

Bergen County Roadway Solicitation Permit **Application Instructions**

Charitable organizations may have access to Bergen County roadways and/or intersections ONLY with approval of the County Administrator and the Board of Chosen Freeholders. Steps to secure an approved permit are as follows:

- 1) Review Bergen County Board of Chosen Freeholders Ordinance No. 14-31, which implements the process by which charitable organizations may have access to County roadways and/or intersections.
- 2) In addition to Ordinance No. 14-31, familiarize yourself with: County of Bergen Roadway Solicitation Permit Application, N.J.S.A. 39:4-60, N.J.S.A. 45:17A-20, N.J.A.C. 16:40-1.1 through 11.1, and the applicable municipal roadway solicitation ordinance.
- 3) At least **30 days prior** to the proposed date of the solicitation event, the charitable organization must submit the following to the Deputy County Administrator:
 - a) A completed, signed and notarized County Roadway Solicitation Permit Application.
 - b) A copy of the applicable municipal ordinance authorizing roadway solicitation generally.
 - c) Written approval from your Municipality for your specific solicitation event, usually in the form of a municipal resolution.
 - d) A detailed Traffic Control Plan, clearly displaying written approval by your Municipal Police Department. You may draw/photocopy/print a map of the proposed solicitation location and mark the proposed placement of firefighters, fire apparatus, police vehicles, signs, cones, etc. You must have your **Municipal Chief of Police sign the Traffic Plan**, indicating his/her approval. (Sample Traffic Control Plans are available upon request.)
 - e) A current Certificate of Insurance, naming the County as additional insured for liability purposes in an amount not less than One Million Dollars (\$1,000,000.00).
 - f) A signed and notarized Indemnification and Hold Harmless Agreement. A copy of this Agreement is included with the Roadway Solicitation Permit Application. (If you call 201-336-7324 to make an appointment, we will notarize your documents, at no cost, at the County Offices.)
 - g) If any portion of the solicitation event is to occur on a State owned roadway, you must obtain all required State approvals and provide copies of such to the County before conducting any solicitation activities.
- 4) Email your Roadway Solicitation Permit Application and accompanying documents as listed above to: mschwartz@co.bergen.nj.us or hand-deliver to:

Robert N. Schwartz, Esq.
Assistant County Counsel
One Bergen County Plaza
5th Floor, Room 580
Hackensack, NJ 07610

If you email your application, you must follow up by sending all original signed and notary sealed documents via regular mail or hand-delivery to the above address, as well.

For further information, please contact Robert N. Schwartz in the County Counsel's Office at 201-336-6957.

COUNTY OF BERGEN ROADWAY SOLICITATION PERMIT APPLICATION

Applicant - Organization Applying for this Roadway Solicitation Authorization Permit

Name/Title of the Representative of the Applicant Authorized to Submit this Application

Address

City/State/Zip Code

Representative's Phone Number Representative's Email Address

Event Date(s) Requested

Start Time and End Time Requested

Event Location: Indicate Street, Road and/or Intersection

Purpose of the Requested Event

Legal Name of Charitable Organization: Indicate whether a Corporation, LLC or other

N.J. Charity Registration #: _____

1. The applicant has signed and agreed to the provided Hold Harmless/Release of Liability Agreement in the presence of a Notary Public and has attached the referenced Hold Harmless to this Application as an Appendix. Yes No
2. The applicant agrees to comply with all of the requirements set forth in the County's Roadway Solicitation Ordinance 14-31 (2014), as well as the applicable municipal ordinance, as well as N.J.S.A. 39:4-60 and the regulations promulgated pursuant to the Administrative Procedure Act by the Department of Transportation in consultation with the Division of Highway Traffic Safety.
Yes No
3. The applicant has written approval from the municipality where the solicitation event is requested, and the municipality has an ordinance enacted pursuant to N.J.S.A. 39:4-60.
As to the written approval: Yes No
As to attaching the Ordinance from the municipality: Yes No
4. The applicant has submitted a detailed Traffic Control Plan clearly displaying written approval by the Police Department of the municipality in which the solicitation event is to take place. Yes No
5. The applicant has attached 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 Bergen as additional insured, for the solicitation requested in this application, in an amount not less than One Million Dollars (\$1,000,000.00). Yes No
6. The applicant is a charitable organization in good standing as defined by N.J.S.A. 45:17A-20. Yes No
7. The Applicant agrees to place a sign 500 feet from the solicitation location which reads "Charitable Solicitation 500 Feet Ahead." Yes No
8. The Applicant agrees to place another sign at the solicitation site identifying the charitable organization making this application. Yes No
9. The Applicant agrees to comply with N.J.A.C. 16:40-6.1 as regards to signage.
Yes No
10. The applicant agrees that all solicitors taking part in the scheduled event shall be over the age of eighteen (18). Yes No
11. The applicant agrees that solicitors shall not drink alcoholic beverages, use drugs, or be under the influence of drugs, alcohol or any substance which may impair their ability to react to potential dangers while engaged in solicitation activity. Yes No
12. The applicant agrees that all solicitors shall obtain and wear reflective safety vests in compliance with N.J.A.C. 16:40-5.1. Yes No

