Ordinance # 2011 - 18

An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, Amending Chapter 5.60 Entitled "Clothing Bins" of the Township Code of the Township of Ocean.

Be it ordained by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey as follows:

SECTION I.

Purpose: In 2005 and 2006, the Township Committee of the Township of Ocean adopted certain regulations relating to the location of "Clothing Bins" within the municipality. Subsequent thereto, the State Legislature has adopted the provisions of N.J.S.A. 40:48-2.60 through 40:48-2.64, which Statute has an effective date of January 1, 2009 and which applies to all donation clothing bins in place on that date and all donation clothing bins placed subsequent to the effective date of that Statute. It is the intention of this Ordinance to insure that the Township's Ordinance is consistent with this State legislative action.

SECTION II.

Ordinance 5.60.010 "Purpose", no change.

Ordinance 5.60.020 "Permit Required", no change.

Ordinance 5.60.030 "Application Form – Fee" shall be replaced with the following:

An application fee and permit shall be required for the placement or maintenance of a clothing bin, dumpster or depository within the Township of Ocean. Any such permit shall expire one year after its issuance date at which time a new permit shall be required. Applications for such a permit shall be made in writing to

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the Zoning Officer prior to the placement of the clothing bin, dumpster or depository, or prior to the expiration date of an existing permit. The application shall contain the following information:

1. The location where the bin in situated, as precisely as possible, and, if the person intends to move it, the new location where the bin will be situated after the renewal is granted and written consent from the property owner to place the bin on his property.

2. The manor in which the person has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds from collected 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.

3. The name and telephone number of the bonafide office required pursuant to N.J.S.A. 40:48-2.61(b), of any entity which shared or profited from any clothing or donations collected via the bin, and of any entities which may do so during the period covered by the renewal of said permit, shall be clearly and conspicuously displayed on the exterior of the donation clothing bin and shall contain the date of expiration of the license thereon.

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SECTION III.

The cost for a permit application shall be $25.00 for each clothing bin proposed whether placed adjacent to each other or not. Such permit shall expire one year following its issuance.

SECTION IV.

Section 5.60.040 entitled "Permit Displayed" shall be deleted and replaced with the following:

The following information shall be clearly and conspicuously displayed on the exterior at the of the clothing bin; 1) the name and address of the registered person that owns the bin, and of any other entity which may share a profit of any clothing or other donations collected via the bin; 2) the telephone number of the registered persons bonafide office and, if applicable, the telephone number of the bonafide office of any other entity which may share a profit from any clothing or donations collected via the bin' 3) in cases when an entity other than the person who owns the bin, may share a profit from any clothing or other donations collected via the bin, a notice written in a clear and easily understandable manor, indicating that clothing or other donations collected via the bin, the proceeds therefrom, or both, may be shared or given entirely to an entity other than the person who owns the bin and identifying all such entities which may share or profit from such donations; 4) a statement, consistent with the information provided to the zoning officer in the most recent permit or renewal application pursuant to this ordinance indicating 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 from collected donations would be allocated or spent.

Section 5.60.050 entitled "Regulations", shall be amended as follows:

A. No Change

B. No Change

C. No Change

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D. No Change

E. No Change

F. Delete and replace with the following:

Each property is permitted to have a maximum of one clothing bin, depository or dumpster, or any combination thereof as long as the total aggregate number of bins, depositories or dumpsters located on any one property does not at any time exceed two in number.

Section 5.60.060 entitled "Enforcement by Code Enforcement Officer" no change.

Section 5.60.070 "Violations and Penalties" add an additional paragraph to the existing paragraph as follows:

In addition to any other penalties authorized by the laws of this state, any person who violates any provision of N.J.S.A. 40:48-2.60 et seq., which results in the seizure of the donation clothing bin shall be; (a) subject to a penalty of up to $20,000.00 for each violation. The appropriate municipal agency may bring this action in the municipal court or Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999", (N.J.S.A. 2A:58-10 et seq.) and any penalty monies collected shall be paid to the Chief Financial Officer of the Municipality and; (b) deemed ineligible to place, use or employ a donation clothing bin for solicitation purposes pursuant to N.J.S.A. 40:48-2.61. A person disqualified as set forth herein may apply to the Township Zoning Officer to have that persons eligibility restored. The Township's Zoning Officer may restore the eligibility of a person who (1) acts within the public interest and; (2) demonstrates he or she has made good faith effort

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to comply with the provision of N.J.S.A. 40:48-2.60, et seq. and all other applicable laws and regulations, or have not fraudulent intentions.

SECTION V.

If any section, subsection, clause, phrase, any ordinances or parts of ordinances inconsistent herewith are hereby repealed

SECTION VI.

This Ordinance shall take affect at the second reading and publication as may be required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at a meeting held on the 8th day of September, 2011. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 13th day of October, 2011, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Diane B. Ambrosio, RMC
TOWNSHIP CLERK

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Revised: 08-24-11

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