



ARTICLE 10

REGULATION OF CLOTHING DONATION BINS

Sec. 11.10-1

LICENSING OF CLOTHING DONATION BINS

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

- A. The applicant has obtained a permit, valid for a 12-month period, from the Township Zoning Officer in accordance with the following:
  1. In its application for such a permit, the applicant shall indicate:
    - (a) The location where the bin is currently situated or proposed to be situated.
    - (b) The manner in which the applicant anticipates any clothing or 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 the applicant and any entity which may share or profit from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering service unrelated to the applicant does not constitute a bona fide office.
    - (d) Written consent from the property owner to place the bin on its property.
  2. The Zoning Officer shall not grant 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.
  3. The Zoning Officer shall impose a fee for such application in the amount of \$25.00 annually for each bin to offset the costs involved in enforcing this section.
  4. An expiring permit for a clothing donation bin may be renewed upon application for renewal and payment of the applicable annual fee. Such application for renewal shall include information detailing:
    - (a) The location where the bin is situated and, if the person intends to move it, the new location where the bin would be situated after the renewal is

granted and written consent from the property owner to place the bin on its property.

(b) The manner, in which the applicant has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the applicant anticipates it may make in the processes during the period covered by the renewal.

(c) The name and telephone number of the bona fide office of the applicant and 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.

5. The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the clothing donation bin in addition to the information required pursuant to Section 11.10-1B of this article.

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

1. The name and address of the registered applicant 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.

2. The registered applicant's registration number.

3. The telephone number of the applicant'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.

4. In cases where 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.

5. A statement consistent with the information provided to the Township 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.

**Sec. 11.10-2**

**DUTY TO MAINTAIN AND SERVICE BINS**

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

**Sec. 11.10-3**

**ENFORCEMENT AND LIMITATION ON LICENSES**

The Zoning Officer or other person designated by the Township Committee 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 NJSA 40:48-2.62 and NJSA 40:48-2.63. The Zoning Officer shall not be authorized to issue more than eight total clothing bin permits within the Township, and no more than two at any given site.

**Sec. 11.10-4**

**VIOLATIONS, PENALTIES AND 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 NJSA 40:48-2.62 and NJSA 40:48-2.63:

- (1) For the first offense: \$100 per day.
- (2) For the second offense: \$100 per day.
- (3) for the third offense: Mandatory revocation of permit.

**Sec. 11.10-5**

**EXEMPTIONS**

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