- 13. The Applicant agrees that the solicitation event 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. Yes No
- 14. The applicant agrees that solicitors shall not harass the public. Yes No
- 15. If the Solicitation Event is to occur in whole or in part on a State owned Roadway, Applicant agrees to obtain all required State approvals before conducting any solicitation activities. Yes No

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Signature

Date

Print Name and Title

Subscribed and sworn to before me on
This _____ day of _____ 20 _____

Notary Public
My commission expires on _____

The County does not approve any requests made for solicitations on State Highways, State roads or State intersections. Said requests must be made to the Department of Transportation.

Appendix A

Indemnification and Hold Harmless Agreement

I, _____ am an authorized representative of
_____ (Charitable Organization)

which meets the definition of a charitable organization as defined by N.J.S.A. 45:17A-20. I, on behalf of and with the authority of the above-named Charitable Organization, agree to the following:

Charitable Organization/Applicant understands the County of Bergen and its departments, agents, servants and employees do not assume any responsibility for the sponsorship, direction, control or management of the requested solicitation activity/fundraising event. The charitable organization assumes full and complete control of the solicitation activity/fundraising event in its entirety. The charitable organization also assumes full responsibility for the solicitation/fundraising activity, including the safety and welfare of its member participants and members of the general public. The County and its affiliates 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.

Charitable Organization further agrees to indemnify, defend and hold harmless the County of Bergen and its departments, agents, servants and employees against any and all liability, loss, or damage which the County, their officials, employees, agents or any other person or corporation may suffer as a result of any claims, demands, costs, judgments or expenses, including reasonable attorney's fees, that may arise as a result of activities and events conducted by the charitable organization pursuant to this Solicitation Event, excluding any negligence on the part of the County, its employees, officials, agents or representatives.

Signature

Date

Print Name and Title

Subscribed and sworn to before me on

This _____ day of _____ 20 _____

Notary Public

My commission expires on _____

Little Ferry Hook and Ladder Roadway Solicitation Application

Proposed dates: August 15, 1PM – 4:40PM December 6, 9AM to 12:30PM

Location: Liberty Street (south) between intersection of Union Ave and Washington Ave.

Fire apparatus to be stationed on the parking lot of Washington School and also on Chamberlain Ave at corner of Liberty St. indicated by red square.


Applicable signage to be placed where indicated with yellow star. Traffic cones to be placed throughout solicitation area indicated by orange triangle. Firefighters stationed at side of road indicated by blue triangle.


All firefighters to wear safety vests and follow all regulations regarding traffic flow and observation of traffic light control at corner of Liberty St and Washington Ave.



