Chapter 45

DONATION BINS

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester 7-16-2015 as Ord. No. O25-2015. Amendments noted where applicable.]

§ 45-1. 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 City of Gloucester in order to promote the public health, safety, convenience and welfare of the City.

§ 45-2. Definitions.

DONATION CLOTHING BIN - A receptacle or container made of metal, steel or other material designed or intended for the collection and temporary storage of donated clothing or other items.

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 making the solicitation receives any contribution.

§ 45-3. Requirements for placement, use of clothing bins.

A. Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a donation clothing bin, for solicitation purposes, unless all of the following requirements are met:

(1) The person has obtained a valid permit from the City Council;

(2) The person, 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 person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and

(3) The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:

(a) The name and address of the registered person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

(b) The telephone number of the person'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;

(c) 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

(d) A statement, consistent with the information provided to the City in the most recent permit or renewal application 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 of collected donations would be allocated or spent.

§ 45-4. Annual permit fee.

The annual permit fee (new or renewal permit) is $25. per bin.

§ 45-5. Permit application requirements.

The application for a permit shall include:

A. The precise location where the bin would be situated;

B. The amount of compensation (if any) that the owner of the property is receiving for the installation and/or placement of the bin;

C. The manner in which the applicant 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;

D. 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 chapter, an answering machine or service unrelated to the person or entity does not constitute a bona fide office;

E. Written consent from the property owner to place the bin on their property; and

F. For entities subject to municipal land use regulation, a copy of the resolution of approval from the Planning Board granting approval for the proposed donation bin location.

§ 45-6. Permit renewal application requirements.

Renewal applications shall include all application requirements stated at Section 45-5 above, plus the following:

A. A statement as to the manner in which the renewal 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 renewal applicant anticipates it may make as to these procedures 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 precise new location where the bin is to be situated along with written consent from the property owner of the new location.

§ 45-7. Placement of bins.

The City of Gloucester 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 include, but are not limited to, the placement of a clothing donation bin within one hundred (100) yards of any place which stores or sells large amounts of fuel or other inflammable liquids or gases; the placement of a bin where it interferes with vehicular or pedestrian circulation and/or flow; or the placement of where it interferes with sight triangles or sight clearance. The person who uses, places or employs 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. Any person who 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 $100. fine.

§ 45-8. Display of permits.

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, along with a statement that a copy of the permit application is on file with the City Clerk;

B. The name and address of 1) the registered person who owns the bin; and 2) 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 owner's bona fide office, and, if applicable, the telephone number of any other entity which shared or profited 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. A statement which includes all information stated herein at Section 45-5 (for new permits) and Section 45-6 (for renewal permits).

E. The registered person who owns the bin shall report to the City Clerk 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 City Clerk with said report within the thirty (30) day period shall result in revocation of the permit.

§ 45-9. Enforcement.

A. The City Zoning Officer shall receive complaints from the public regarding any donation clothing bin located in the City. The City Zoning Officer shall investigate said complaints within thirty (30) days of receipt. Should the Zoning Officer determine that a person or entity has engaged in, or is engaging in any act or practice which violates this ordinance, the person or entity that placed the bin shall be issued a warning (to also be posted on the exterior of the bin) which states 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 shall be

seized or removed at the expense of the person or entity which placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of.

B. Should the person or entity which placed the bin does not rectify the violation or request a hearing within forty-five (45) days of the issuance and posting of the order, the City 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 City.

C. All clothing donation bins existing at the time of the passage of this ordinance shall fully comply with all provisions of this ordinance no later than thirty (30) days after the final passage of the ordinance.

§ 45-10. Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the laws of the State of New Jersey, 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 donation clothing bin per Section 45-9 herein, shall be:

A. Subject to a penalty of up to $20,000. 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," P.L.1999, c. 274 (C.2A:58-10 et seq.), and any penalty monies collected shall be paid to the Chief Financial Officer of the City; and

B. Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to section 2 of 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 City Clerk to have that person's eligibility restored. The City 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 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.