

**BOROUGH OF RIVERDALE**

**ORDINANCE NO. 13 - 2011**

**ORDINANCE AMENDING CHAPTER 86 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND DELEGATING RESPONSIBILITY FOR ENFORCEMENT OF THE CLOTHING BIN ORDINANCE TO THE ZONING OFFICER.**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

**Section 1.** The Revised General Ordinances of the Borough of Riverdale Chapter 86 entitled "Clothing Bins" shall be amended by the following amendment to Section 86-5 which shall read in its entirety as follows:

**§ 86-5 Enforcement and Complaints.**

- A. The Zoning Officer shall be responsible to enforce the provisions of this ordinance.
- B. Whenever it appears to the Zoning Officer that a person or entity has engaged in, or is engaging in any act or practice in violation of this ordinance, the entity who placed the bin shall be issued a warning, stating that if the violation is not rectified or if a hearing before the Borough Council is not requested within forty-five (45) days, the clothing bin will be seized or removed at the expense of the entity 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 or entity who placed the bin, such warning shall be affixed to the exterior of the bin itself. In the event that the entity 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 Borough Council may order the bin seized, remove it, or have it removed at the expense of the entity who placed the bin, and sell it 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 Borough.

**Section 2.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or

provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 3.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this \_\_\_\_ day of  
\_\_\_\_\_, 2011.

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Carol Talerico, Borough Clerk

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William Budesheim, Mayor

**NOTICE IS HEREBY GIVEN,** that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Riverdale, County of Morris and State of New Jersey, held on the 19th day of September, 2011, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 17th day of October, 2011, at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

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Carol Talerico, Borough Clerk