Fire apparatus placement 

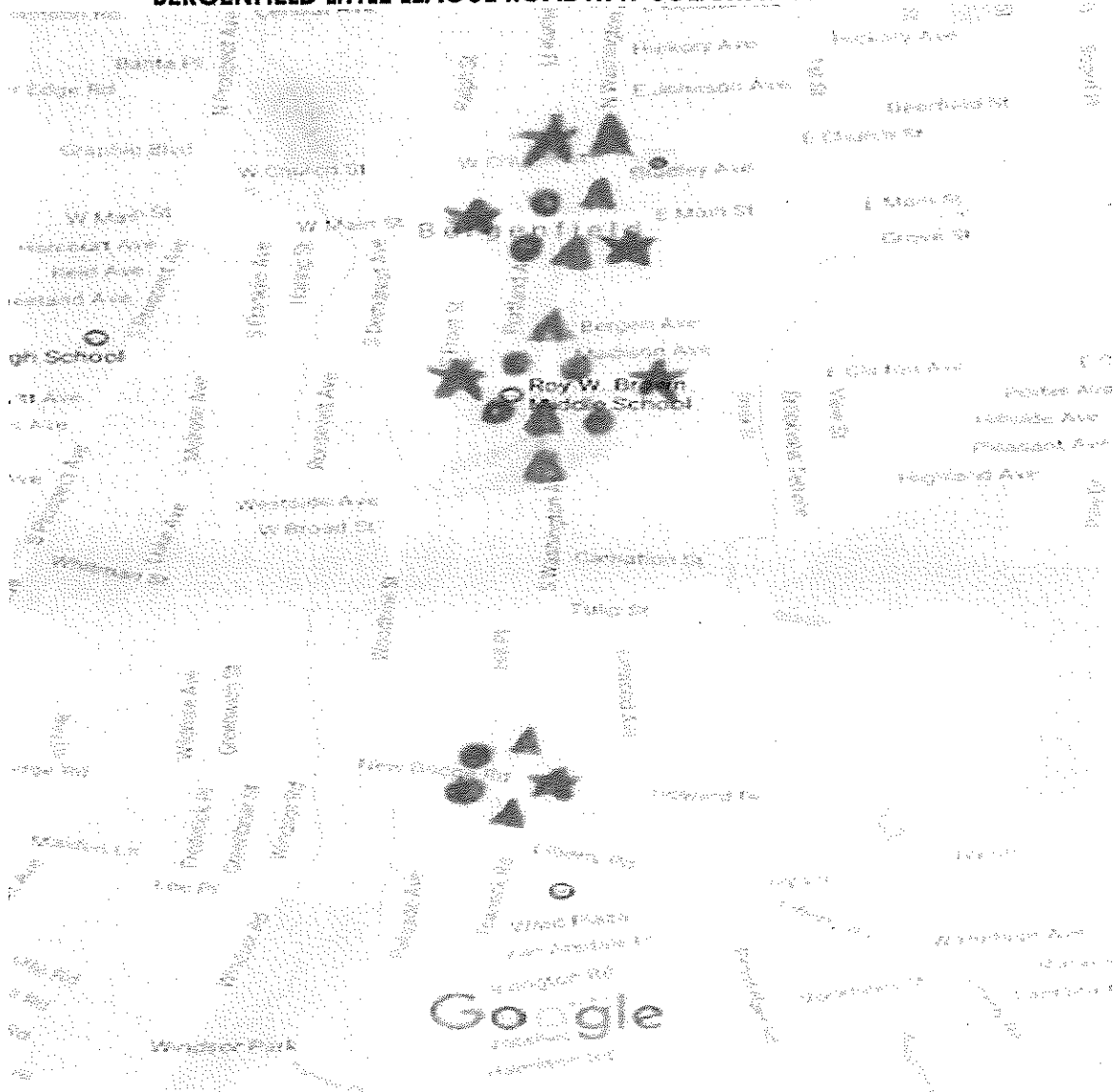
Sign Placement 

Traffic Cone Placement 

Approx. Firefighter Placement 

Reviewed and approved by Little Ferry Police Dept. _____ Chief Date: _____

BERGENFIELD LITTLE LEAGUE ROADWAY SOLICITATION APPLICATION



Proposed dates : April 8 and May 6, 2017

Locations : At intersections of Washington Ave. and West Church St, Main St, Clinton Ave. and Newbridge Rd.

Signage to be at the corner of each intersection as indication by the green stars. Signs to read "Charitable Solicitation 500ft Ahead" "Please support Bergenfield Little League Coin Toss"

Traffic cones to be placed throughout the solicitation area as indicated by the orange cones

Approximate location of adult solicitors (all to be over the age of 18) as indicated by the blue circles.

All adults to wear safety vests

and follow all regulations regarding traffic flow and observation of all traffic signals at approved intersections.

Reviewed and approved by Bergenfield Police Department, March 28, 2017

LT. [Signature] 177

TITLE 16. DEPARTMENT OF TRANSPORTATION

CHAPTER 40. CHARITABLE SOLICITATION ON ROADWAYS

SUBCHAPTER 5. SAFETY CRITERIA

N.J.A.C. 16:40-5.1 Safety criteria

- (a) All solicitors shall wear safety vests labeled as meeting the ANSI 107-1999 standard performance, incorporated herein by reference as amended and supplemented, for Class 2 risk exposure. The ANSI standards are available at <http://webstore.ansi.org/>.
- (b) Parking of vehicles shall comply with applicable traffic regulations. The Department recommends off-site parking.
- (c) The Department strongly recommends coin tosses using blankets located off the traveled way as the safest method of solicitation.
- (d) The solicitor shall not install any traffic control devices.

TITLE 16. DEPARTMENT OF TRANSPORTATION

CHAPTER 40. CHARITABLE SOLICITATION ON ROADWAYS

SUBCHAPTER 6. SIGNAGE

N.J.A.C 16:40-6.1 Signage requirements

- (a) Signs advertising the roadway solicitation are permitted, but they must be of a temporary construction and breakaway to the extent possible.
- (b) Signs shall be a maximum of 16 square feet.
- (c) Signage shall be in accordance with the temporary signage standards contained in the "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD), 2003 edition with revisions 1 and 2, as amended and supplemented, incorporated herein by reference. The MUTCD is available on the Federal Highway Administration website at: <http://mutcd.fhwa.dot.gov/> or on the American Association of State Highway and Transportation Officials ASHTO website at: <https://bookstore.transportation.org/>.
- (d) At least two warning signs shall be placed as follows:
 - 1. "CHARITABLE SOLICITATION 500 FEET AHEAD"; and
 - 2. A second sign following identifying the name of the organization soliciting.
- (e) Signs shall not be permitted in the traveled way or in medians less than eight feet in width.
- (f) All signs warning, noticing, or advertising a solicitation shall be removed immediately following the solicitation event.

