

BOROUGH OF RIVERDALE

ORDINANCE NO. 01 - 2009

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE PLACEMENT OF CLOTHING BINS WITHIN THE BOROUGH

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 shall be amended by the inclusion of new Chapter 86 to be entitled "Clothing Bins" and which shall read in its entirety as follows:

CHAPTER 86

CLOTHING BINS

Sections:

- § 86-1 Permit required.**
 - § 86-2 Issuance of a permit.**
 - § 86-3 Permit renewal.**
 - § 86-4 Display of information on bin.**
 - § 86-5 Complaints.**
 - § 86-6 Penalties.**
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- § 86-1 Permit required.**

Notwithstanding any other provision 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:

- A. The donation clothing bin is owned by a charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c. 16; and
- B. The registered charitable organization has obtained a permit for a period of one year, issued by the Borough Clerk upon the approval of the Borough Council.

§ 86-2 Issuance of a permit.

- A. An application for a permit shall include the following information:
- 1) The location where the bin would be situated, as precisely as possible;
 - 2) The manner in which the charitable organization 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;
 - 3) The name and telephone number of the bona fide office of the applicant and of any entity which may share or profit from any clothing or other donations collected via the bin;
 - 4) The schedule of pick-ups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the scheduled date of pick-up; and
 - 5) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property; and
 - 6) Proof of registration with the Attorney General as a charitable organization.
- B. The applicant shall notify all property owners within two hundred (200') feet of the proposed location of the bin of the scheduled hearing on the permit before the Governing Body. A list of property owners within two hundred (200') feet shall be obtained from the Borough Tax Assessor.
- C. The Council 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 are not limited to, the placement of a donation clothing bin in parking spaces, in any area that interferes with pedestrian or vehicular traffic, or any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.
- D. The fee for such application for the permit shall be \$25.00.

§ 86-3 Permit renewal.

An expiring permit for a donation clothing bin may be renewed by a charitable organization on an annual basis upon payment of the \$25.00. The application shall include the following information:

- A. The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;

- B. The manner in which the entity has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the entity anticipates it may make in these processes during the period covered by the renewal;
- C. The name, and telephone number of the bona fide office of the applicant and 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;
- D. The schedule of pick-ups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the date of pick-up;
- E. Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property; and
- F. Proof of charitable registration with the Attorney General as a charitable organization.

§ 86-4 Display of information on bin.

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

- A. The permit number and expiration date;
- B. The information required to be displayed on the bin in N.J.S.A. 40:48-2.61.

§ 86-5 Complaints.

- A. The Borough Council shall receive and investigate, within thirty (30) days, any complaints from the public about a clothing bin.
- B. Whenever it appears to the Borough Council 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.

§ 86-6 Penalties.

In addition to any other penalties or remedies authorized by law, any person or entity who violates any provision of this ordinance shall be a) subject to a penalty of up to twenty thousand dollars (\$20,000.00) for each violation pursuant to N.J.S.A. 40:48-2.60 et seq. The Borough may bring this action in the Municipal Court or the Superior Court as a summary proceeding under the Penalty Enforcement Law of 1999. Any penalty moneys collected therefrom shall be paid to the Chief Financial Officer of the Borough. An entity violating this Chapter shall be deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to N.J.S.A. 40:48-2.61 et seq. An entity disqualified from placing, using, or employing a donation clothing bin by violating the provisions of N.J.S.A. 40:48-2.60 et seq. may apply to the Borough Council to have eligibility restored. The Borough Council may restore the eligibility of an entity who a) acts within the public interest; and b) demonstrates that they have made a good faith effort to comply with the provisions of N.J.S.A. 40:48-2.60 et seq. and all other applicable laws and regulations and has no fraudulent intentions.

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 _____, 2009.

Carol Talerico, Borough Clerk

William Budesheim, Mayor

NOTICE is hereby given that the above Ordinance was introduced and passed first reading at a regular meeting of the Mayor and Council of the Borough of Riverdale, held on January 19, 2009 and it will be considered for final passage at a regular meeting of said Mayor and Council to be held on February 2, 2009 at 7:30 p.m. or as soon thereafter as same can be considered, in the Municipal Building, 91 Newark Pompton Turnpike, Riverdale, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same.

Carol J. Talerico, R.M.C.
Municipal Clerk