

TOWNSHIP OF WALL

ORDINANCE NO. 11-2015

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING VARIOUS SECTIONS CHAPTER 96 OF THE TOWNSHIP CODE REGARDING CLOTHING DONATION BINS

WHEREAS, the Township of Wall requires that all clothing donation bins comply with the policies and procedures set forth in Chapter 96; and

WHEREAS, the Director of Engineering and Planning has recommended that the Township amend certain provisions of its Code, which detailed policies and procedures for all clothing donation bins; and

WHEREAS, the Township Committee has determined that it would be appropriate, proper and in the best interests of the residents of the Township of Wall to amend and supplement certain provisions in Chapter 96 of the Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall as follows:

Section 1. Chapter 96, Sections 96-3, 96-4, 96-5, 96-6 and 96-7 of the Township Code shall be amended and supplemented as follows:

Section 96-3 Annual Permit Fee.

The annual permit fee is \$50.00 per bin and will be used to offset the costs involved in enforcing P.L. 2007, c. 209 (N.J.S.A. 40:48-2.60 et seq.). Registered charitable organizations located within Wall Township are exempt from paying this annual permit fee but must still apply for and secure a permit.

Section 96-4 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. Confirmation that the bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents. In addition, each bin must be regularly emptied of its contents so that it does not overflow.
- 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 chapter, 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 or her property; and

Section 96-5 Renewal application requirements.

An expiring permit may be renewed upon application and payment of a renewal fee of \$50.00 per bin. Permits issued under this chapter shall be valid from October 1 to September 30 of the following year and renewable for one-year periods thereafter. 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 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 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 of 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.

Section 96-6 Placement of bins.

Wall 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 clothing donation bin within 100 yards of any place which stores in excess of 250 gallons, 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 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. In addition, each bin shall not cover a ground surface area in excess of five feet by five feet and be more than six feet in height. Non-residential commercial premises devoted to non-profit purposes and churches are permitted to have four (4) used clothing donation bins. Placement of bins shall not be in any front yard area.

Section 96-7 Display of permit.

A permit issued to a registrant shall be affixed to the bin prior to placement. In addition, the following information shall be clearly and conspicuously displayed on the exterior of the clothing donation bin:

A. The permit number, its date of expiration, and a statement that that a copy of the permit application is on file with the Township Clerk;

B. The permit shall be placed on the same side of the bin as the chute used for the deposit of the clothing. Next to the permit there shall be placed in clear lettering the name and telephone of the registrant;

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; and

D. Upon the sale or transfer of a bin, a permit issued to the new owner shall be affixed to the bin prior to placing it for service.

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 3. The Mayor, Clerk, and such other Township officials are hereby authorized to take such ministerial actions as are necessary to effectuate the purposes of this Ordinance.

Section 4. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall take effect upon final passage and publication as provided by law.

Introduced: May 27, 2015

Adopted: June 24, 2015

Attest: 
Roberta M. Lang, CMR, RMC
Township Clerk

Approve: 
George K. Newberry
Mayor