N.J.S.A. 39:4-60. Soliciting trade or contributions permitted, certain; designation of particular highway as hazardous for such purposes; signs; penalty

39:4-60. Except as provided herein, no person shall stand in the roadway of a highway to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited.

A municipal governing body by ordinance may authorize charitable organizations as defined in section 3 of P.L.1994, c. 16 (C.45:17A-20) to solicit contributions in the roadway of a highway, other than interstate highways or toll roads maintained pursuant to P.L.1962, c.10 (C.27:12C-1 et seq.) or P.L.1991, c.252 (C.27:25A-1 et seq.), P.L.1952, c.16 (C.27:12B-1 et seq.), or P.L.1948, c.454 (C.27:23-1 et seq.), subject to regulations promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), by the Department of Transportation in consultation with the Division of Highway Traffic Safety.

A municipality shall not authorize charitable organizations to solicit on any county highway or intersection of a county highway without the approval of the board of chosen freeholders. A municipality shall not authorize charitable organizations to solicit on any State highway or intersection of a State highway without the approval of the Commissioner of Transportation. The board of chosen freeholders and the Commissioner of Transportation shall not unreasonably withhold approval.

In addition to the prohibition contained in the first paragraph of this section, whenever in his judgment the public safety so requires, the Commissioner of Transportation may, by regulation, designate any highway or sections of any highway as a location wherein the standing of any person or the parking of any vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, is deemed hazardous or inimical to the proper flow of traffic, and shall be prohibited. Each highway or section thereof so designated shall be clearly marked by appropriate signs which shall be erected and maintained by the authority having the responsibility for the maintenance of such highway, upon receipt by such authority of written notice from the director of the adoption of such regulation. No person shall stand in, and no operator shall allow a vehicle to stand in, any section of a highway so designated and marked to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited. Whenever in his judgment the public safety so requires the Commissioner of Transportation may, by regulation, amend or alter any designation made by him pursuant to the provisions of this paragraph. Nothing contained in this paragraph shall be construed to authorize or permit any person to stand in or to allow a vehicle to stand in any highway where the same is or shall be prohibited by any other provision of this Title or by any amendment thereof or supplement thereto, or by any ordinance, resolution, regulation or order duly adopted pursuant to authority thereunder.

Any person who shall violate any of the provisions of this section shall pay, upon conviction, a penalty not to exceed \$100.

Amended 1951, c.23, s.35; 1997,c.82,s.1.

New Jersey Statutes - Title 45 Professions and Occupations - 45:17A-20 Definitions

N.J.S.A. 45:17A-20. Definitions.

3. As used in this act:

"Attorney General" means the Attorney General of the State of New Jersey or his designee.

"Charitable organization" means: (1) any person determined by the federal Internal Revenue Service to be a tax exempt organization pursuant to section 501(c) (3) of the Internal Revenue Code of 1986, 26 U.S.C. s.501(c) (3); or (2) any person who is, or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal which has a tendency to suggest there is a charitable purpose to any such solicitation.

"Charitable purpose" means: (1) any purpose described in section 501(c) (3), of the Internal Revenue Code of 1986, 26 U.S.C. s.501(c) (3); or (2) any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary objective, or an objective that benefits law enforcement personnel, firefighters, or other persons who protect the public safety.

"Charitable sales promotion" means an advertising or sales campaign, conducted by a commercial co-venturer, which represents that the purchase or use of goods or services offered by the commercial co-venturer will benefit a charitable organization or purpose.

"Commercial co-venturer" means any person, including, but not limited to, any assignee, subcontractor, independent contractor or successor in interest, who, for profit or other consideration is regularly and primarily engaged in trade or commerce other than in connection with the raising of funds or any other thing of value for a charitable organization, and who advertises that the purchase or use of his goods, services, entertainment or any other thing of value will benefit a charitable organization or charitable purpose.

"Contribution" means the conveyance, promise or pledge of money, credit, property, financial assistance or other thing of any kind or value in response to a solicitation. It does not include any of the following: bona fide fees, dues or assessments paid by members provided that membership is not conferred solely as consideration for making a contribution in response to a solicitation; moneys received pursuant to a governmental grant or contract; or, personal services rendered by a volunteer.

