chapter 43 of the Atlantic County Code entitled "Roadway Solicitation", for purposes of implementation of a process for the authorization of coin drops involving county roadways and county intersections.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Chosen Freeholders of the County of Atlantic as follows:

SECTION 1. Charitable solicitations on designated county roadways and at designated county intersections shall be limited to charitable organizations defined under the provisions of N.J.S.A. 45:17A-20.

SECTION 2-APPLICATION PROCESS.

- (A) In order for a charitable organization, as defined above, to be considered for approval of permission to conduct solicitation activities the organization must first secure the concurrence of the local municipality where the organization is situated and/or in which the solicitation activity is to be conducted. Municipal approval shall be pursuant to authorization by a municipal ordinance enacted pursuant to N.J.S.A. 39:4-60, and it shall be the responsibility of the charitable organization, at least 30 days prior to the scheduled solicitation event, to submit a copy of the ordinance to the Clerk of the Atlantic County Board of Chosen Freeholders ("Board"), along with a completed signed and dated application form as developed by the County of Atlantic ("County") for the solicitation event.

- (B) The completed signed and dated application form with satisfactory responses to all information and documentation requests shall be accompanied by the copy of the municipal ordinance authorizing the solicitation event and with evidence of approval of the solicitation event by the municipality. It shall also be accompanied with the following additional documents:
- (1) A current Certificate of Insurance from a reputable insurance company authorized to transact business in the State of New Jersey naming the County and the Board as additional insureds for liability purposes in an amount not less than One Million Dollars \$1,000,000.00;
 - (2) A signed and notarized Indemnification and Hold Harmless Agreement in the form to be developed by the County, setting forth the organization's obligation to indemnify, defend and hold harmless the County and the Board, and their agents, servants and employees, as referenced in Section 4 below.
- (C) Failure of the organization to timely submit to the Board at least 30 days prior to the scheduled solicitation event the completed signed and dated application, with satisfactory responses to all information and documentation requests in it, and the Certificate of Insurance and the Indemnification and Hold Harmless Agreement referenced above, shall subject the application to rejection.
- (D) The application may also be rejected if the scheduled event does not meet the safety criteria set forth in Chapter 43 of the Atlantic County Code, N.J.S.A. 39:4-60 and/or the regulations promulgated pursuant to the Administrative Procedure Act by the Department of Transportation in consultation with the Division of Highway Traffic Safety.
- (E) Additionally, the Board may consider the reasons below for not bringing a resolution of approval to action, or for an adverse vote on such a resolution:
- (1) Where circumstances suggests that traffic would be unreasonably impeded, interrupted or delayed;
 - (2) When 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;
 - (3) Solicitation would interfere with construction activity; or
 - (4) Denial of the solicitation permit is necessary to protect public safety.

SECTION 3. Each organization which satisfactorily meets the qualifications of Sections 1 and 2 of this ordinance shall be limited to two one day solicitation events per year in the aggregate. Each organization approved by the Board for a solicitation event shall additionally be required to comply with the following requirements:

- (A) Solicitation activities shall be undertaken by persons age 18 or older;

- (B) Solicitation shall take place only during daylight hours and participants must wear reflective safety vests in accordance with New Jersey Department of Transportation standards;
- (C) Solicitors shall not drink alcoholic beverages, use drugs or be under the influence of drugs or alcohol when engaged in solicitation activities;
- (D) Solicitation shall not stop or impede the flow of traffic. Traffic shall be stopped before solicitation may occur and solicitation shall cease while traffic is moving. Soliciting organizations shall not use a flagman;
- (E) The soliciting organizations shall place two warning signs, the first of which shall indicate "charitable solicitation 500 feet ahead" and a second sign following which shall identify the organization conducting the solicitation. Signage shall comply with all requirements contained in N.J.A.C. 16:40-6.1.
- (F) Violations of any of these requirements and/or the safety requirements of Chapter 43 of the Atlantic County Code, 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 Atlantic County Director of Public Safety.

SECTION 4. The County and the Board assume no responsibility for the sponsorship, direction or control of any fundraising event permitted under this ordinance. The charitable organization conducting any event hereunder shall assume full and complete responsibility for the sponsorship and control of all aspects of the fundraising event, including the safety and welfare of its member participants as well as members of the public. The County and the Board shall retain all tort claim immunities pursuant to both the New Jersey Claims Act, N.J.S.A. 59:1-1 et seq., and common law. Any charitable organization, as previously defined, availing itself of the activities afforded under this ordinance agrees to indemnify, defend and hold harmless the County and the Board, and their agents, servants, and employees from any claims for death, personal injury, property damage or claims of any type that may arise as a result of activities and events conducted by the organization pursuant to this ordinance.

