

COUNTY OF ATLANTIC

Stillwater Building, 201 Shore Road
Northfield, N. J. 08225

<https://www.atlanticcountynj.gov/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

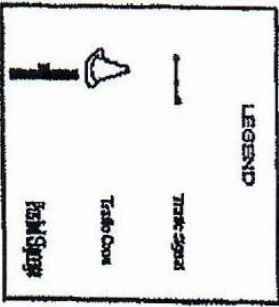
before me this _____ day of _____, _____.

Notary Public

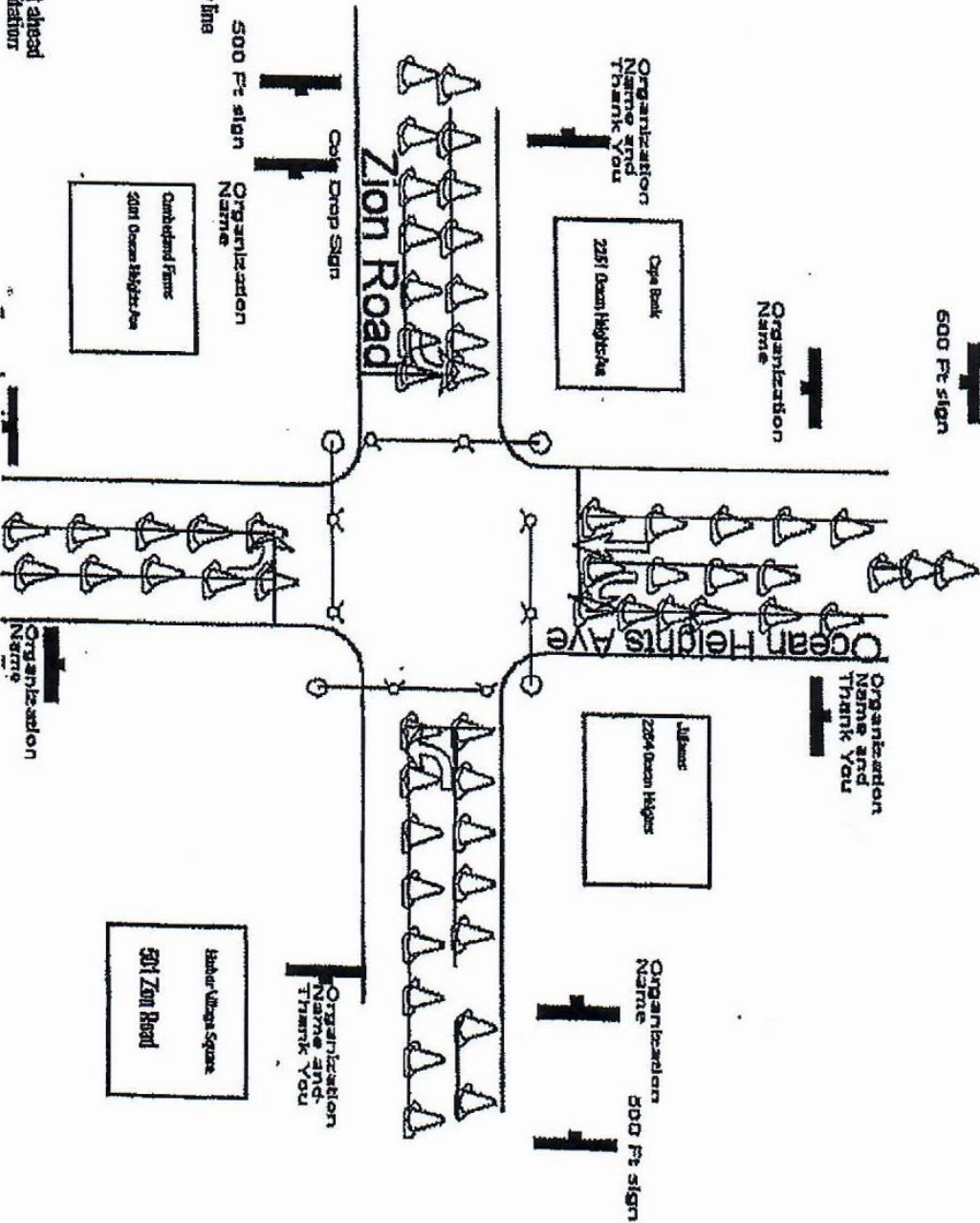
7. SAMPLE ROADWAY SOLICITATION SKETCH

COIN DROP TCP ZION AND OCEAN HEIGHTS

North 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 when the coin drop begins
- 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.



5. Signage should be as follows:
The First of which shall indicate "Coinable solicitation 500 feet ahead
The Second shall identify the organization conducting the solicitation

14. **APPLICANT COPY ONLY- Do Not Submit with Application**

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.

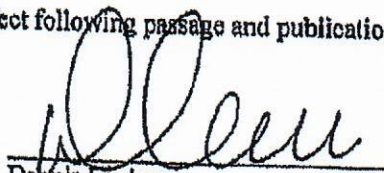
SECTION 7. The County reserves the right to suspend solicitation operations at any time if any condition of the permission is violated or if, in the judgment of the local police or in the judgment of the Atlantic County Director of Public Safety, traffic is being impeded or delayed or the public safety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

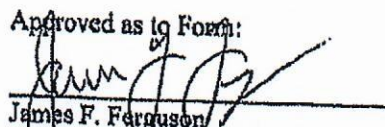
SECTION 10. This Ordinance shall take effect following passage and publication as provided by law


Sonya Harris, Clerk
Board of Chosen Freeholders


Dennis Levinson
County Executive

Dated: 7/28/11


Frank Formica, Chairman
Board of Chosen Freeholders

Approved as to Form:

James F. Ferguson
County Counsel

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.**