

Township of Galloway
300 Jim Leeds Road
Galloway Township, New Jersey 08201

Charitable Roadway Solicitation Application

Name of Organization: _____

Address of Organization: _____

Telephone No.: () _____

Contact Person: _____

Telephone No.: () _____

Location of Proposed Charitable Solicitation:

Dates and Times of Solicitation: _____

- If said request involves a county roadway and/or highway, approval from the Atlantic County Board of Chosen Freeholders must be secured after passage of Galloway Township's resolution granting conditional approval. Approval 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, (609) 795-4725 (Fax: 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 report as to the procedures to be used to ensure the safety of the members of the charitable organization and the members of the public who will be traversing the roadways and/or highways located in the Township of Galloway.
- In no event shall any charitable organization requesting authorization use any individual under the age of 18 year.

Organization Representative

For Police Department Use

Recommendation: _____

Grant

Reject

Modify

Reason: _____

Chief of Police or Designee

For Township Clerk Use

Application to Police Department: ___/___/___

Received from Police Department: ___/___/___

Granted by Township Council: Yes or No

Resolution No. _____ (if granted)

Date Granted: _____

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.

- 1 Application is being filed at least 30 days before the scheduled solicitation event.
- 2 The applicant has carefully reviewed Ordinance No. 14 - 2011, a copy of which is posted on the Official Website of Atlantic County Government. Applicant is required to comply with all sections.
- 3 A copy of the municipal ordinance authorizing roadway solicitations in the municipality is required from the applicant with this completed Application.

Attached: Yes _____ No _____

- 4 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 _____

- 5 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 _____

- 6 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 _____

Applicant Organization: _____

Name: _____ Title: _____

Address: _____

Telephone: _____ (Work) _____ (Cell)

Email Address: _____

- 7 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.
- 8 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.
- 9 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.

- 10 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).

- 11 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.

- 12 Purpose of the scheduled solicitation event.

- 13 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.

- 14 A map location is required to be attached by the applicant to 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, 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. Attach sketch to this Application.

Print NameTitle

Signature: _____ Date: _____

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

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

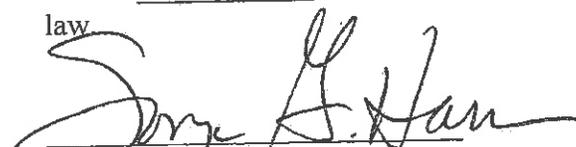
reconsideration a rejection shall be considered to be final.

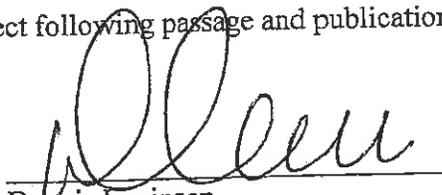
SECTION 7. The County reserves the right to suspend solicitation operations at any time if any condition of the permission is violated or if, in the judgment of the local police or in the judgment of the Atlantic County Director of Public Safety, traffic is being impeded or delayed or the public safety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

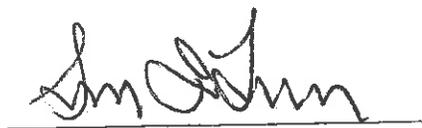
SECTION 9. Any person engaged in solicitation activities found guilty of violating a provision of this ordinance shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by local police under N.J.S.A. 39:4-60. Prosecution shall take place in the municipal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

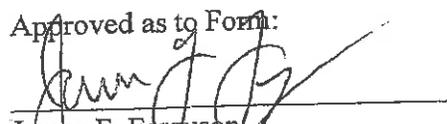
SECTION 10. This Ordinance shall take effect following passage and publication as provided by law


Sonya Harris, Clerk
Board of Chosen Freeholders


Deanis 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.**

Galloway Township

Ordinance No. 1367

AN ORDINANCE REGULATING "CHARITABLE ROADWAY SOLICITATIONS".

BE IT ORDANINED by the Township Council of the Township of Galloway, in the County of Atlantic, State of New Jersey, as follows:

SECTION 1. Chapter 71 of the code of the Township of Galloway is hereby amended to add a new Article as follows:

ARTICLE 71-2

Charitable Roadway Solicitations

SECTION 2. Definition.

Charitable Organization is defined as a volunteer fire company and volunteer first aid, rescue and emergency squads.

SECTION 3. Purpose.

The Township of Galloway shall permit charitable organizations, as defined in Section III of P.L. 1994, c. 16 (N.J.S.A. 45:17a-20) to solicit contributions on the roadways and highways located in the Township of Galloway in accordance with the provisions contained herein. This Chapter is promulgated pursuant to N.J.S.A. 39:4-60, as amended by P.L. 1997 Chapter 82, approved April 30, 1997.

SECTION 4. Application.

- A. All Charitable Organizations herein who wish to solicit contributions in the roadways and highways located in the Township of Galloway shall file an application with the Township Clerk of Township of Galloway, specifying the following information.

1. Name of Organization.
 2. Address of Organization.
 3. Telephone number of Organization.
 4. Contact person at Organization.
 5. Location of proposed charitable solicitation.
 6. If said request involves a county roadway and/or highway, said request shall include a copy on approval from the Atlantic County Board of Chosen Freeholders to permit said charitable solicitation.
 7. If said request involves a state roadway and/or highway, said request shall include a copy of an approval from the State of New Jersey Commissioner of Transportation to permit said charitable solicitation.
 8. List of all proposed safety regulations, safety devices and training for individuals who shall participate in the charitable solicitation and/or report as to the procedures to be used to ensure the safety of the members of the charitable organization and the members of the public who will be traversing the roadways and/or highways located in the Township of Galloway.
- B. Said request shall be reviewed by the Chief of Police of the Township of Galloway, or his designee, who shall make a recommendation to the Mayor and Township Council of the Township of Galloway through the Township Manager as to the relative aspects of the request, including a review of the location, dates and times of the request, and a review of the

safety procedures and/or methods to be employed by the said charitable organization. The Chief of Police shall thereafter forward a report to the Mayor and Township Council of the Township of Galloway through the Township Manager as to his/her opinion to the granting, rejecting or modification of any proposed charitable solicitation. Should the Township Council grant the application, it shall authorize same through the adoption of a Resolution.

- C. In no event shall any Charitable organization requesting authorization from the Township of Galloway 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 activities on municipal roadways.
- D. Any Charitable organization requesting authorization from the Township of Galloway 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, Chapter 82, approved April 30, 1997.

SECTION 5. Unconstitutionality.

In the event that any section, part or provision of this Ordinance shall be held unconstitutional or invalid by a Court, such holding shall not affect the validity of this Ordinance, or any remaining part of this Ordinance or Chapter 71 of the Code of the Township of Galloway, County of Atlantic and State of New Jersey, as whole or in part thereof, other than the part so held unconstitutional or invalid.

SECTION 6. Repealed.

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

SECTION 7. When Effective.

This Ordinance shall take effect upon final passage and publication and in accordance with all applicable laws and upon the effective date of N.J.S.A. 39:4-60, as amended by P.L. 1997, Chapter 82, approved April 30, 1997.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced in and passed the first reading at a meeting of the Township Council of the Township of Galloway, County of Atlantic and State of New Jersey, held on November 10, 1998, said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at 300 East Jim Leeds Road, Galloway, New Jersey 08201, on November 24, 1998, at 7:30 P.M. or as soon thereafter as the matter may be reached.



Karen A. Bacon, Township Clerk