SECTION 5. Nothing contained herein shall circumscribe the State Department of Transportation's regulations promulgated pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., to regulate or prohibit solicitation events on any State highway or any intersection encompassing a State highway.

SECTION 6. The Board may authorize approval for a solicitation event to those organizations that meet the requirements described herein by resolution, subject to the provisions of this ordinance pursuant to N.J.S.A. 39:4-60 and the criteria and safety requirements described herein. The Board shall not be required to list a resolution of approval for action, nor shall the Board be precluded from denying approval by way of an adverse vote on such a resolution. In the event of a denial, a denial letter shall issue which sets forth the reasons for the denial. An applicant which has been denied a permit shall, if it desires, submit a written request for reconsideration within 30 days of denial of the permission, and the reconsideration request will be considered and/or acted upon by resolution using the same process and criteria set forth herein. After

reconsideration a rejection shall be considered to be final.

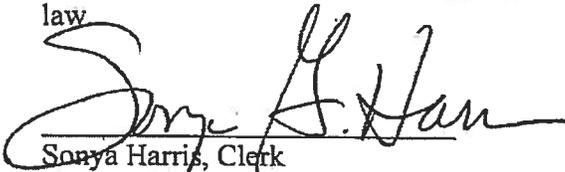
SECTION 7. The County reserves the right to suspend solicitation operations at any time if any condition of the permission is violated or if, in the judgment of the local police or in the judgment of the Atlantic County Director of Public Safety, traffic is being impeded or delayed or the public safety is at risk.

SECTION 8. Any provisions of Chapter 43 of the County Code entitled "Roadway Solicitation" which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

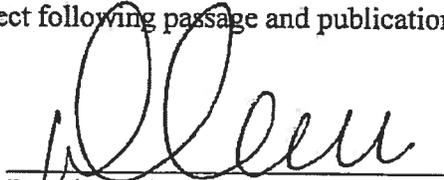
SECTION 9. Any person engaged in solicitation activities found guilty of violating a provision of this ordinance shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by local police under N.J.S.A. 39:4-60. Prosecution shall take place in the municipal court of the municipality where the solicitation fund raising event occurred.

SECTION 10. This Ordinance shall take effect following passage and publication as provided by

law



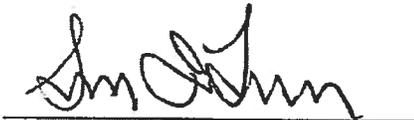
Sonya Harris, Clerk
Board of Chosen Freeholders



Dennis Levinson
County Executive

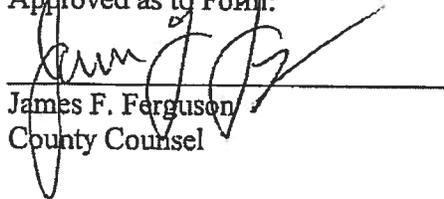
Dated: _____

7/28/11



Frank Formica, Chairman
Board of Chosen Freeholders

Approved as to Form:



James F. Ferguson
County Counsel

Dated: _____

7-26-11

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

Sponsor agrees that it will indemnify, defend and hold harmless the County of Atlantic and the Atlantic County Board of Chosen Freeholders, their agents, servants and employees, from any and all claims for damages due to death, personal injury or property damage arising out of or in any way connected to the subject event.

Sign here in the presence of a notary

Name _____ Title _____ Date _____

Print here

Name _____ Title _____ Date _____

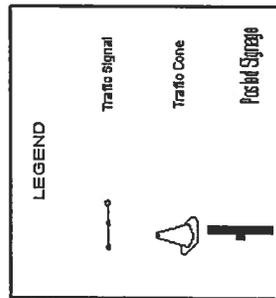
Sworn and subscribed to
before me this _____ day
of _____, _____

