

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE REGULATING THE PLACEMENT AND USE OF CLOTHING DONATION BINS

WHEREAS, pursuant to N.J.S.A. 40:48-2.60 et. seq., entities that wish to use clothing bins to receive donations are required to obtain a permit from the municipality authorizing such use.

WHEREAS, clothing donation bins have been placed on properties without authorization from the properties' owner by undisclosed entities; and

WHEREAS, improperly maintained clothing bins may create a nuisance or public safety hazard; and

WHEREAS, the Mayor and Borough Council believes it is in the best interest of the Borough and its residents to regulate the placement of such Clothing Bins by enacting a permitting ordinance in accordance with N.J.S.A. 40:48-2.60 et. seq;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that the Code of the Borough of Eatontown, is amended by adding the following Chapter entitled "Clothing Donation Bins":

CHAPTER 123 Clothing Donation Bins

§ 123-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CLOTHING DONATION BIN

Any receptacle or container made of metal, steel, or any other material designed for the collection and temporary storage of donated clothing or other materials.

§ 123-2. Clothing Donation Bin Permits.

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a clothing donation bin within the Borough for solicitation purposes unless all of the following requirements are met:

- a. **Charitable Organization.** The clothing donation bin is owned or sponsored by a Charitable organizations as defined in N.J.S.A. 45:17A-20 or is sponsored by any department, committee, or agency of the Borough;
- b. **Permit Requirement.** The organization has obtained a permit, valid for a twelve-month period, from the Borough's Zoning Officer in accordance with the following:
 1. Pursuant to N.J.S.A. 40:48-2.61 In its application for such a permit, the registered organization shall indicate:
 - a. the location where the bin would be situated, as precisely as possible;
 - b. the manner in which the 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 required pursuant to subsection b. of N.J.S.A. . 40:48-2.61, of any entity which may share or profit from any clothing or other donations collected via the bin; and
 - d. written consent from the property owner to place the bin on his property;
 2. The Zoning Officer shall not grant a permit to place, use or employ a clothing donation bin if he or she determines that the placement of the bin could constitute a safety hazard.
 3. The Zoning Officer shall impose a fee for such application, in the amount of \$25 annually for each bin to offset the costs involved in enforcing this section.
 4. All permits issued hereunder shall expire on December 31 of each year and an expiring permit for a clothing donation bin may be renewed upon application for renewal and payment of the applicable annual fee.
 5. The permit number and its date of expiration, which shall be at the end of each applicable year regardless of the date issued, shall be clearly and conspicuously displayed on the exterior of the clothing donation bin in addition to the information required pursuant to §123-3.

§ 123-3 Required Display of information .

Pursuant to N.J.S.A. 40:48-2.61 the following information shall be clearly and conspicuously displayed on the exterior of the clothing donation bin:

1. The permit number and its date of expiration
2. The name and address of the registered organization that owns or is the sponsor of the bin, and any other entity which may share or profit from any clothing or other donations collected via the bin;
3. The telephone number of the registered organization'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 donation collected via the bin;
4. In cases when any entity other than the entity which 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 entity which owns the bin, and identifying all such entities which may share or profit from such donations; and
5. A statement, consistent with the information provided to the Borough in the most recent permit or renewal application, indicating the manner in which the entity 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.

§ 123-4 Duty to Maintain and Service Bins.

It shall be the duty of each registered organization issued a permit hereunder to properly maintain and service any clothing donation bin placed within the Borough so as to prevent such clothing bin from creating a nuisance, hazardous or unsafe condition.

§ 123-5 Enforcement and Limitation on Licenses.

- A. The Zoning Officer shall not be authorized to issue more than 10 total clothing donation bin permits within the Borough.
- B. The Zoning Officer or other person designated by the Borough as a person authorized to enforce the provisions of this section shall, upon receipt of a complaint by a local resident or any other person that a clothing donation bin is causing a nuisance, hazardous or unsafe condition, investigate such complaint and take such enforcement action as is permitted pursuant to N.J.S.A. 40:48-2.62 and N.J.S.A. 40:48-2.63.

§ 123-6 Violations and Penalties; Revocation of License.

Any licensee who violates any provision of this section and fails to cure such violation within 48 hours of notice of such violation shall be subject to the following penalties, in addition to those penalties and remedies set forth in N.J.S.A. 40:48-2.62 and 40:48-2.63:

- a. For the first offense: \$100 per day.
- b. For the second offense: \$250 per day.
- c. For the third offense: mandatory revocation of permit.

§ 123-7 Exemptions.

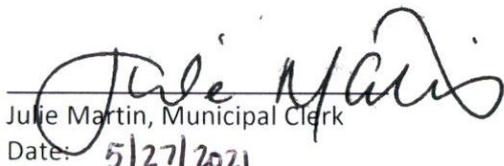
The owner of any clothing donation bin which is sponsored by any department, committee, or agency of the Borough shall be required to comply with the licensure requirements hereof, but shall specifically be exempt from the fee requirement hereof.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

ATTEST :

APPROVED:


Julie Martin, Municipal Clerk
Date: 5/27/2021


Anthony Talerico, Jr., Mayor
Date: 5/27/2021