

**HAMPTON TOWNSHIP
ORDINANCE 2017-05**

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON, COUNTY OF
SUSSEX, STATE OF NEW JERSEY AMENDING THE CODE OF THE
TOWNSHIP OF HAMPTON BY ADDING CHAPTER 57, ENTITLED
“DONATION CLOTHING BINS”.**

BE IT ORDAINED by the Township Committee of the Township of Hampton, Sussex County, New Jersey, as follows:

SECTION 1. The Code of the Township of Hampton be and is hereby amended to add Chapter 57, entitled “Donation Clothing Bins”, to read as follows:

Chapter 57. Donation Clothing Bins.

Section 57-1. Definitions.

For 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.

Section 57-2. 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 for solicitation purposes without obtaining a permit from the Township. Permits are renewable on an annual basis during the month of January.

Section 57-3. Permit fee and limitation on licenses.

- A. The application fee, which must be submitted with the application, shall be \$25 per bin.
- B. The fee for annual renewal of the permit shall be \$25 per bin to offset the cost of enforcement.

- C. Every permit and renewal issued per this Chapter shall expire at midnight of December 31st of the year in which the permit or renewal is issued.
- D. No more than 30 Donation Clothing Bin permits within the Township shall be in effect at any given time, with a maximum of six permits issued for any given site, and no more than three bins per site belonging to the same organization.

Section 57-4. Application requirements.

The application for obtaining a permit shall include:

- A. The location where the bin will be situated, as precisely as possible;
- B. The manner in which the applicant anticipates clothing or other donations collected via the bin will be used, sold or dispersed, and the method by which the proceeds of the collected donations will 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 purposes of this paragraph, an answering machine or service unrelated to the person does not constitute a bona fide office;
- D. Written, signed consent from the property owner to place the bin on his, her or its property; and
- E. The applicant's agreement to provide the Township with a quarterly report on the amount of textiles collected for inclusion in the Township's recycling report. Failure to provide the report shall be a basis for suspending the license.

Section 57-5. Renewal application requirements.

In addition to the application requirements set forth in Section 57-4, renewal applications must include:

- A. A statement describing the manner in which the applicant has used, sold, or dispersed any clothing or other donation collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates may be made in these processes during the period covered by the renewal;

- B. The name and telephone number of the bona fide office of every entity or person which shared or profited from any clothing or other donations collected via the bin, and of all entities and persons who may do so during the period covered by the renewal;
- C. If the location of the bin is to be moved, the new location where the bin is to be situated, stated as precisely as possible, and signed consent from the property owner of the new location; and
- D. The applicant's agreement to provide the Township with a quarterly report on the amount of textiles collected for inclusion in the Township's recycling report. Failure to provide the report shall be a basis for suspending the license.

Section 57-6. Placement of bins.

- A. The 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 donation clothing bin within 100 yards of an area where large amounts of fuel or other flammable liquids or gases are stored or sold; or the placement of a bin where it interferes with vehicular or pedestrian circulation.
- B. Every donation clothing bin and surrounding area shall be maintained, and there must be no accumulation of clothing or other donations outside, against or on the bin.
- C. Every donation clothing bin shall be free of rust and peeling paint.
- D. No donation clothing bin shall be placed on any Township-owned property, except with the written authorization of the Township Committee.
- E. Donation clothing bins are prohibited on any property that is not commercially zoned and without an active principal use or in locations that do not conform to an approved site plan.

Section 57-7. Display of permit.

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

- A. The permit number and its date of expiration;

- B. The name and address of the registered person or entity who owns the bin, and/or any other entity which may share or profit from any clothing or other donations collected via the bin;
- C. The telephone number of the bin 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 an entity other than the owner of a bin may share or profit from clothing or other donations collected via the bin, a notice -- written in a clear and easily understandable language -- stating 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 identification of 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 bin owner anticipates clothing or other donations collected via the bin will be used, sold or dispersed, and the method by which the proceeds of collected donations will be allocated or spent.

Section 57-8. Receipt and investigation of complaints.

- A. The Municipal Recycling Coordinator shall receive and investigate, within 30 days, any complaints from the public about the bin. Whenever it appears to the Municipal Recycling Coordinator 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, and the property owner, shall be issued a warning, stating that if the violation is not rectified or a hearing with the Township Committee is not requested within 45 days, the bin will be seized or removed at the expense of the person who placed the bin and the property owner. 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 and the property owner do not rectify the violation or request a hearing within 45 days of the posting of the warning, the Township may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and the property owner, 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 Township's chief financial officer.

Section 57-9. Violations and 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.), shall be subject to the following penalties:

- A. (1) For the first offense: \$100 per day; (2) For the second offense: \$250 per day; (3) For the third offense: mandatory revocation of permit; and
- B. Any person or organization may be 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 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 he or she 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, and had no fraudulent intentions.

Section 57-10. Interpretation.

All references in this Chapter to state statutes include reference to all amendments thereto.

SECTION 2. All ordinances or parts of ordinances of the Township inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This ordinance shall take effect immediately upon final passage and publication as required by law. It shall apply to all donation clothing bins in place on the effective date of this ordinance and to all donation clothing bins placed or to be placed subsequent to the effective date hereof.

CERTIFICATION

I hereby certify that the above Ordinance was adopted by the Township Committee at their regular meeting held on November 28, 2017, at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: _____

Kathleen Armstrong, RMC

Township Clerk

**HAMPTON TOWNSHIP
NOTICE**

TAKE NOTICE that the foregoing Ordinance #2017-05 was introduced and passed on First Reading at the regular meeting of the Hampton Township Committee held on October 31, 2017, and was ordered published according to law, and will be further considered at the regular meeting of the Hampton Township Committee to be held on November 28, 2017, at 7:00 P.M. prevailing time, at the Hampton Township Municipal Building, Baleville, New Jersey at which time and place all interested parties may appear and be heard. A copy of this Ordinance has been posted on the Bulletin Board upon which public notices are customarily posted in the Township Hall of the Township.

Kathleen Armstrong, RMC

Township Clerk

**HAMPTON TOWNSHIP
NOTICE**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance #2017-05 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, November 28, 2017, at the Hampton Township Municipal Building, Baleville, N.J.

Kathleen Armstrong, RMC

Township Clerk