

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-3-2016-009

ORDINANCE OF THE MONROE TOWNSHIP  
COUNCIL TO CREATE CHAPTER 23A,  
ENTITLED "CLOTHING DONATION BINS"

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**WHEREAS**, the State Legislature enacted *N.J.S.A. 40:48-2.60 et seq.* to set forth rules and regulations governing the use of clothing donation bins for solicitation within the State; and

**WHEREAS**, *N.J.S.A. 40:48-2* permits a municipality to make and amend ordinances as it may deem necessary and proper for good government, order and protection of persons and property, and for the preservation of the health, safety and welfare of the municipality and its inhabitants; and

**WHEREAS**, the Township Council of the Township of Monroe desires to create Chapter 23A, Clothing Donation Bins, of the Code of the Township of Monroe;

**BE IT ORDAINED** by the Township Council of the Township of Monroe, County of Middlesex and State of New Jersey that Chapter 23A of the Code of the Township of Monroe is hereby created to read as follows:

**SECTION 1. §23A-1.**

**Purpose.** The purpose of this chapter is to set forth the rules and regulations governing the placement and use of clothing donation bins in the Township of Monroe in order to promote the public health, safety, convenience and welfare.

**SECTION 2. §23A-2.**

**Definitions.** For the purposes of this chapter, the following terms shall have the meanings indicated:

**CLOTHING DONATION BIN OR BIN**

Receptacle used to place clothing or materials of such type solicited from the public.

**SOLICITATION or SOLICIT**

"Solicitation" or "solicit" means 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.

**SECTION 3. §23A-3.**

**Permit required; renewal.** Notwithstanding any other provisions of law to the contrary, no person shall place, use or employ a clothing donation bin within the Township of Monroe for solicitation purposes without first obtaining a permit from the Township Clerk. Permits shall be renewable on an annual basis during the month of January.

**SECTION 4. §23A-4.**

**Permit fee.** A nonrefundable fee of \$25 per Bin shall be charged for each permit application under this chapter to offset the costs involved in enforcing the provisions of this chapter.

**SECTION 5. §23A-5.**

Permit applications. The application for a permit shall include:

- A. The location where the clothing donation 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 dispersed of, and the method by which the applicant anticipates the proceeds of collected donations will be allocated or spent.
- C. The name, address, and telephone number of the bona fide office of the owner of the clothing donation bin and of any entity which may share or profit from any clothing or other donations collected via the bin, at which the person or persons can be reached during normal business hours. For the purposes of this subsection, an answering machine or service unrelated to the person or persons described herein does not constitute a bona fide office.
- D. Written consent from the property owner to place the clothing donation bin on the owner's property.

**SECTION 6. §23A-6.**

Permit renewal applications. An expiring permit for a clothing donation bin may be renewed upon application for renewal and payment of a \$25 per Bin as a renewal fee. The renewal application shall include:

- A. The location where the clothing donation bin is situated, as precisely as possible.
- B. If the renewal applicant intends to move the bin, the new location where the bin will be situated after the renewal permit is granted, as precisely as possible.
- C. Written consent from the property owner to place the clothing donation bin on the owner's property.
- D. A statement of the manner in which the renewal applicant has used, sold or dispersed of any clothing or other donations previously collected via the bin, the method by which the proceeds of previously collected donations have been allocated or spent and any changes the owner anticipates will be made in these processes during the period covered by the renewal permit.
- E. The name, address and telephone number of the bona fide office of the owner of the clothing donation bin and of any entity which shared or profited from any clothing or other donations collected via the bin or may share or profit from any clothing or other donation collected via the bin during the period covered by the renewal, at which location the renewal applicant and entity can be reached during normal business hours. For the purposes of this subsection, an answering machine or service unrelated to the person or persons described herein does not constitute a bona fide office.

**SECTION 7. §23A-7.**

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

- A. The permit number and date of expiration.
- B. The name, address and telephone number of the bona fide office of the owner of the clothing donation bin and of any entity which may share or profit from any clothing or other donations collected via the bin, at which the person or persons can be reached during normal business hours. For the purposes of this subsection, an answering machine or service unrelated to the person or persons described herein does not constitute a bona fide office.

- C. In cases when an entity other than the owner of the clothing donation 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 entities which may share or profit from such donations.
- D. A statement, consistent with the information provided to the Township Clerk 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 dispersed of, and the method by which the proceeds of collected donations will be allocated or spent.

**SECTION 8. §23A-8.**

Placement of clothing donation bin. The Township of Monroe shall not grant an application for a permit to place, use or employ a clothing donation 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 clothing donation 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 or mandatory parking spaces. The person placing, using or employing a clothing donation 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.

**SECTION 9. §23A-9.**

Enforcement. The Township Zoning Officer shall receive and investigate, within 30 days, complaints from the public regarding any clothing donation bin. Whenever it appears to the Zoning Officer that the person who placed a clothing donation bin has engaged in, or is engaging in, an act or practice in violation of this chapter, a warning shall be issued by the Zoning Officer stating that if the violation is not rectified, or a hearing is not requested before the Zoning Board of Adjustment within 45 days, the bin may be seized or removed at the expense of the person who placed the bin. 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. In the case of seizure or removal of a bin, any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. Any proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Township of Monroe.

**SECTION 10. §23A-10.**

Additional penalties for violation; remedies.

- A. In addition to any other penalties or remedies authorized by this chapter and the laws of this state, any person who violates any provision of this chapter shall be:
  - (1) Subject to a penalty of up to \$20,000 for each violation. The Zoning Official may bring this action in municipal court or Superior Court as a summary proceeding under the "*Penalty Enforcement Law of 1999*," P.L. 1999, c.274 (*N.J.S.A. 2A:58-10 et seq.*), and any penalty monies collected shall be paid to the Chief Financial Officer of the Township of Monroe; and
  - (2) Deemed ineligible to place, use or employ a clothing donation bin for solicitation purposes pursuant to this chapter and P.L. 2007, c. 209 (*N.J.S.A. 40:48-2.60 et seq.*).
- B. A person deemed ineligible to place, use or employ a clothing donation bin for solicitation purposes may apply to the Township Clerk to have eligibility restored. The Township Clerk may restore the eligibility of a person who:
  - (1) Acts within the public interest; and
  - (2) Demonstrates a good faith effort to comply with the provisions of this chapter and P.L. 2007, c. 209 (*N.J.S.A. 40:48-2.60 et seq.*) and all other applicable laws and regulations or had no fraudulent intentions.

**SECTION 11.**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 12.**

If any section, subdivision, sentence, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 13.**

This Ordinance shall take effect upon final passage and publication as provided by law.

**SO ORDAINED** as aforesaid.

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LESLIE KOPPEL, Council President

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced at a meeting of the Monroe Township Council held on March 7, 2016, and read a first time, and that the Ordinance herein will be considered on second reading and for final passage at a meeting of the Monroe Township Council to be held on April 4, 2016 at 7:00 o'clock p.m. at the Monroe Township Municipal Complex, 1 Municipal Plaza, Monroe Township, New Jersey, 08831. At said time and place, all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

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SHARON DOERFLER, Township Clerk

**MAYORAL APPROVAL**

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval is effected by affixing my signature hereto.

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GERALD W. TAMBURRO, Mayor

Date Signed: \_\_\_\_\_