"Federated fund raising organization" means a federation of independent charitable organizations which have voluntarily joined together for purposes of raising and distributing money.

"Fund raising counsel" means any person, including, but not limited to, any assignee, subcontractor, independent contractor or successor in interest, who is retained by a charitable organization for a fixed fee or rate to plan, manage, advise, consult or prepare material for or with respect to the solicitation in this State of contributions for a charitable organization, but who does not solicit contributions or employ, procure or engage any compensated person to solicit contributions. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be a fund raising counsel. No attorney, accountant or banker who renders professional services to a charitable organization or advises a person to make a

charitable contribution during the course of rendering professional services to that person shall be deemed, as a result of the professional service or advice rendered, to be a fund raising counsel.

"Independent paid fund raiser" means any person, including, but not limited to, any assignee, subcontractor, independent contractor or successor in interest, who for compensation performs for or on behalf of a charitable organization any service in connection with which contributions are or will be solicited in this State by that compensated person or by any compensated person he employs, procures, or engages, directly or indirectly to solicit contributions. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be an independent paid fund raiser. No attorney, accountant or banker who advises a person to make a charitable contribution during the course of rendering professional services to that person shall be deemed, as a result of that advice, to be an independent paid fund raiser.

"Local unit" means a charitable organization that is affiliated with a parent organization under terms specified in the parent organization's charter, articles of organization, agreement of association, instrument of trust, constitution or other organizational instrument or bylaws.

"Membership" means a relationship which entitles a person to the privileges, professional standing, honors or other direct benefit of the organization and either the right to vote or elect officers, or hold office in the organization. Membership shall not include any relationship granted solely upon making a contribution as a result of a solicitation.

"Parent organization" means a charitable organization which charters or affiliates local units under terms specified in the charitable organization's charter, articles of organization, agreement of association, instrument of trust, constitution or other organizational instrument or bylaws.

"Person" means an individual, corporation, association, partnership, trust, foundation or any other entity, however established within or without this State.

"Registrant" means any person who has filed a registration statement with the Attorney General required by this act.

"Registration statement" means an initial registration, renewal, financial report, or any other document or report required pursuant to section 6, 7, 8, 10 or 11 of this act to be filed with the Attorney General.

"Secretary of State" means the Secretary of State of the State of New Jersey.

"Solicitation" or "solicit" means the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value which will be used for a charitable purpose or benefit a charitable organization. Solicitation shall include, but not be limited to, the following methods of requesting or securing money, credit, property, financial assistance or other thing of value:

(1) Any oral or written request;

(2) The making of any announcement in the press, over the radio or television, by telephone, through the mail or any other media concerning an appeal or campaign by or for any charitable organization or purpose;

(3) The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication which directly or by implication seeks to obtain a contribution;

(4) The offer of, attempt to sell, or sale of any advertising space, book, card, tag, coupon, device, magazine, membership, merchandise, subscription, flower, ticket, candy, cookies or other tangible item in connection with which any appeal is made for any charitable organization or purpose, or where the name of any charitable organization is used or referred to in any appeal as an inducement or reason for making any sale, or where any statement is made that the whole or any part of the proceeds from the sale will be used for any charitable purpose or benefit any charitable organization;

(5) The use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value in connection with which any appeal is made for any charitable organization or purpose.

A solicitation shall take place whether or not the person making the solicitation receives any contribution, except that a charitable organization's use of its own name in any communication shall not alone be sufficient to constitute a solicitation.

"Solicitor" means any individual who attempts to solicit or solicits contributions for compensation. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be a solicitor.

L.1994,c.16,s.3; amended 2005, c.283, s.1.

2013 New Jersey Revised Statutes

Title 39 - MOTOR VEHICLES AND TRAFFIC REGULATION

Section 39:4-60 - Soliciting trade or contributions permitted, certain; designation of particular highway as hazardous for such purposes; signs; penalty

Universal Citation: NJ Rev Stat § 39:4-60 (2013)

39:4-60. Soliciting trade or contributions permitted, certain; designation of particular highway as hazardous for such purposes; signs; penalty

39:4-60. Except as provided herein, no person shall stand in the roadway of a highway to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited.

A municipal governing body by ordinance may authorize charitable organizations as defined in section 3 of P.L.1994, c. 16 (C.45:17A-20) to solicit contributions in the roadway of a highway, other than interstate highways or toll roads maintained pursuant to P.L.1962, c.10 (C.27:12C-1 et seq.) or P.L.1991, c.252 (C.27:25A-1 et seq.), P.L.1952, c.16 (C.27:12B-1 et seq.), or P.L.1948, c.454 (C.27:23-1 et seq.), subject to regulations promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), by the Department of Transportation in consultation with the Division of Highway Traffic Safety.

