

ORDINANCE #2013-08
An Ordinance of the Township of Florence
Establishing Regulations and Permit Requirements
for the Placement and Use of Charitable Clothing
Bins in the Township of Florence

WHEREAS, this ordinance is established pursuant to P.L. 2007, c.209 approved by the New Jersey Legislature on December 20, 2007;

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Florence in the County of Burlington, State of New Jersey, as follows:

Section 1. The Code of the Township of Florence is hereby supplemented and amended by the creation of Section 101 to be entitled “Charitable Clothing Bins” to read as follows:

SECTION 101 CHARITABLE CLOTHING BINS

§101.1 Definitions.

For the purposes of this Section only, the terms “solicitation” or “solicit” shall mean the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

§101.2 Permit Fee.

The annual permit fee is \$25 per bin.

§101.3 Application and Requirements for placement, use of clothing bins for solicitation purposes.

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a donation clothing bin within the Township of Florence, for solicitation purposes, without meeting the requirements of this chapter and having obtained a permit as outlined herein:

- A. The donation clothing bin must be owned by a charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16.
- B. The donation clothing bin cannot be placed without having first obtained a permit from the Municipal Clerk, which is approved by the Township Zoning Officer and the Township Administrator or his designee. Permits are renewable on an annual basis during the month of January.
- C. Zoning approval is contingent upon the following information:

- a) The location where the bin would be situated, as precisely as possible as indicated on a property survey. For commercial properties or those properties subject to site plan approvals, placement of a clothing donation bin can only be placed in the location where the recycling and or waste collection for the business takes place. Site plan approval may be required as determined by the zoning officer. Clothing donation bins are not permitted in any right-of-way;
- b) The manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
- c) The name and telephone number of the bona fide office of the applicant and of any entity which may share or profit from any clothing or other donations collected via the bin;
- d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the scheduled date of pick-up; and
- e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property.

§101.4 Renewal Application Requirements.

In addition to the above application requirements, renewal applications must include:

- a. A statement of the manner in which the person has used, sold, or dispersed any clothing or other donation collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in this process during the period covered by the renewal;
- b. The name and telephone number of the bona fide office of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal; and
- c. If the location of the bin is to be moved, the new location where the bin is to be situated, as precisely as possible and written consent from the property owner of the new location.

§101.5 Placement of Bins.

Florence Township shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation. The person placing, using or employing a donation clothing bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.

§101.6 Display of Permit.

The following information shall be clearly and conspicuously displayed on the exterior of the donation clothing bin:

- a. The permit number and its date of expiration;
- b. The name and address of the registered person who owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;
- c. The telephone number of the owner's bona fide office, and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. For the purposes of this chapter, an answering machine or service unrelated to the person does not constitute a bona fide office;
- d. In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and
- e. A statement, consistent with the information provided to the Township in the most recent permit or renewal application, indicating the manner in which the owner anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

§ 101.7 Receipt, investigation of complaints relative to donation clothing bin.

a. The Zoning Officer and or the Township Administrator or his designee shall receive and investigate, within thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Zoning Officer and or the Township Administrator or his designee that a person has engaged in, or is engaging in any act or practice in violation of chapter, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the appropriate municipal agency is not requested within forty five (45) days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

b. In the event that the person who placed the bin does not rectify the violation or request a hearing within forty five (45) days of the posting of the warning, Florence Township may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the chief financial officer of the Township.

§101.8 Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of this Section or the provisions of P.L.2007, c.209 (C.40:48-2.60, *et seq.*) which results in seizure of the donation clothing bin shall be:

- a. Subject to a penalty of up to \$20,000 for each violation. The Township may bring this action in the Florence Township Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, P.L.1999, c.274 (C.2A:58-10 *et seq.*), and any penalty monies collected shall be paid to the chief financial officer of the Township; and
- b. Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to this Section and P.L.2007, c.209 (C.40:48-2.61). A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of P.L.2007, c.209 (C.40:48-2.60 *et seq.*) may apply to the Township Council to have that person's eligibility restored. The Township Council may restore the eligibility of a person who:
 - (1) Acts within the public interest; and
 - (2) Demonstrates that he made a good faith effort to comply with the provisions of this Section and P.L.2007, c.209 (C.40:48-2.60 *et seq.*), and all other applicable laws and regulations, or had no fraudulent intentions.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 3. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Florence, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Code of the Township of Florence are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

JERRY SANDUSKY, COUNCIL PRESIDENT

**JOY M. WEILER, RMC/MMC
TOWNSHIP CLERK**

**TOWNSHIP OF FLORENCE
NOTICE OF PENDING ORDINANCE
Ordinance No. 2013-08**

**An Ordinance of the Township of Florence
Establishing Regulations and Permit Requirements
for the Placement and Use of Charitable Clothing
Bins in the Township of Florence**

Take Notice that the Ordinance identified above which amends the Florence Township Code to provide for regulations and permits for the placement and use of charitable clothing bins, has been adopted on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, held on May 15, 2013. It will be considered for final passage after public hearing to be held on June 12, 2013, at 8:00 P.M. in the Community Center Meeting Room, 69 Main Street, Roebling, New Jersey.

The Ordinance will take effect immediately upon adoption and publication as required by law.

Copies of the full ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. Copies may be obtained on request and a copy is posted on the municipal bulletin board in the Municipal Complex at 711 Broad Street, Florence, New Jersey.

Joy M. Weiler, RMC/MMC
Township Clerk