



Clothing Bin Permit Application

PERMIT NO.	DATE/VALID THRU	FEE
		\$25.00

PROPERTY ADDRESS: _____ BLOCK(S): _____

ZONE: _____ LOT(S): _____

***ATTACH SURVEY OR PLOT PLAN SHOWING SPECIFIC PROPOSED LOCATION OF CLOTHING BIN**

APPLICANT ☐ SAME AS OWNER

OWNER

NAME: _____ NAME: _____

ADDRESS: _____ ADDRESS: _____

CITY, STATE, ZIP: _____ CITY, STATE, ZIP: _____

EMAIL: _____ EMAIL: _____

PHONE: _____ PHONE: _____

WHO WILL SHARE PROFITS FROM BIN CONTRIBUTIONS/DONATIONS & HOW? Attach separate sheet if needed

LAST NAME: _____ FIRST NAME: _____

ADDRESS: _____ CITY, STATE, ZIP: _____

PHONE: _____ EMAIL: _____

FORM OF CONTRIBUTION: ☐ Clothing ☐ Donations ☐ Both ☐ Other: _____

LAST NAME: _____ FIRST NAME: _____

ADDRESS: _____ CITY, STATE, ZIP: _____

PHONE: _____ EMAIL: _____

FORM OF CONTRIBUTION: ☐ Clothing ☐ Donations ☐ Both ☐ Other: _____

LAST NAME: _____ FIRST NAME: _____

ADDRESS: _____ CITY, STATE, ZIP: _____

PHONE: _____ EMAIL: _____

FORM OF CONTRIBUTION: ☐ Clothing ☐ Donations ☐ Both ☐ Other: _____

DESCRIBE HOW CLOTHING / DONATIONS BIN COLLECTIONS WILL BE USED, SOLD OR DISBURSED:

INDICATE METHOD BY WHICH PROCEEDS OF BIN COLLECTIONS WILL BE ALLOCATED OR SPENT:

The approval of this permit allows the applicant to locate a charitable bin on specified location for the calendar year, in accordance with Ordinance 08:17-13, Chapter 185 of the Borough Code.

I hereby certify that the actual/proposed charitable bin location is authorized by the owner of record, or I have been authorized by the owner to make this application as an authorized agent. I agree to conform to all application laws of this jurisdiction.

SIGNATURE

DATE

**Owners / Users Must Clearly and Conspicuously
Display the Following Permit Information on Exterior of Each Charitable Clothing Bin:**

1. Permit number and date of expiration; and
2. Name and address of registered owner of bin and any other entity which may share or profit from donations collected via the bin; and
3. Telephone number of 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 bin (answering machine or service unrelated to person does not constitute a bona fide office; and
4. When entity other than owner of bin shares or profits from bin collections, indicate that clothing or other donations collected via the bin, their proceeds, or both, may be shared or given entirely to an entity other than person who owns bin. Identify all such entities which may share or profit from such donations; and
5. A statement that indicates the manner anticipated for clothing or other donations collected via the bin will be used, sold or disbursed. Indicate the method by which proceeds of collected donations will be allocated or spent.

Information must be posted in a manner that will withstand the elements and remain legible throughout the permit period.

(Note: Bin may not be placed within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.)

Chapter 185

DONATION CLOTHING BINS

[HISTORY: Adopted by the Mayor and Council of the Borough of Bellmawr 9-26-2013 by Ord. No. 08:17-13. Amendments noted where applicable.]

§ 185-1. Purpose.

The purpose of this chapter is to provide for the enforcement of P.L. 2007, c. 209.¹

§ 185-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SOLICITATION or SOLICIT — 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.

§ 185-3. Permit procedure; information to be displayed on bin.

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:

- A. The person has obtained a permit, issued by the Borough Clerk's office, valid for a specified period of time, from the Borough of Bellmawr in which the donation clothing bin will be placed, in accordance with the following:
 - (1) In applying for such a permit, the person 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 required pursuant to Subsection B of this section of any entity which may share or profit from any clothing or other donations collected via the bin; and
 - (d) Written consent from the property owner to place the bin on his property;
 - (2) The Borough of Bellmawr 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 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases or where the bin may obstruct the view of motorists and/or

1. Editor's Note: See N.J.S.A. 40:48-2.60 et seq.

pedestrians. The Borough may also deny the application if, in the opinion of the Code Official, the placement may diminish surrounding property values;²

- (3) The Borough of Bellmawr fee for such application is provided in Chapter 210, Fees, to offset the costs involved in enforcing this chapter, pursuant to P.L. 2007, c. 209 (N.J.S.A. 40:48-2.60 et seq.);³
 - (4) An expiring permit for a donation clothing bin may be renewed annually upon application for renewal and payment of the fee imposed by the Borough of Bellmawr for such renewal, as provided in Chapter 210, Fees, to offset the costs involved in enforcing this chapter, pursuant to P.L. 2007, c. 209 (N.J.S.A. 40:48-2.60 et seq.). Such application shall include:⁴
 - (a) The location where the bin is situated, as precisely as possible, and, if the person intends to move it, the new location where the bin would be situated after the renewal is granted and written consent from the property owner to place the bin on his property;
 - (b) The manner in which the person 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 person anticipates it may make in these processes during the period covered by the renewal; and
 - (c) The name and telephone number of the bona fide office required pursuant to Subsection B of this section 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
 - (5) The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the donation clothing bin, in addition to the information required pursuant to Subsection C of this section;
- B. 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
- C. The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:
- (1) 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;

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) 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;
- (3) 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
- (4) A statement, consistent with the information provided to the appropriate Borough agency in the most recent permit or renewal application pursuant to Subsection A(1)(b) and Subsection A(4)(b) of this section, 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.

§ 185-4. Investigation of complaints; notice of violation; seizure of bin.

- A. The Borough of Bellmawr in which the donation clothing bin has been placed shall receive and investigate, within 30 days, any complaints from the public about the bin. Whenever it appears to the appropriate Borough agency that a person has engaged in, or is engaging in, any act or practice in violation of Section 2 of P.L. 2007, c. 209 (N.J.S.A. 40:48-2.61), the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the appropriate Borough agency is not requested within 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.
- B. In the event that the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, the appropriate Borough agency 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 Borough.

§ 185-5. Violations and penalties; 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 pursuant to 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 \$20,000 for each violation. The Borough of Bellmawr 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 (N.J.S.A. 2A:58-10 et seq.), and any penalty monies collected shall be paid to the

Chief Financial Officer of the Borough of Bellmawr; 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 this chapter pursuant to P.L. 2007, c. 209 (N.J.S.A. 40:48-2.60 et seq.) may apply to the Bellmawr Borough Clerk's office to have that person's eligibility restored. The Borough of Bellmawr 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.