A municipality shall not authorize charitable organizations to solicit on any county highway or intersection of a county highway without the approval of the board of chosen freeholders. A municipality shall not authorize charitable organizations to solicit on any State highway or intersection of a State highway without the approval of the Commissioner of Transportation. The board of chosen freeholders and the Commissioner of Transportation shall not unreasonably withhold approval.

In addition to the prohibition contained in the first paragraph of this section, whenever in his judgment the public safety so requires, the Commissioner of Transportation may, by regulation, designate any highway or sections of any highway as a location wherein the standing of any person or the parking of any vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, is deemed hazardous or inimical to the proper flow of traffic, and shall be prohibited. Each highway or section thereof so designated shall be clearly marked by appropriate signs which shall be erected and maintained by the authority having the responsibility for the maintenance of such highway, upon receipt by such authority of written notice from the director of the adoption of such regulation. No person shall stand in, and no operator shall allow a vehicle to stand in, any section of a highway so designated and marked to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited. Whenever in his judgment the public safety so requires the Commissioner of Transportation may, by regulation, amend or alter any designation made by him pursuant to the provisions of this paragraph. Nothing contained in this paragraph shall be construed to authorize or permit any person to stand in or to allow a vehicle to stand in any highway where the same is or shall be prohibited by any other provision of this Title or by any amendment thereof or supplement thereto, or by any ordinance, resolution, regulation or order duly adopted pursuant to authority thereunder.

Any person who shall violate any of the provisions of this section shall pay, upon conviction, a penalty not to exceed \$100.

Amended 1951, c.23, s.35; 1997,c.82,s.1.

Disclaimer: These codes may not be the most recent version. New Jersey may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained on this site or the information linked to on the state site. Please check official sources.



2014
BERGEN COUNTY BOARD OF CHOSEN FREEHOLDERS
ORDINANCE (Second Reading)

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
DeNicola	✓			
Felice	✓			
Tanelli	✓			
Tedesco	✓			
Voss	✓			
Zur	✓			
Chairman Ganz	✓			
TOTALS	7	—	—	—

JRB
 10/26/14

Offered by: Zur
 Seconded by: Voss
 Approved by: _____

Ordinance No. 14-31
 Date: October 22, 2014
 Page: 1 of 6
 Department/Division: County Counsel
 Purpose: To create a "Roadway Solicitation Ordinance" implementing a process by which charitable organizations can have access to county roadways and/or intersections
 Account No. _____
 Contract No. _____
 Dollar Amount: _____
 Prepared By: MG

Certified as a true copy of an Ordinance introduced and named by the Board of Chosen Freeholders on above date at a Regular Meeting by: *Michele DiIorgi*
Michele DiIorgi Clerk, Board of Chosen Freeholders, Bergen County, New Jersey

**THE "ROADWAY SOLICITATION ORDINANCE" IMPLEMENTING A PROCESS
 BY WHICH CHARITABLE ORGANIZATIONS CAN HAVE ACCESS TO
 COUNTY ROADWAYS AND/OR INTERSECTIONS**

WHEREAS, N.J.S.A. 39:4-60 prohibits and fines soliciting trade or contributions on the "roadway of a highway" unless a charitable organizations has received municipal or county approval as permitted in the aforementioned statute.

WHEREAS, N.J.S.A. 45:17A-20 defines a charitable organization as “(1) any person determined by the federal Internal Revenue Service to be a tax exempt organization pursuant to section 501(c) (3) of the Internal Revenue Code of 1986, 26 U.S.C.S. 501(c) (3); or (2) any person who is, or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal which has a tendency to suggest there is a charitable purpose to any such solicitation”; and

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

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

WHEREAS, the County seeks to create a “Roadway Solicitation Ordinance” implementing a process by which charitable organizations can have access to county roadways and/or intersections; and

NOW, THEREFORE BE IT ORDAINED, by the County of Bergen as follows:

SECTION I: Roadway Solicitation Ordinance

A. Roadway Solicitation Requirements

- a. 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.
- b. Nothing contained within this Ordinance 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.
- c. Prior to being considered for approval of charitable solicitations on designated County roadways and at designated County intersections, the charitable organization must first obtain approval from the local municipality where the organization is situated and/or in which the solicitation activity is to be conducted. In addition, the municipal approval must comply with N.J.S.A. 39:4-60. The charitable organization making the request must present the County Administrator with a copy of the corresponding municipal ordinance and verified municipal approval thirty (30) days prior to the scheduled event along with a completed, dated and executed Bergen County Roadway Solicitation Application as provided in the County of Bergen website. In addition, the charitable organization must agree to the following:

