

TOWNSHIP OF EAST HANOVER
411 RIDGEDALE AVENUE
EAST HANOVER, NEW JERSEY 07936
(973) 428-3000
www.easthanovertownship.com

**ZONING PERMIT APPLICATION & INSTRUCTIONS FOR:
CHARITABLE CLOTHING BINS
(TOWNSHIP OF EAST HANOVER TOWNSHIP CODE CHAPTER 96)**

Please submit the following information and documentation in connection with placing charitable clothing bins in the Township of East Hanover. The application may be submitted by the owner of the bin or the owner of the site proposed for the bin. Written consent must be given by all parties.

APPLICATION NO.: _____ DATE: _____

A. Clothing Bin(s):

Owner and Contact Person (if different): _____

Mailing Address: _____

Telephone Number: _____ Fax Number: _____

Email Address: _____

Number of bins proposed: _____ x \$25.00 = \$ _____ [paid by check # _____ or _____ cash]
(the annual permit fee for each bin is \$25.00; MAX bins permitted is two (2))

A copy of the site plan, plot plan or survey of the site must be provided. Indicate as precisely as possible the location of the proposed bin(s). This may be hand drawn on a true copy of the site plan, plot plan or survey.

Describe the manner in which any clothing or other donations collected in the bin will be used, sold or dispersed and the method by which the proceeds of the collected donations will be allocated or spent. (You may include this information on a separate sheet of paper if additional space is needed).

B. Property Location of Proposed Bin(s):

Street Address: _____

Block: _____ Lot: _____

Property Owner: _____

Mailing Address: _____

Written consent from the property owner to place the bin(s) on his or her property must be provided

C. Any person or entity that may share or profit from any clothing or other donations collected:

Name of Recipient: _____

Mailing Address: _____

Telephone Number: _____

Name of Recipient: _____

Mailing Address: _____

Telephone Number: _____

For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office.

D. Signatures:

Owner or Authorized Person Signature

Print Name of Owner or Authorized Person Signature

The foregoing application is hereby reviewed by:

Signature of Person Authorized Date: _____

If your request for this permit is approved, you will be issued a permit that must be affixed to each bin. The information you provide in this application will be and must continue to be displayed on the permit for each bin. The permit will expire after one (1) year and must be renewed to continue collection activity.

FOR OFFICIAL USE ONLY:

___ Approved ___ Denied

Comments: _____

Date of Expiration: _____ Permit No.: _____

ORDINANCE NO. 5-2014

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE TO INCLUDE A NEW CHAPTER 96, CLOTHING BINS, TO REGULATE THE PLACEMENT AND USE OF CHARITABLE CLOTHING BINS

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

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

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

WHEREAS, the Township of East Hanover Land Use Planning Board reviewed the Township of East Hanover Code; determined that it is in the best interest of the residents of the Township of East Hanover to regulate the placement and use of charitable clothing bins; and recommends that a new Chapter 96, Clothing Bins, be added to the Township Code; and

WHEREAS, the Mayor and Council for the Township of East Hanover reviewed the recommendations of the Township of East Hanover Land Use Planning Board and desires to amend and supplement the Township Code to add a new Chapter 96, Clothing Bins; and

WHEREAS, this Ordinance establishes rules and regulations governing the placement and use of clothing donation bins in the Township of East Hanover pursuant to P.L. 2007, c.209, signed into law on December 20, 2007.

BE IT ORDAINED, by the Mayor and Township Council of the Township of East Hanover, County of Morris, and the State of New Jersey, that a new Chapter 96, Clothing Bins, be added to the Township Code to read in its entirety as follows:

Chapter 96

CLOTHING BINS

ARTICLE I

Purpose

§ 96-1. Purpose.

ARTICLE II
Definitions

§ 96-2. Definitions.

ARTICLE III
Administration and General Procedures

- § 96-3. Permit Required.
- § 96-4. Annual Permit Fee.
- § 96-5. Application Requirements.
- § 96-6. Renewal Application Requirements.
- § 96-7. Placement of Bins.
- § 96-8. Display of Permit.
- § 96-9. Receipt, Investigation of Complaints relative to Donation Clothing Bin.
- § 96-11. Additional Penalties, Remedies.

ARTICLE I
Purpose

§ 96-1. Purpose.

The purpose of this chapter shall be to provide rules, regulations and standards for the placement and use of donation clothing bins in the Township of East Hanover in order to promote the public health, safety, convenience and welfare of the Township.

ARTICLE II
Definitions

§ 96-2. 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.

SOLICITATION. The request, indirectly or directly, 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 some other thing of value. A solicitation shall take place whether or not the person or entity making the solicitation receives any contribution.

