

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY**

ORDINANCE 2011-12

**AN ORDINANCE HEREBY AMENDING AND SUPPLEMENTING CHAPTER 24 OF
THE CODE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY**

WHEREAS, N.J.S.A. 40:48-2.62 indicates that it is the responsibility of every municipality to investigate and prosecute complaints related to clothing donation bins placed within its jurisdiction; and

WHEREAS, in order to carry out this responsibility, a municipality must adopt an ordinance setting forth the duties and responsibilities of persons and/or entities utilizing clothing donation bins, including provisions related to fees and penalties associated with such use; and

WHEREAS, the Township Committee believes that it is in the best interest of the residents of the Township of Mansfield to adopt an ordinance for the administration and regulation of clothing donation bins in order to protect the health, safety and welfare of the citizens of Township of Mansfield;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that:

The Code of the Township of Mansfield shall be and is hereby amended and supplemented as follows, with the addition of the following:

**Chapter 24
HAWKERS, PEDDLERS, SOLICITORS AND CANVASSERS**

ARTICLE I. DEFINITIONS

§. 24-2 Definitions.

Clothing Donation Bin means any receptacle or container made of metal, steel, or other material designed or intended for the collection and temporary storage of donated clothing or other materials.

Solicit or Solicitation means 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.

§24-3 CLOTHING DONATION BINS

A. Permit required.

No person or entity shall place, use, or employ a clothing donation bin within the Township of

Mansfield for solicitation purposes unless the organization placing, using or employing the clothing donation bin has obtained a permit for a period of one (1) year issued by the Township Clerk.

B. Annual permit fee.

The annual permit fee is twenty-five (\$25.) dollars per bin and will be used to offset the costs involved in enforcing this article.

C. Application requirements.

The application for obtaining a permit shall include:

- (1) The location where the bin would be situated, as precisely as possible;
- (2) The manner in which the person or 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;
- (3) 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 or entity can be reached during normal business hours. For the purposes of this article, an answering machine or service unrelated to the person or entity does not constitute a bona fide office; and
- (4) Written consent from the property owner to place the bin on their property.

§24-4 Renewal application requirements.

In addition to the initial application requirements, renewal applications must include:

- A.** A statement on the manner in which the 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 applicant anticipates it may make in this process during the period covered by the renewal;
- B.** The name and telephone number of the bona fide office of any person or entity which shared or profited from any clothing or other donations collected via the bin, and of any persons or 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.

§. 24-5 Placement of bins; maintenance.

- A.** Mansfield Township shall not grant an application for a permit to place, use, or employ a clothing donation 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 clothing donation 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.

- B.** The person or entity placing, using or employing a clothing donation 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.

§24-6. Display of permit.

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

- A.** The permit number and its date of expiration, stating that a copy of the permit application is on file with the Township Clerk;
- B.** The name and address of the person or entity placing, using or employing the bin, and of any other person or entity which may share or profit from any clothing or other donations collected via the bin; and
- C.** The telephone number of the bona fide office of the person or entity placing, using or employing the bin, and, if applicable, the telephone number of the bona fide office of any other person or 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 or entity does not constitute a bona fide office.

§24-7 Receipt and investigation of complaints.

- A.** The Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about a clothing donation bin. Whenever it appears to the Zoning Officer that a person or entity has engaged or is engaging in any act or practice in violation of this article, the person or entity placing, using or employing the bin shall be issued a warning, stating that if the violation is not rectified, or a hearing with the Township Committee is not requested, within forty-five (45) days, the bin will be seized or removed at the expense of the person or entity placing, using or employing 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 placing, using or employing the bin, such warning shall be affixed to the exterior of the bin itself.
- B.** In the event that the person or entity placing, using or employing the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, Mansfield Township may seize the bin, remove it, or have it removed, at the expense of the person or entity placing, using or employing 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, to be used for general municipal purposes.
- C.** In the event that the person or entity placing, using or employing the bin requests a hearing, the Township Committee shall hold such hearing within thirty (30) days of the request. If the violation is found to be substantiated, the Township Committee may order that the clothing donation bin be seized or removed, at the expense of the person or entity placing, using or employing 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, to be used for general municipal purposes.

§. 24-8 Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the this article or the laws of this state, any person or entity who violates any provision of this article or the provisions of N.J.S.A. 40:48-2.60, et seq., which results in seizure of the clothing donation bin shall be:

A. Subject to a penalty of up to twenty thousand (\$20,000.) dollars for each violation. The Township may bring this action in the Mansfield Township Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, (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, to be used for general municipal purposes; and

B. Deemed ineligible to place, use, or employ a clothing donation bin for solicitation purposes pursuant to this article and N.J.S.A. 40:48-2.61. A person or entity disqualified from placing, using, or employing a clothing donation bin by violating the provisions of this article or N.J.S.A. 40:48-2.60 et seq., may apply to the Township Committee to have that person's or entity's eligibility restored. The Township Committee may restore the eligibility of a person or entity who:

(1) Acts within the public interest; and

C. Demonstrates that they have made a good faith effort to comply with the provisions of this article and N.J.S.A. 40:48-2.60 et seq., and all other applicable laws and regulations, or had no fraudulent intentions.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Introduced: October 26, 2011
Approved: November 9, 2011