1. All solicitation activities shall be undertaken by persons age 18 or older;
2. Solicitation shall take place only during daylight hours, and participants must wear reflective safety vests in accordance with New Jersey Department of Transportation standards;
3. Solicitors shall not drink alcoholic beverages, use drugs or be under the influence of drugs or alcohol or any substance that can impair their ability to react timely to potential dangers when engaged in solicitation activities;
4. 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;
5. 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.
6. The County, and its boards, appointees, departments and affiliates assume no responsibility for the sponsorship, direction or control of any fundraising event permitted by 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 article agrees to indemnify, defend and hold harmless the County, and its departments, 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 article.

d. All charitable solicitation requests on county roadways shall include the following:

1. The municipal ordinance authorizing the solicitation event;
2. Evidence of approval of the solicitation event by the municipality;
3. A current Certificate of Insurance from a reputable insurance company authorized to transact business in the State of New Jersey which names the County as additional insureds for liability

purposes in an amount not less than One Million Dollars \$1,000,000.00;

4. A signed and notarized Indemnification and Hold Harmless Agreement in a form approved by the County and its risk managers, setting forth the organization's obligation to indemnify, defend and hold harmless the County and its agents, servants and employees.
5. A completed, signed and dated Bergen County Roadway Solicitation Application which includes an agreement to comply with all the requirements set forth in this Roadway Solicitation Ordinance as well as N.J.S.A. 39:4-60 and the regulations promulgated pursuant to the Administrative Procedure Act by the Department of Transportation in consultation with the Division of Highway Traffic.

B. Application Rejection

- a. The application will be rejected if Section I(A) of this Ordinance is not met or if:
 1. There is reason to believe that traffic would be unreasonable impeded, interrupted or delayed.
 2. 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 a construction project or activity.
 4. There exists a public safety concern.

C. Roadway Solicitation Suspension or Termination

- a. The County reserves the right to suspend or terminate solicitation operations at any time if any condition of the permission is violated or if, in the judgment of the County Police, local police or in the judgment of the Bergen County Director of Public Safety, traffic is being impeded or delayed or the public safety is at risk.
- b. Failure to comply with any of the provisions of Title 14 "Roadway Solicitations" of the New Jersey Administrative Code or N.J.S.A. 39:4-60 and/or the regulations of the Department of Transportation previously referenced, may be grounds for immediate termination of the event by the appropriate municipal authorities for the municipality or the Bergen County Director of Public Safety.

D. Roadway Solicitation Event Approvals

- a. All approvals for Roadway Solicitation Events requested by Charitable Organizations shall be made by the County Administrator with the approval of the Board of Chosen Freeholders.

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Section II: 5:00 PM on October 7, 2014 and 5:00 PM on October 22, 2014, at the Bergen County Freeholder Public Meeting Room, Fifth Floor, One Bergen County Plaza, Hackensack, NJ is fixed as the time and place when and where any and all persons interested shall be given an opportunity to be heard concerning the ordinance.

Section III: Pursuant to N.J.S.A. 40:41A-101, this ordinance shall be published at least once in the manner provided in N.J.S.A. 40:41A-142, together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage. The publication shall be at least 1 week prior to the time fixed for further consideration for final passage.

Section IV: A copy of the proposed ordinance shall also be sent by regular mail to the clerk of each municipality in the county not less than 1 week prior to the date of hearing.

Section V: Prior to the said second reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in One Bergen County Plaza, and copies of the ordinance shall be made available to members of the general public who shall request such copies.

Section VI: Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title, and thereafter, it may be passed by a majority of the whole number of the Board, with or without amendments, or rejected.

Section VII: Pursuant to N.J.S.A. 40:41A-101, this ordinance shall take effect 20 days after its final passage by the Board and approval by the County Executive.

Section VIII: Upon passage, the ordinance, or the title, together with a notice of the date of passage or approval, or both, shall be published at least once in the manner provided by N.J.S.A. 40:41A-142 of this act.

Section IX: One certified copy of the full text of every ordinance so adopted shall be filed with the clerk of each municipality within the County not later than 10 days after the date of final passage.

Section X: All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Kathleen A. Donovan

COUNTY EXECUTIVE

APPROVED

REJECTED

ARTICLE III
Roadway Solicitation
[Adopted 3-21-2017 by Ord. No. 17-2504]

§ 227-18. Purpose and scope.

- A. Charitable organizations shall be permitted to solicit contributions in the right-of-way of municipal and county roads with approval of the Borough and county, when applicable. Solicitation shall be permitted only at signalized intersections or when the existing traffic control device causes temporary interruption in the flow of normal traffic, such as at the opening of a movable bridge.
- B. Scope. These rules apply to charitable organizations as that term is defined in N.J.S.A. 45:17A-20.

