

**TOWNSHIP OF WALL**

**ORDINANCE NO. 25-2011**

**ORDINANCE REGULATING THE PLACEMENT AND  
USE OF CHARITABLE CLOTHING BINS**

**WHEREAS**, clothing donation bins of questionable origin and purpose have been proliferating throughout Wall Township, some of which appear to be associated with for-profit entities;

**WHEREAS**, clothing donation bins have been placed on private and municipally owned properties without authorization of the respective property owners;

**WHEREAS**, many clothing donation bins are not regularly collected, overflow and become depositories for discarded items or other uncollected refuse; and

**WHEREAS**, this ordinance establishes rules and regulations governing the placement and use of clothing donation bins in Wall Township pursuant to P.L. 2007, c.209 signed into law on December 20, 2007, becoming effective January 1, 2009.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of Wall Township, County of Monmouth, State of New Jersey, that the Code of the Township of Wall (1996) shall be amended to include the following:

**CHAPTER 96  
DONATION BINS**

**Section 1. Definitions.**

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

**Section 2. Permit Required.**

Notwithstanding any other provision of law to the contrary, no person shall place, use or employ a clothing donation bin, within the Township of Wall, for solicitation purposes, unless:

- a. They have obtained a permit for a period of one year issued by the Township Clerk.

**Section 3. Annual Permit Fee.**

The annual permit fee is \$25 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 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 ordinance, 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 their property; and
- e. A background check of the applicant and the person or entity referenced in 4c.

#### **Section 5. Renewal Application Requirements.**

An expiring permit may be renewed upon application and payment of a renewal fee of \$25.00 per bin. 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 anticipate it may make in these process 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 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.

#### **Section 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 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 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 7. Display of Permit.**

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

- a. The permit number and its date of expiration stating that a copy of the permit application is on file with the Township clerk;
- 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; and
- 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.

### **Section 8. Receipt, investigation of complaints relative to donation clothing bin.**

- a. The Code Enforcement Office shall receive and investigate, within 30 days, any complaints from the public about the bin. Whenever it appears 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 or a hearing with the appropriate municipal agency is not requested 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 bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, Wall Township 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 donation collected via the bin shall be paid to the chief financial officer of the Township.

## **Section 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 ordinance 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 clothing donation bin shall be:

- a. Subject to a penalty of up to \$20,000 for each violation. The Township may bring this action in the Wall 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 (*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 Section and P.L. 2007, c209 (*N.J.S.A. 40:48-2.61*). A person disqualified from placing, using, or employing a clothing donation 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 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 they have made a good faith effort to comply with the provisions of this ordinance and P.L. 2007, c.209 (*N.J.S.A. 40:48-2.60 et seq.*), and all other application laws and regulations, or had no fraudulent intentions.

## **Section 10. Severability Clause.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reasons held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

## **Section 11. Repealer.**

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this ordinance and any prior ordinance of the Township of Wall, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Code of the Township of Wall are hereby ratified and confirmed, except where inconsistent with the terms hereof.

## **Section 12. Effective Date.**

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

Motion made by Committee person \_\_\_\_\_, seconded by Committee person \_\_\_\_\_ and adopted on roll call by the following vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Mayor Ann Marie Conte				
Deputy Mayor Jeffrey W. Foster				
Committeeman Clinton C. Hoffman				
Committeeman Todd W. Luttman				
Committeeman George K. Newberry				

**TOWNSHIP OF WALL**

**ORDINANCE NO. 25-2011  
SUMMARY AND NOTICE**

**ORDINANCE REGULATING THE PLACEMENT AND  
USE OF CHARITABLE CLOTHING BINS**

Adoption of Ordinance No. 25-2011 sets the rules and regulations for placement of Charitable Clothing Bins in the Township.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on October 12, 2011, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on November 22, 2011, at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at [www.wallnj.com](http://www.wallnj.com).

**LORRAINE KUBACZ, R.M.C.  
Township Clerk**