Notary Public

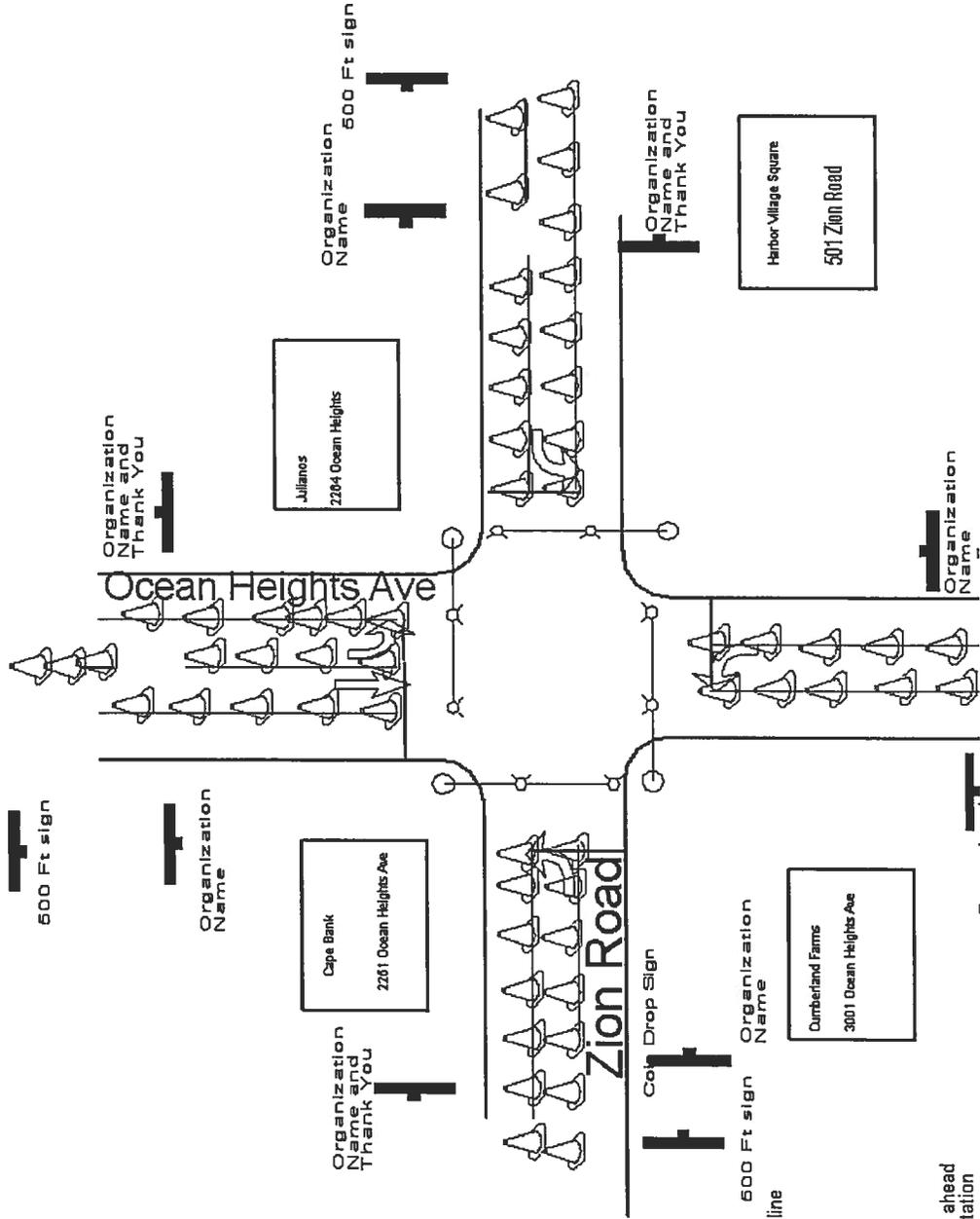
COIN DROP TCP ZION AND OCEAN HEIGHTS

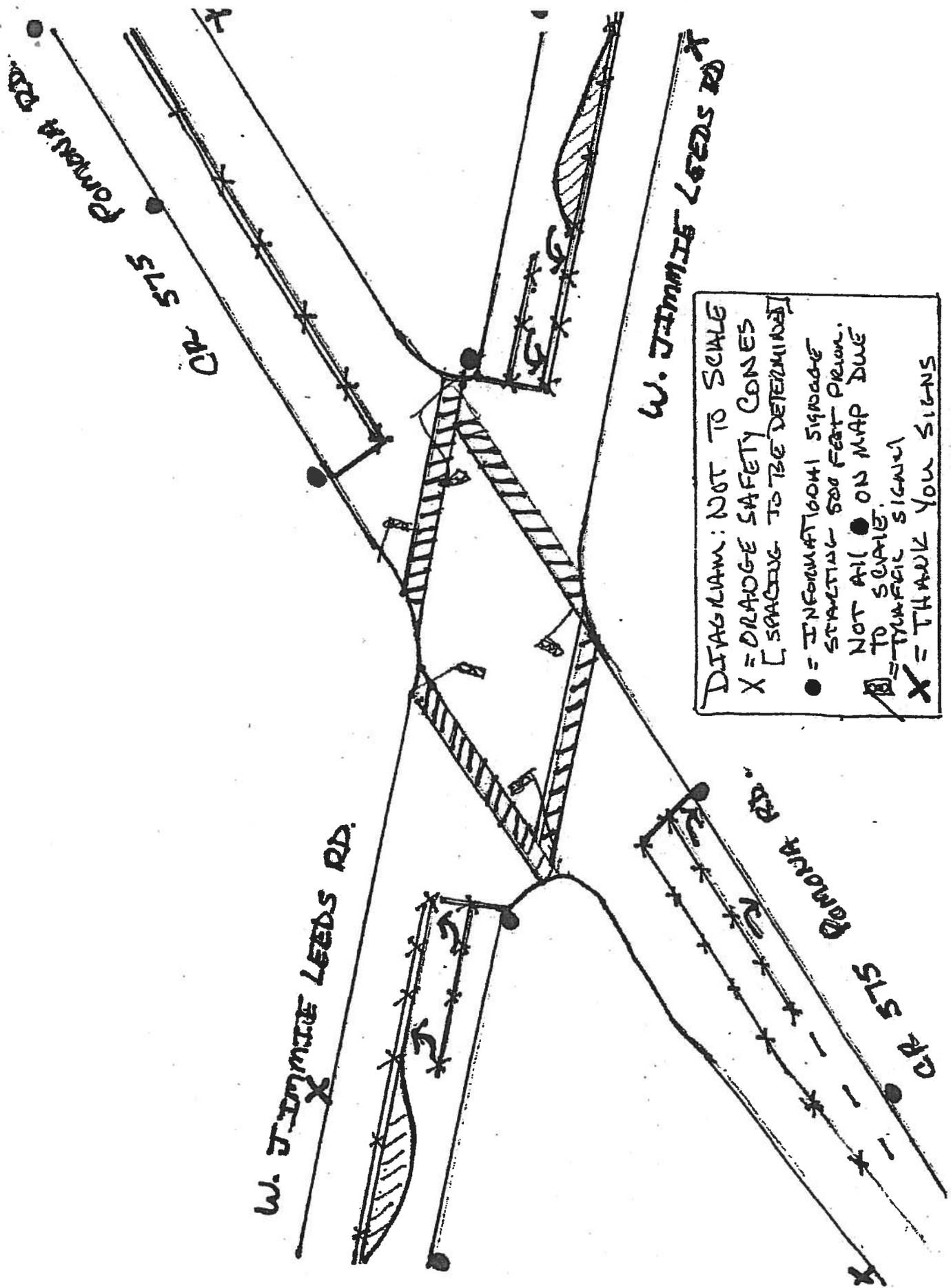


Not to Scale



- All Participants must
 - Be Adults
 - Wear Reflective Vests at all times
- Warning Signs indicating coin drop ahead
 - Shall be placed a minimum of 100 ft from intersection
 - Shall indicate who the coin drop benefits
- Standard 28 inch orange cones with reflective collars
 - Shall be placed a minimum of 10 ft apart along double yellow line
 - For a minimum distance of 150 feet from intersection.
- Cones shall also be placed a minimum of 10 ft apart
 - Placed along the length of the white lane dividing lanes.
- The coin drop will not be conducted in inclement weather.
- Signage should be as follows:
 - The First of which shall indicate "charitable solicitation 500 feet ahead"
 - The Second shall identify the organization conducting the solicitation





W. JIMMIE LEADS RD

W. JIMMIE LEADS RD

DIAGRAM: NOT TO SCALE
 X = DRAHOGE SAFETY CONES
 [SPACING TO BE DETERMINED]
 ● = INFORMATIONAL SIGNAGE
 STARTING 500 FEET PRIOR.
 NOT ALL ● ON MAP DUE
 TO SCALE.
 □ = TRAFFIC SIGN
 X = THANK YOU SIGNS

PAMOLA RD

PAMOLA RD

Chapter 208. PEDDLING AND SOLICITING

Article II. Charitable Solicitations in Township Roadways

§ 208-11. Soliciting contributions permitted.

