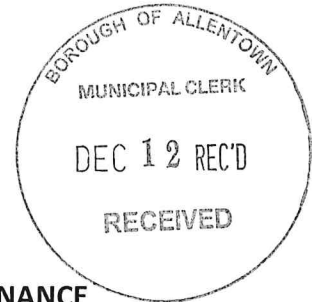


BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

ORDINANCE NO. 22-2019



**AN ORDINANCE SUPPLEMENTING REVISED GENERAL ORDINANCE
CHAPTER 4: "GENERAL LICENSING" OF THE BOROUGH CODE WITH
NEW SECTION 4-7: "CLOTHING DONATION BINS" TO REGULATE THE
PLACEMENT AND/OR OPERATION OF CLOTHING DONATION BINS
WITHIN THE BOROUGH**

BE IT ORDAINED by the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey, that Chapter 4: "General Licensing" of the Borough Code is hereby supplemented with new Section 4-7 "Clothing Donation Bins" as follows:

4-7 CLOTHING DONATION BINS.

4-7.1 Definition(s).

As used in this chapter, the following terms shall have the meanings indicated:

CLOTHING DONATION BIN

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

4-7.2 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 Borough for solicitation purposes unless all of the following requirements are met:

- a. The clothing donation bin is owned or sponsored by a voluntary emergency service organization ("voluntary organization") registered pursuant to N.J.S.A. 45:17A-18 *et seq.*, or is sponsored by any department, committee, or agency of the Borough;
- b. The voluntary organization has obtained a permit, valid for a twelve-month period, from the Borough's Zoning Officer in accordance with the following:
 1. In its application for such a permit, the registered voluntary organization shall indicate:
 - (a) The location where the bin is currently situated or proposed to be situated which location shall be on the property owned by the

- c. The voluntary organization, and any other entity which may share or profit from any clothing or other donations collected via the bin, maintains a bona fide office where a representative of the voluntary organization or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the voluntary organization or other entity. For the purposes of this subsection, an answering service unrelated to the voluntary organization does not constitute a bona fide office.

- d. 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 voluntary organization 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 voluntary organization's charitable registration number;
 - 3. The telephone number of the registered voluntary organization'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 donation collected via the bin.
 - 4. In cases when 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; and
 - 5. A statement, consistent with the information provided to the Borough 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.

4-7.3 Duty to Maintain and Service Bins.

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

4-7.4 Enforcement and Limitation on Licenses.

The Zoning Officer or other person designated by the Borough 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 N.J.S.A. 40:48-2.62 and N.J.S.A. 40:48-2.63. The Zoning Officer shall not be authorized to issue more than three (3) total clothing donation bin permits within the Borough.

4-7.5 Violations, Penalties and Revocation of License.

Any licensee who violates any provision of this section and fails to cure such violation within forty-eight (48) hours of notice of such violation shall be subject to the following penalties, in addition to those penalties and remedies set forth in N.J.S.A. 40:48-2.62 and 40:48-2.63:

- a. For the first offense: \$100.00 per day.
- b. For the second offense: \$250.00 per day.
- c. For the third offense: mandatory revocation of permit.

4-7.6 Exemptions.

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

BE IT FURTHER ORDAINED by Mayor and Council that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by Mayor and Council that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by Mayor and Council that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

Gregory J. Westfall
GREGORY WESTFALL, Mayor

DATED: 12/10/2019

ATTEST:

Laurie A. Roth
LAURIE A. ROTH, Borough Clerk

DATED: 12/10/2019

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