CITY OF ABSECON
500 MILL ROAD
ABSECON, NJ 08201

Charitable Roadway Solicitation Application

Name of Organization: _____

Address of Organization: _____

Explain the charitable purpose of the organization:

_____

_____

Does this organization serve the residents of Absecon: Yes ___ NO ___ Explain in full:

_____

_____

_____

_____

Contact Person: _____

Location of Proposed Charitable Solicitation: _____

_____

Date & Time of Solicitation: _____

If said request involves a County roadway and/or highway, authorization from the Atlantic County Board of Chosen Freeholders must be secured after passage of Absecon's resolution granting conditional approval. Authorization can be obtained by contacting the Atlantic County Board of Chosen Freeholders, (609) 645-5928.

If said request involves a State roadway and/or highway, request shall include a copy of a Highway Occupancy Permit from the New Jersey Department of Transportation, Region IV-Cherry Hill, at (609) 795-4725 or fax (609) 795-4761.

Attach a statement 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 charitable organization and the member of the public who will be traversing the roadways and/or highways located in the City of Absecon.

Conditions: In no event shall any charitable organization requesting authorization use any individual under the age of 18 years.

The charitable organization will indemnify, defend and hold the City of Absecon harmless from any liability that results from accident or injury, including death, that occurs as a result of this Roadway Solicitation.

The undersigned attests that all the above information is true and correct and the undersigned attest that he/she has the authority from the charitable organization to sign this application.

False statements made herein may result in criminal charges.

_____
Organization Representative Signature

_____
Print Name of Representative

_____
Date

POLICE DEPARTMENT USE

Recommendation: _____

_____

_____

_____

_____

_____

_____

_____Grant _____Reject _____Modify

Reason: _____

_____

_____

_____

_____

_____

_____

_____
Chief of Police or Designee

For Municipal Clerk's Use

Application to Police Department: _____
Received from Police Department: _____
Granted by City Council: Yes or No
Resolution No. (If granted): _____

Introduced by Councilman Charles Norris

CITY OF ABSECON

ORDINANCE 08 - 98

AN ORDINANCE PERMITTING CHARITABLE ORGANIZATIONS TO SOLICIT CONTRIBUTIONS IN THE ROADWAYS SITUATE IN THE CITY OF ABSECON

WHEREAS, the Senate and General Assembly of the State of New Jersey have enacted legislation amending N.J.S. 39:4-60 prohibiting 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 City of Absecon Council deems it to be in the public interest to permit charitable organizations as defined by N.J.S. 45:17A-20 to solicit contributions in roadways situate in the City of Absecon, provided same is done in a safe and reasonable manner;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Absecon, in the County of Atlantic, and State of New Jersey as follows:

1. The City of Absecon shall permit charitable organizations as defined in N.J.S.45:17A-20 to solicit contributions in roadways situate in the City of Absecon in accordance with the provisions contained herein.

2. All charitable organizations as defined in N.J.S. 45:17A-20 who desire to solicit contributions in roadways situate in the City of Absecon shall file an application for a permit with the Municipal Clerk of the City of Absecon on a form supplied by said Clerk specifying the following information:

   A. Name of applicant organization.
   B. Address of applicant organization.
   C. Telephone number of applicant organization.
   D. Contact person of applicant organization.
   E. Specific location or locations of proposed charitable solicitation.
   F. Dates and times of proposed charitable solicitation.
   G. If said request pertains to a location or locations on any County highway, or intersection of a County highway, said application shall include a copy of an authorization from the Atlantic County Board of Chosen Freeholders to permit said charitable solicitation.

H. If said request pertains to a location or locations on any State highway or intersection of a State highway, said application shall include a copy of an authorization from the Commissioner of Transportation of the State of New Jersey to permit said charitable solicitation.

I. Identify 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 City of Absecon.

3. Upon the filing of a complete application in accordance with the provisions of this Ordinance, the City of Absecon Clerk shall present same to the City Council for its review and consideration, after which the City Council shall grant or deny the applicant's request. In the event the City Council grants the applicant's request, it shall issue a permit to the applicant which shall be subject to the representations contained in the applicant's application and any conditions imposed by the City Council.

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

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

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

7. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

8. All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

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

DATE: May 21, 1998

APPROVED: _____
Peter C. Elco, Mayor

ATTEST: _____
Barbara J. Virden, RMC, Municipal Clerk

Passed on first reading at a regular meeting held on May 21, 1998. Laid over and advertised for public hearing and final adoption June 18, 1998.
Adopted on second, third and final readings at a regular meeting of the Municipal Council on June 18, 1998.

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COUNTY OF ATLANTIC

Stillwater Building, 201 Shore Road
Northfield, N. J. 08225
https://www.atlantic-county.org/commissioners/

APPLICATION FOR COUNTY CONSENT FOR ROADWAY SOLICITATION

PLEASE READ CAREFULLY: The County of Atlantic and your municipality each have different requirements that must be completed separately. **Failure of the organization to submit this COMPLETED application to the County a minimum of 30 days before the scheduled solicitation event with all of the items listed 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. Charitable organizations shall be limited to "charitable organizations" as defined under the provisions of N.J.S.A. 45:17 A-20.

