

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2011-3-3**

**AN ORDINANCE OF THE TOWNSHIP OF HAINESPORT, COUNTY OF
BURLINGTON, STATE OF NEW JERSEY, ESTABLISHING
REGULATIONS AND PERMIT REQUIREMENTS FOR THE
PLACEMENT AND USE OF CHARITABLE CLOTHING BINS WITHIN
THE TOWNSHIP**

WHEREAS, a need arises on occasion to the Township Committee of the Township of Hainesport to amend existing Ordinances; and

WHEREAS, this Ordinance is adopted pursuant to P.L. 2007, c.209 approved by the New Jersey State Legislature on December 20, 2007.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hainesport in the County of Burlington as follows:

Section 1. Chapter 158 "Recycling" of the General Ordinances of the Township of Hainesport is hereby supplemented and amended by the creation of new Chapter 158-18 to be titled "Charitable Clothing Bins" to read as follows:

Chapter 158-18.1 CHARITABLE CLOTHING BINS

158-18.1A Definitions.

For the purposes of this Chapter 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.

158-18.2 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 Hainesport, for solicitation purposes, without obtaining a permit from the Municipal Clerk, which is approved by the Township Committee. Permits are renewable on an annual basis during the month of January.

158-18.3 Permit Fee.

The annual permit fee is \$25.00 per bin and will be used to offset the costs involved in enforcing this Chapter.

158-18.4 Application Requirements.

The application for obtaining a permit shall include:

- 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 of any person or entity which may share or profit from any clothing or other donations collected via the bin, at which 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; and

- d. Written consent from the property owner to place the bin on his property.

158-18.5 Renewal Application Requirements.

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

- a. A statement on the manner in which the person has used, sold, or dispersed any clothing or other donation collect 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 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 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.

158-18.6 Placement of Bins.

The Township of Hainesport 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.

158-18.7 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 subsection, 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.

158-18.8 Receipt, investigation of complaints relative to donation clothing bin.

a. The Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Zoning Officer that a person has engaged in, or is engaging in any act or practice in violation of this 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 Township of Hainesport Committee 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, the Township of Hainesport 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.

158-18.9 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 Chapter or the provisions of P.L.2007, c.209 (N.J.S.A. 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 of Hainesport may bring this action in the Township of Hainesport 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 (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; and

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 P.L.2007, c.209 (N.J.S.A. 40:48-2.60 et seq.) may apply to the Township

Committee of the Township of Hainesport 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 made 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 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 In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hainesport, the provisions hereof shall be determined to govern. This Ordinance is not intended to supersede the Land Development Code of the Township of Hainesport and is subject to the requirements of the Land Development Code.

This Ordinance shall take effect immediately upon final passage and the publication in accordance with the laws of the State of New Jersey. Further in accordance with provisions of N.J.S.A. 40: 55-D-16, a copy of this Ordinance as finally adopted shall be filed with the Burlington County Planning Board.

NOTICE

HAINESPORT TOWNSHIP ORDINANCE NO. 2011-3-3

AN ORDINANCE OF THE TOWNSHIP OF HAINESPORT, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, ESTABLISHING REGULATIONS AND PERMIT REQUIREMENTS FOR THE PLACEMENT AND USE OF CHARITABLE CLOTHING BINS WITHIN THE TOWNSHIP

The ordinance published herewith was introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Hainesport held on March 8, 2011. It will be further considered for final passage after a public hearing at the regular meeting to be held on April 12, 2011 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated:

Paul J. Tuliano, Jr.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Fitzpatrick		X	X			
Dickinson			X			
MacLachlan	X		X			

FINAL NOTICE

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Notice is hereby given that Ordinance 2011-3-3 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on April 12, 2011. Said Ordinance shall take effect in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

Michael Dickinson
Mayor of Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher						X
Porto		X	X			
Fitzpatrick	X		X			
Dickinson			X			
MacLachlan			X			

Introduced: March 8, 2011
First Publication: March 11, 2011
Adoption: April 12, 2011
Final Publication: April 17, 2011