TOWNSHIP OF WATERFORD
COUNTY OF CAMDEN
STATE OF NEW JERSEY

ORDINANCE # 2017 - 8

ORDINANCE OF THE TOWNSHIP OF WATERFORD, COUNTY OF CAMDEN AND STATE OF NEW JERSEY CAPTIONED "CHARITABLE CLOTHING BINS"

WHEREAS, N.J.S.A. 40:48-2.60 et seq. permits a Governing Body of a municipality to adopt an Ordinance controlling charitable clothing bins that may be located within the Township; and

WHEREAS, it has been determined in the best interest of the residents of the Township of Waterford for the Mayor and Township Committee to adopt and implement such an Ordinance.

NOW THEREFORE, be it Ordained by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, that a new Chapter of the Township Code is hereby established as Chapter 302 and to be captioned "Charitable Clothing Bins".

SECTION 1: Purpose.

The purpose of this Ordinance is to implement the provisions of N.J.S.A. 40:48-2.60 et seq. to establish guidelines for the location and use of charitable clothing bins throughout the Township of Waterford.

SECTION 2: Definitions.

Clothing Donation Bin – Any enclosed receptacle or container made of metal, steel or any other material, or similar pattern or design, which are intended for the donation and/or temporary storage of clothing or other similar type materials.

Solicitation/Solicit – Shall mean for purposes of this Chapter, 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 other similar devices for the collection of money or other thing of value. The

solicitation shall take place whether or not the person making the solicitation receives any contribution.

SECTION 3: Requirements.

Notwithstanding any other provision of law to the contrary, no person shall place, use or employ a donation clothing bin within the Township of Waterford, for solicitation purposes, without obtaining a permit from the Municipal Clerk. Permits shall be renewable on an annual basis during the month of January.

SECTION 4: Permit Fee.

The annual permit fee is Twenty-Five ($25.00) Dollars per bin and will be used to offset the cost involved in enforcing this Chapter.

SECTION 5: Application Requirements.

The application for obtaining a permit shall include:

A. The locations where the bin will be situated as precisely as possible.

B. The manner in which the applicant anticipates any clothing or other donations collected via the bin will be used, sold or disbursed and the method by which the proceeds of collected donations will be allocated or spent.

C. The name and telephone number of the bona fide office of any person or entity which may share or profit from any clothing or other donations collected via the bin and where such person can be reached during normal business hours. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office.

D. Written consent from the property owner to place the bin on his/her property.

SECTION 6: Renewal Application requirements.

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

A. A statement of the manner in which the applicant used, sold or disbursed 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 applicant anticipates it may make in these processes 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 any of the entities which may do so during the period covered by the renewal.

C. If the location of the bin is to be moved, a precise description of 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.

SECTION 7: Placement of Bins.

No application for a permit to place, use, or employ a donation clothing bin shall be granted if it is determined 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 amount of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation. Any person placing, using or employing a donation bin shall maintain the bin in the area surrounding the bin so that there is no accumulation of clothing or other donations outside the bin. No donation clothing bin shall be permitted to be placed or operated on residential, vacant and/or otherwise undeveloped property.

SECTION 8: Display of Permit Information.

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 purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office.

D. In cases where 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 the 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.

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 will be used, sold, or disbursed, and the method by which the proceeds of collected donations will be allocated or spent.

SECTION 9: Complaints/ Investigations/Violations.

A. The Township Construction Code Official, or authorized designee, shall be the person to receive and investigate within 30 days, any complaints from the public about the bin. Whenever it appears to the Construction Official, or authorized designee, that a person has engaged in, or is engaging in any act or practice in violation of this Ordinance, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified within 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 donation clothing bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, the Township may take the following action:

(1) The bin may be seized or removed at the expense of the person who placed the bin, and the Township shall be permitted to sell at public auction or otherwise dispose of the bin or any of its contents 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.

(2) The permit issued to the person who placed the bin in accordance with the provisions of this Chapter shall be revoked.

SECTION 10: Additional Penalties.

In addition to any other penalty or remedies authorized by the laws of the State of New Jersey, any person who violates any provision of this Ordinance or the provisions of N.J.S.A. 40:48-2.60 et seq. which results in the seizure of the charitable donation bin shall be:

A. Subject to a penalty up to Twenty Thousand ($20,000) Dollars for each violation. The Township may bring this action in the 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 Township Chief Financial Officer.

B. Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to this Chapter and P.L.2007, c.209 (N.J.S.A. 40:48-2.61). A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of this Chapter or P.L. 2007, c.209 (N.J.S.A. 40:48-2.60 et seq.) may apply to the Township Committee to have that person's eligibility restored. The Township Committee may restore the eligibility of a person who:

(1) Acts within the public interest; and

(2) Demonstrates that he/she made a good faith effort to comply with the provisions of this Chapter, P.L.2007, and all other applicable laws and regulations, or had no fraudulent intentions.

SECTION 11. All Ordinances or parts of Ordinances inconsistent with this Ordinance, are hereby repealed to the extent of such inconsistency only.

SECTION 12. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 13. This Ordinance shall take effect after final adoption and publication as required by law.

Lori A. Friddell

Lori Friddell
Township Clerk

William Richardson, Mayor

Introduced: February 8, 2017
Hearing: February 22, 2017
Adopted: February 22, 2017

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a regular meeting held on February 22, 2017 at the Waterford Township Municipal Building.

Date: February 22, 2017

Lori A. Friddell

Lori Friddell, Township Clerk