

**BOROUGH OF KENILWORTH**  
**ORDINANCE NO. 2013 - 01**

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING CHAPTER 106 ADDING ARTICLE III OF THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY BY ADDING A CHARITABLE CLOTHING BIN ORDINANCE AS REQUIRED BY THE REVISED STATUTES OF CHAPTER 48 OF TITLE 40 FOR THE STATE OF NEW JERSEY.

HENCE, THE FOLLOWING REVISIONS AND AMENDMENTS ARE ADOPTED BY ORDINANCE.

**ARTICLE III IS HEREBY ADDED TO CODE OF THE BOROUGH OF KENILWORTH BY THE FOLLOWING:**

**CLOTHING RECYCLING**  
**SECTION: CLOTHING BINS**

The placement of Clothing Bins within the Borough of Kenilworth shall be limited to only the following locations and only if properly maintained and signed. Clothing Bins may be placed at churches, schools, non-profit facilities, religious institutions. The total number of bins at any location may not exceed three.

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 or leased by a charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16 or any person; and

B. The registered charitable organization or the person has obtained a permit valid for a period of one year, from the Zoning Officer in accordance with the following:

1. In applying for such a permit, the registered charitable organization shall include:

a) The size of the bin (not larger than 6 feet by 6 feet by 6 feet) and the location where the bin would be situated as precisely as possible with an informal sketch of where the bin will be located in relationship buildings and lot lines;

b) The manner in which the charitable organization or 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, address, 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;

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 scheduled date of pick-up; and

e) The Clothing Bin is clearly labeled on three of the four sides with the name, address and

telephone number of the charitable organization seeking to have people donate used clothing; and

f) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property.

2. The Zoning Officer shall not grant an application for a permit to place, use, or employ a donation clothing bin if he/she determines that the placement of the bin is either in the front yard setback or could constitute a safety hazard. Such hazards may 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.

3. The fee for such application for the zoning permit shall be \$150.00.

4. An expiring permit for a donation clothing bin may be renewed by a charitable organization or person upon payment of the \$100.00 renewal fee and by application that 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 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;

c) The name, address 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; and

e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property;

5. The following information shall be clearly and conspicuously written in either paint or permanent marker on the exterior of the donation clothing bin:

a) The name and address of the registered charitable organization or 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 organization'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. The telephone number of an answering machine or service

unrelated to the charitable organization does not satisfy this requirement.

c) The charitable organization's registration number, permit number and its date of expiration.

d) 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.

e) A statement, indicating the manner in which the charitable organization or 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.

6. Any clothing bin permitted hereunder shall be properly painted and maintained, and shall be free of material defects.

7. The Zoning Officer or his designee shall receive and investigate, within 45 days, any complaints from the public about the bin.

a. Whenever it appears to the Zoning Officer or his designee that an organization or a person has engaged in or is engaging in any act or practice in violation of this ordinance, the organization or person who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within 15 days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person who placed the bin, a 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 15 days of the posting of the warning, the Borough may seize the bin, remove it or have it removed, at the expense of the person 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 Borough.

c. In addition to any other penalties or remedies under this ordinance, any person who violates any provision which results in the seizure of the donation clothing bin shall be subject to a penalty for each violation as specified pursuant to Section 1-5, Penalties, of the Code of the Borough of Kenilworth.

8. Any existing Clothing Bin within the Borough shall be permitted a grace period of 45 days from the publication of this ordinance to come into compliance or be removed.

9. All Borough ordinances and parts of ordinances that are inconsistent with this ordinance are hereby repealed.

**EFFECTIVE DATE:**

This Ordinance shall be in full force and effect from and after its adoption and its publication as required by law.

Introduced: \_\_\_\_\_

Adoption: \_\_\_\_\_

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Kathi Fiamingo, Mayor

**ATTEST:** \_\_\_\_\_

Hedy Lipke  
Borough Clerk