ARTICLE III
Administration and General Procedures

§ 96-3. Permit Required.

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

- a. They have obtained a valid permit for a period of one (1) year issued by the Township Zoning Officer, subject to a favorable recommendation from the Township Engineer.

§ 96-4. Annual Permit Fee.

The annual permit fee is \$25 per bin, with a maximum of two (2) bins per property, 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 with its principal place of business located within the Township of East Hanover are exempt from paying this annual permit fee, but must still apply for and secure a permit.

§ 96-5. Application Requirements.

1. The owner/applicant shall be recognized as a charitable, civic, religious or any other exempt entity, corporation, organization, or an officer of such entity, corporation or organization on whose behalf the application is being made. Such owner/applicant shall submit the required sufficient documentation demonstrating the formal creation of a charitable, civic, religious or any other exempt entity, corporation or organization.
2. The application for obtaining a permit shall include:
 - a. The location where the bin would be situated, as precisely as possible; and
 - b. The manner in which the person or 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; and
 - 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 or entity can be reached during normal business hours. For the purposes of this Chapter, an answering machine or service unrelated to the person or entity 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, to be conducted by the Zoning Officer at his or her own discretion.
3. No bin will be authorized in any Residential Zone.

4. Bins will be authorized in the Business Zones only (B1, B2, B2B and HDOCI) as defined in the Township Code and are subject to annual renewal.

§ 96-6. Renewal Application Requirements.

An expiring permit may be renewed upon application and payment of a renewal fee of \$25.00 per bin, with a maximum of two (2) bins per property. In addition to the above application requirements, renewal applications must include:

- a. A statement of the manner in which the person or entity has used, sold, or dispersed any clothing or other donations have been allocated or spent, and any changes the person or entity anticipates it may make in these process during the period covered by the renewal; and
- b. The name and telephone of the bona fide office of any person or 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.

§ 96-7. Placement of Bins.

The Township of East Hanover 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 one hundred (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 or entity that uses, places, or employs 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. Any person or entity that uses, places or employs a donation clothing bin and permits the accumulation of clothing or other donations outside the bin shall be subject to a five hundred dollar (\$500.00) fine per bin at the discretion of the Zoning Officer.

§ 96-8. 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 Zoning Officer; and
- b. The name and address of the registered person or entity that 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 person or entity'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 or entity does not constitute a bona fide office; and
- d. In cases when any entity other than the person or entity 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 or entity 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 person or 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; and
- f. The registered person or entity who owns the bin shall report to the Township Zoning Officer any change of entity or entities which may share or profit from any clothing or other donations collected via the bin no later than thirty (30) days from the changes. Failure to provide the Township Zoning Officer with said report within the thirty (30) day period shall result in revocation of the permit.

§ 96-9. Receipt, investigation of complaints relative to donation clothing bin.

- a. The Township Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about the bin located in the Township. Should the Zoning Officer determine that a person or entity has engaged in, or is engaging in any act or practice in violation of this Chapter, the person or entity who placed the bin shall be issued a warning (to also be posted on the exterior of the bin), stating that if the violation is not rectified or a

hearing with the appropriate municipal agency is not requested within forty five (45) days of the issuance of the warning, the bin will be seized or removed at the expense of the person or entity who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of.

- b. In the event that the person or entity who placed the bin does not rectify the violation or request a hearing within forty five (45) days of the issuance and posting of the warning, the Township of East Hanover may seize the bin, remove it, or have it removed, at the expense of the person or entity 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.

§ 96-10. Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the laws of this State, any person or entity 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 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 Township of East Hanover 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 or entity 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 Zoning Officer to have that person or entity's eligibility restored. The Zoning Officer may restore the eligibility of a person or entity 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 Chapter 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 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

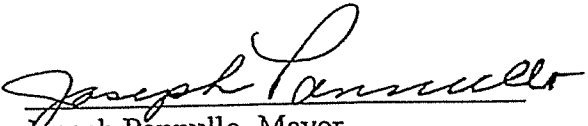
SECTION 4. This Ordinance shall take effect upon final passage and publication as provided by law.

ATTEST:



Paula A. Massaro, Township Clerk

TOWNSHIP OF EAST HANOVER

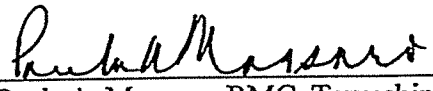


Joseph Pannullo, Mayor

Introduced: April 14, 2014

Adopted: May 12, 2014

I **HEREBY CERTIFY** the foregoing to be a true copy of an ordinance adopted by the Township Council of the Township of East Hanover at a regular meeting held May 12, 2014.



Paula A. Massaro, RMC, Township Clerk