The Township of Buena Vista shall permit charitable organizations, as defined in Section 3 of P.L. 1994, c. 16 (N.J.S.A. 45:17A-20), to solicit contributions in the roadways and highways of the Township of Buena Vista in accordance with the provisions contained herein.

§ 208-12. Application.

[Amended 3-8-1999 by Ord. No. 6-1999]

All charitable organizations herein who wish to solicit contributions in the roads and highways in the Township of Buena Vista shall file an application with the Township Clerk, at least 45 days prior to the proposal coin drop date, specifying the following:

- A. Name of organization.
- B. Address of organization.
- C. Telephone number of organization.
- D. Contact person of organization.
- E. Location of proposed solicitation.
- F. Date and time(s) of proposed solicitation.
- G. Evidence of charitable status.
- H. Evidence of insurance in an amount and form to be set by the Township Committee which will indemnify, defend and hold harmless the Township and its employee from any liability arising out of said action by the applicant, its agents, servants and employees.
- I. If said request involves a county roadway and/or highway, said request shall include a copy of an authorization from the Atlantic County Board of Chosen freeholders to permit said charitable solicitation.
- J. If said request involves a state roadway or highway, said request shall include a copy of an authorization from the State of New Jersey Commissioner of Transportation to permit said charitable solicitation.

- K. List of 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 or highways in the Township of Buena Vista.

§ 208-13. Frequency of solicitation.

[Added 3-8-1999 by Ord. No. 6-1999]

Only one coin drop shall be permitted in the roads and highways in the Township per week. No organization shall conduct more than two coin drops per year.

§ 208-14. Township approval of application.

[Added 3-8-1999 by Ord. No. 6-1999]

Said application (request) shall be reviewed by the Township Clerk, who shall report to the Mayor and Township Committee regarding the relative aspects of the request, including but not limited to a review of the location, dates and times of the request, review of safety procedures and/or methods to be employed by the applicant and compliance with the provisions of this chapter and regulations adopted by the Township Committee. The Township may grant approval of the application. The decision to grant or deny approval of said application shall be final.

§ 208-15. Age limitation.

[Amended 3-8-1999 by Ord. No. 6-1999]

In no event shall any charitable organization requesting from the Township of Buena Vista for said charitable solicitation use any individual under the age of 18 years to perform any function or task associated with said charitable solicitation in any roadway.

§ 208-16. Compliance with other provisions.

Any charitable organization requesting authorization from the Township of Buena Vista for said charitable solicitation shall comply with all of the terms and conditions of N.J.S.A. 39:4-60, as amended by P.L. 1997, c. 82, approved April 30, 1997.

§ 208-17. Statutory authority.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). This chapter is adopted pursuant to N.J.S.A. 39:4-60, as amended.

§ 208-18. Violations and penalties.

Any person who violates this chapter shall be subject to a fine of up to \$500 at the discretion of the Court for each violation.

Chapter 208. PEDDLING AND SOLICITING

Article IV. Charitable Solicitation in County and State Roadways

§ 208-23. Solicitation on designated roadways.

Charitable organizations are permitted on designated county and state roadways to solicit for contributions pursuant to N.J.S.A. 45:17A-20.

§ 208-24. Permit.

- A. All organizations applying for a permit for soliciting shall apply to the Township of Buena Vista for permission for same.
- B. Said permission to be granted or denied pursuant to resolution.
- C. Said permission to be conditioned upon the charity receiving further permission from either the County Board of Chosen Freeholders if said highway is a county highway or the permission of the Commissioner of Transportation of the highway is a state highway or intersection.
- D. Said authorization shall be subject to any and all conditions as outlined the County Board of Chosen Freeholders or the Commissioner of Transportation, as applicable.

§ 208-25. Violations and penalties.

Any person engaged in solicitation activities found guilty of violating a provision of this article shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by the local, county or state police under N.J.S.A. 39:4-60. Prosecution shall take place in the Buena Vista Township Municipal Court if such solicitation occurred therein.