☐ 1. Application is being filed a minimum of **30 days** before the scheduled solicitation event.

☐ 2. A copy of the **Municipal Ordinance** authorizing roadway solicitations in the municipality is required from the applicant with this completed application.

Attached: Yes _____

☐ 3. A copy of the **Municipal Resolution** or other written evidence of the municipality's approval to conduct the roadway solicitation is required from the applicant with this completed application.

Attached: Yes_____

☐ 4. A current **Certificate of Liability 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 County Commissioners** (See example below) as additional insureds for the solicitation dates in an amount not less than one million dollars ($1,000,000).

Failure to name both the County of Atlantic AND the Atlantic County Board of County Commissioners will result in the REJECTION of the application.

A list of items that need to be included in the description box is noted below

CERTIFICATE HOLDERS	DESCRIPTION OF OPERATIONS
County of Atlantic **1333 Atlantic Avenue** **Atlantic City, NJ 08401** AND **Atlantic County Board of County Commissioners** **201 Shore Road** **Northfield, NJ 08225**	Please denote in this description box: 1. **Coin Drop** 2. **Location** 3. **Date(s) and/or rain date(s) if applicable** 4. **Times**

Attached: Yes _____

☐ 5. A signed and notarized **Indemnification and Hold Harmless Agreement** form executed by an appropriate officer or official of the organization, setting forth his/her name, title, and date. (**See attached Sample No. 5**)

Attached: Yes_____

☐ 6. Provide the **Complete Name of the Organization** and set forth the State in which it is so registered. **The 501 (c) (3) must be attached.**

Name of Organization: _____ State: _____

☐ **501 (c) (3) ~ Certificate Attached: Yes**_____

☐ 7. A **sketch** is required to complete the Application showing the names of the intersection/road(s) affected by the solicitation. The sketch must display the location of existing traffic signals/signs, the proposed location of cones/barriers/solicitation signs, known or expected safety hazards and contain an identifying legend. 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 (**See attached Sample No. 7**).

Attached: Yes_____

☐ 8. 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 (**See attached Sample No. 7**).

☐ 9. 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. **Note, participation by persons under age 18 is not permitted.**

☐ 10. Name, address and title of appropriate principal(s) or officer(s) that are acting on behalf of the organization in filing this Application.

Name: _____ Title: _____

Address: _____ Phone: _____

_____ Email: _____

☐ 11. Name of Contact Person(s) prior to, during and after scheduled solicitation event.

☐ **Same as above applicant**

Name: _____ Title: _____

Email: _____ Phone: _____

☐ 12. Place of scheduled solicitation event, date and time of same requested. **The Ordinance shall limit the applicant to two (2) one (1) day solicitation events per year in the aggregate.**

1. Location: _____ Date: _____ Rain Date: _____

_____ Times: _____

2. Location: _____ Date: _____ Rain Date: _____

_____ Times: _____

☐ 13. Purpose of the scheduled solicitation event.

_____

_____

☐ 14. The applicant has carefully reviewed Ordinance No. 14 – 2011 (Chapter 43 of the Atlantic County Code), a copy of which is attached and posted on the official Website of Atlantic County Government. The Ordinance 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.

Applicant Printed Name: _____

Signature: _____ **Date:** _____

Please carefully review your completed application to ensure numbers one (1) through fourteen (14) are completed before submission to the Atlantic County Board of County Commissioners a minimum of 30 days prior to the requested road solicitation. Once approved, the roadway solicitation will be posted on the Coin Drop Calendar on the Commissioner website. A copy of the approved resolution will be sent to the applicant, the municipal clerk and the municipal Chief of Police.

Office Use Only: DATE RECEIVED: _____ ☐ Hand Delivered ☐ U.S. Mail

5. INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

APPLICANT'S INDEMNIFICATION AND HOLD HARMLESS AGREEMENT TO THE BENEFIT OF THE COUNTY OF ATLANTIC AND THE ATLANTIC COUNTY BOARD OF COMMISSIONERS, FOR CHARITABLE ROADWAY SOLICITATION.

NAME OF CHARITABLE ORGANIZATION: _____

PERSON SIGNING ON BEHALF
OF CHARITABLE ORGANIZATION: _____

Applicant hereby promises that it will indemnify, defend and hold harmless the County of Atlantic, the Atlantic County Board of Commissioners, and all of their respective agents, employees, servants, and representatives, for and from, any and all claims for damages arising from or related to death, personal injury, damage to property, and all other claims arising from or related to the Applicant's solicitation activities on any County road.

Sign here in the presence of a notary:

Sign Name _____

Print Name _____ Title _____ Date _____

Sworn and subscribed to

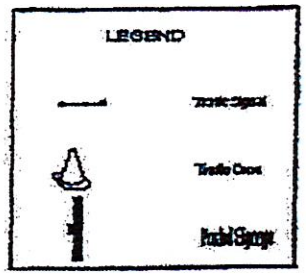
before me this _____ day of _____, _____.