§ 227-19. Definitions.

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

CHARITABLE ORGANIZATION —

- A. Any person determined by the Federal Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3); or
- B. Any person who is, or holds himself or herself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other charitable purpose or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal which has a tendency to suggest that there is a charitable purpose to any such solicitation.

CHARITABLE PURPOSE —

- A. Any purpose described in Section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3); or
- B. Any benevolent, philanthropic, humane, social welfare, public health, or other charitable objective or an objective that benefits law enforcement, personnel, firefighters, or other persons who protect the public safety.

CHARITABLE SOLICITATION PERMIT — A permit issued by the Borough pursuant to this article.

DEPARTMENT — The Bergenfield Police Department and Borough Clerk.

SHOULDER — The portion of the roadway that lies between the edge of the traveled way and curblive, excluding auxiliary lanes.

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

§ 227-20. Approval required.

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

§ 227-21. Roadway solicitation application rejection.

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

- A. There is reason to believe that traffic would be unreasonably impeded, interrupted or delayed.
- B. The turning movements, traffic densities and/or speeds of the particular highway or intersection do not permit the safe interaction between the solicitor and vehicular traffic.
- C. Solicitation would interfere with a construction project or activity.
- D. There exists a public safety concern.
- E. If the Borough denies a permit, the notice of denial will set forth the reasons for the denial.

§ 227-22. Roadway solicitation suspension or termination.

- A. The Borough reserves the right to suspend or terminate solicitation operations at any time if any condition of the permission is violated or if, in the judgment of the Borough Police, county police or the Bergen County Director of Public Safety, traffic is being impeded or delayed or the public safety is at risk.
- B. Failure to comply with any of the provisions of roadway solicitations of the New Jersey Administrative Code or N.J.S.A. 39:4-60 and/or the regulations of the Department of Transportation previously referenced may be grounds for immediate termination of the event by the appropriate municipal

authorities for the municipality or the Bergen County Director of Public Safety.

§ 227-23. Permit required; procedures.

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

- (1) At least 30 days prior to the conduct of the requested activity, the applicant shall file a letter requesting authorization to the office of the Borough Clerk (or application to be determined by the Police Department).
- (2) The letter shall require Mayor and Council authorization at a public meeting.
- (3) The application shall specify:
 - (a) Name of the organization.
 - (b) The address of the organization.
 - (c) Name and telephone number of the contact person designated by the organization for the coordination of the roadway solicitation activities so requested.
 - (d) Date, time and duration of the proposed charitable solicitation.
 - (e) Identification of the public charitable purpose to be served by the proposed solicitation.
 - (f) Identification of all persons participating in the charitable solicitation.

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

§ 227-24. Permitted locations.

A. In-roadway charitable solicitation activities shall be limited to the following locations:

- (1) Main Street.
- (2) Clinton Avenue.
- (3) New Bridge Road.
- (4) West Church Street.

B. Solicitation on Washington Avenue and any other county roads shall require county approval.

§ 227-25. Permitted times.

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

§ 227-26. Traffic Division to regulate conduct.

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

§ 227-27. Rules and regulations governing conduct.

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

- A. Each person soliciting charitable contributions on behalf of the charitable organization shall be at least 18 years old.
- B. Only one adult solicitor shall be permitted in any given lane of traffic.
- C. A maximum of four adult solicitors shall be permitted to be present at any intersection simultaneously, with each of the four adult solicitors to be situated at the north, east, south, and west quadrants of any intersection at any given time.

- D. All solicitors shall be required to wear yellow vests at all times during the duration of the solicitation event, which shall be made available through the Bergenfield Police Department.
- E. The use of electronic devices such as cell phones, portable music players, or wireless communications devices shall be prohibited at all times as to all persons in lanes of traffic.
- F. At least one responsible contact person shall be present and accessible at all solicitation sites.
- G. Solicitors shall not engage motorists in extended conversations so as to unduly delay traffic.

§ 227-28. Number of events permitted.

No charitable organization shall be permitted to conduct an in-roadway charitable solicitation event more than two times in any calendar year.

§ 227-29. Compliance with statute; validity of permit.

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

§ 227-30. Special conditions.

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

§ 227-31. Violations and penalties; fine.

Except as may be provided in this article, no solicitations along or on the roadways of the Borough of Bergenfield shall be permitted. Any person and/or organization who shall engage in roadway solicitation activities within the Borough of Bergenfield without first obtaining the permit required by operation of this article, or who shall violate of the terms and conditions set forth in a coin-toss permit issued in

§ 227-31

§ 227-31

accordance with this article, shall be submitted to a fine of \$100 by the Borough of Bergenfield.