Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

APPLICATION FOR PLACEMENT OF CLOTHING BIN

TODAYS DATE: _____

PERMIT FEE $25.00 CHECK OR CASH (NON-PROFIT GROUPS EXEMPT-MUST SUPPLY PROOF AS PER Section 501(c))

NAME ADRESS AND DAYTIME TELEPHONE NUMBER OF CLOTHING BIN OWNER:

_____

_____

_____

FAX NUMBER:_____

TELEPHONE NUMBER:_____

ADDRESS OF/AND LOCATION WHERE CLOTHING BIN WILL BE PLACED ON PROPERTY: (INCLUDE MAP):_____

_____

PLEASE REFER TO CHAPTER 50, OF THE GENERAL CODES BOOK OF THE TOWNSHIP OF BARNEGAT FOR; RESTRICTIONS ON PLACEMENT OF BINS, INVESTIGATION OF COMPLAINTS AND ADDITIONAL PENALTIES AND REMEDIES.

ANY VIOLATION OF P.L. 2007 c. 209 (N.J.S.A.40:48-2.60, et seq.) SHALL BE SUBJECT OF A FINE UP TO $1,000.00 FOR EACH VIOLATION.

BY SIGNING THIS APPLICATION THE OWNER AGREES THAT THEY ARE RESPONSIBLE FOR MAINTAINING THE AREA SURROUNDING THE BIN, AND THAT THERE SHALL BE NO ACCUMULATION OF CLOTHING OR OTHER DONATED ITEMS OUTSIDE THE BIN.

IF THE LOCATION OF THIS 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 MUST BE SUBMITTED

THE FOLLOWING IS TO BE INCLUDED AS PART OF THIS APPLICATION:

_____ WRITTEN CONSENT FROM THE PROPERTY OWNER TO PLACE THE BIN ON HIS PROPERTY

_____ STATEMENT ON THE MANNER IN WHICH THE OWNER HAS USED, SOLD OR DISPERSED ANY ITEMS COLLECTED VIA THE BIN, THE METHOD BY WHICH THE PROCEEDS OF COLLECTED DONATIONS HAVE BEEN ALLOCATED OR SPENT, AND ANY CHANGES THE OWNER ANTICIPATES IT MAY MAKE IN THESE PROCESSES DURING THE PERIOD COVERED BY THE PERMIT

_____ THE NAME AND TELEPHONE NUMBER OF THE BONA FIDE OFFICE 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 THIS PERMIT

THIS PERMIT WILL EXPIRE ON DECEMBER 31ST

Chapter 50

CHARITABLE CLOTHING BINS

§ 50-1. Definitions.

§ 50-2. Requirements for placement; use of clothing bins for solicitation purposes.

§ 50-3. Permit fee.

§ 50-4. Application requirements.

§ 50-5. Renewal application requirements.

§ 50-6. Placement of bins.

§ 50-7. Display of permit.

§ 50-8. Receipt of and investigation of complaints relative to donation clothing bin.

§ 50-9. Additional penalties and remedies.

[HISTORY: Adopted by the Township Committee of the Township of Barnegat 9-21-09 as Ord. No. 2009-28. Amendments noted where applicable.]

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

§ 50-1. Definitions.

For the 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.

§ 50-2. 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 of Barnegat, for solicitation purposes, without obtaining a permit from the Municipal Clerk, which is approved by the Township Committee. Permits are renewable on an annual basis during the month of January.

§ 50-3. Permit fee.

The annual permit fee is twenty-five dollars ($25.) per bin and will be used to offset the costs involved in enforcing this chapter. However there will be no permit fee due from nonprofit entities who provide to the township sufficient proofs to show that they are a Section 501(c) not-for-profit entity, under which circumstances the permit fee will be waived.

§ 50-4. Application requirements.

The application for obtaining a permit shall include:

A. The location where the bin would be situated, as precisely as possible;

B. 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 of collected donations would 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 the purposes of this subsection, an

answering machine or service unrelated to the person does not constitute a bona fide office; and

D. Written consent from the property owner to place the bin on his property.

§ 50-5. Renewal application requirements.

In addition to the above application requirements, renewal application must include:

A. A statement on the manner in which the person 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 it may make in these processes during the period covered by the renewal;

B. The name and telephone number of the bona fide office 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; 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.

§ 50-6. Placement of bins.

The Township of Barnegat 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 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 placing, using or employing

a donation clothing 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. No bins shall be located in residentially zoned areas of the township, but rather shall be exclusively located within commercial, retail or industrial zones of the township.

§ 50-7. Display of permit.

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

A. The permit number and its date of expiration;

B. The name and address of the registered person who owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

C. The telephone number of the 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 any entity other than the person 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 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 owner 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.

§ 50-8. Receipt of and investigation of complaints relative to donation clothing bin.

A. The Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Zoning Officer that a person has engaged in, or is engaging in any act or practice in violation of chapter, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the Township of Barnegat Township Committee is not requested within forty-five (45) days, the bin will be seized or removed at the expense of the person who placed the bin, and 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; and

B. In the event that the person who placed the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, the Township of Barnegat may seize the bin, remove it, or have it removed, at the expense of the person 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 donations collected via the bin shall be paid to the Chief Financial Officer of the Township.

§ 50-9. Additional penalties and 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.) which results in seizure of the donation clothing bin shall be:

A. Subject to a penalty of up to one thousand dollars ($1,000.) for each violation. The Township of Barnegat may bring this action in the Township of Barnegat 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 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 the Township Committee of the Township of Barnegat 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 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, or had no fraudulent intentions.