_____
Notary Public

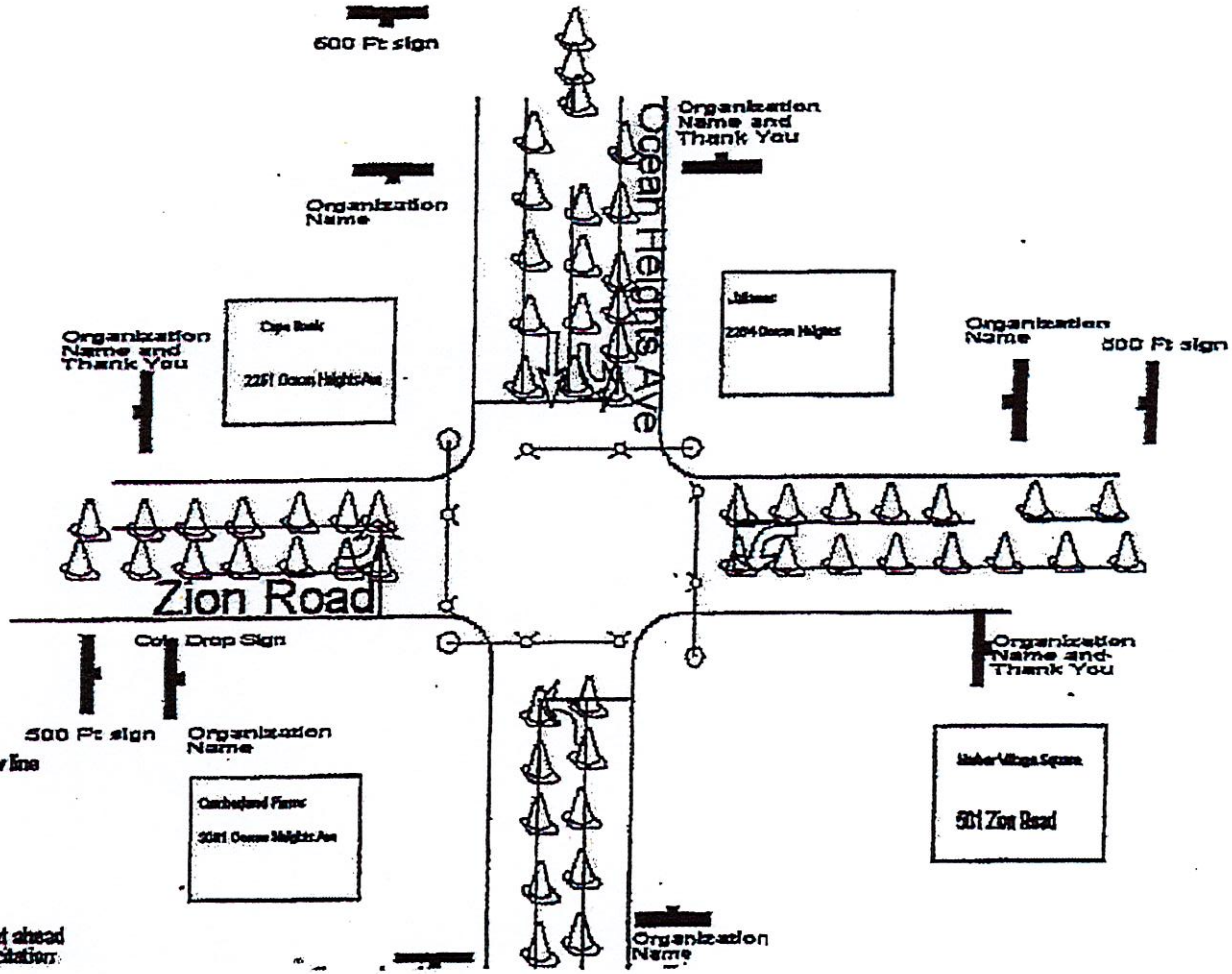
7. SAMPLE ROADWAY SOLICITATION SKETCH

COIN DROP TCP
ZION AND OCEAN HEIGHTS

Not to Scale



1. All Participants must
   -Be Adults
   -Wear Reflective Vests at all times
2. Warning Signs indicating coin drop ahead
   Shall be placed a minimum of 100 ft from intersection
   Shall indicate who the coin drop benefits
3. 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 160 feet from intersection.
4. Cones shall also be placed a minimum of 10 ft apart
   Placed along the length of the white lane dividing lanes.
5. The coin drop will not be conducted in inclement weather.
6. 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



14.

ORDINANCE NO.14 OF 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

Approved as to Form:

James F. Ferguson
County Counsel

Frank Formica, Chairman
Board of Chosen Freeholders

Dated: 7-26-11

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Board of Chosen Freeholders of the County of Atlantic held on **Tuesday, July 12, 2011** and said Ordinance will be further considered for passage and adoption at the public meeting of the Board of Chosen Freeholders to be held in the **Auditorium** of the **County Office Building, 1333 Atlantic Avenue, Atlantic City, NJ** on **Tuesday, July 26, 2011 at 4 p.m.**