

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ABERDEEN, SECTION 4-17 “CLOTHING DONATION BINS”

WHEREAS, the Township of Aberdeen (the “Township”) maintains Section 4-17 entitled “Clothing Donation Bins” of the Township Code; and

WHEREAS, the Township Council determined it is in the best interests of the Township residents to amend and supplement the Township Code;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Aberdeen that:

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Section 4-17 of the Township Code, entitled “Clothing Donation Bins,” be and is hereby amended and supplemented by deleting the text in ~~bold-strikeout~~ and adding the text in **bold underlined** as follows:

§ 4-17.1 Licensing of Clothing Donation Bins

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a clothing donation bin within the Township for solicitation purposes unless all of the following requirements are met:

- a. The clothing donation bin is owned or sponsored by a voluntary emergency service organization ("voluntary organization") registered pursuant to P.L. 1994, c. 16 (N.J.S.A. 45:17A-18 et seq.) or is sponsored by any department of the Township;
- b. The registered voluntary organization has obtained a permit, valid for a twelve-month period, from the Township's Zoning Officer in accordance with the following:
 1. In its application for such a permit, the registered voluntary organization shall indicate:
 - a. The location where the bin is currently situated or proposed to be situated which location shall be on the property owned by the voluntary organization **or the voluntary organization must provide written approval from the property owner of where the bin is currently or proposed to be situated;**
 - b. The manner in which the voluntary 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;

- c. The name and telephone number of the bona fide office of the voluntary organization and any entity which may share or profit from any clothing or other donations collected via the bin.
 2. The Zoning Officer shall not grant 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.
 3. The Zoning Officer shall impose a fee for such application, in the amount of twenty-five (\$25.00) dollars annually for each bin to offset the costs involved in enforcing this section.
 4. An expiring permit for a clothing donation bin may be renewed upon application for renewal and payment of the applicable annual fee. Such application for renewal shall include information detailing:
 - a. The location where the bin is situated, and, if the person intends to move it, the new location where the bin would be situated after the renewal is granted.
 - b. The manner in which the voluntary organization 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 voluntary organization anticipates it may make in the processes during the period covered by the renewal; and
 - c. The name and telephone number of the bona fide office of the voluntary organization and 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.
 5. The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the clothing donation bin in addition to the information required pursuant to paragraph d. of this subsection.
- c. The voluntary organization, 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 voluntary organization or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the voluntary organization or other entity. For the purposes of this subsection, an answering service unrelated to the voluntary organization does not constitute a bona fide office.
- d. The following information shall be clearly and conspicuously displayed on the exterior of the clothing donation bin:

1. The name and address of the registered voluntary organization that owns or is the sponsor of the bin, and any other entity which may share or profit from any clothing or other donations collected via the bin;
2. The registered voluntary organization's charitable registration number;
3. The telephone number of the registered voluntary 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 donation collected via the bin.
4. In cases when any entity other than the entity which 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 entity which owns the bin, and identifying all such entities which may share or profit from such donations; and
5. A statement, consistent with the information provided to the Township in the most recent permit or renewal application indicating the manner in which the 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.

§ 4-17.2 Duty to Maintain and Service Bins

It shall be the duty of each registered voluntary organization issued a permit hereunder to properly maintain and service any clothing donation bin placed within the Township so as to prevent such clothing bin from creating a nuisance, hazardous or unsafe condition.

All clothing donation bins are non-transferable and must remain in the location provided in the application.

§ 4-17.3 Enforcement and Limitation on Licenses

The Zoning Officer or other person designated by the Township as a person authorized to enforce the provisions of this section shall, upon receipt of a complaint by a local resident or any other person that a clothing donation bin is causing a nuisance, hazardous or unsafe condition, investigate such complaint and take such enforcement action as is permitted pursuant to N.J.S.A. 40:48-2.62 and N.J.S.A. 40:48-2.63. The Zoning Officer shall not be authorized to issue more than **two (2) clothing donation bins per organization.** ~~eight (8) total clothing donation bin permits within the Township, and no more than two (2) at any given site.~~

Section 3. Severability. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This ordinance shall take effect after final passage and publication as provided by law.

Introduced: June 6, 2024

Adopted: June 20, 2024

ATTEST:

Township of Aberdeen

Melissa Pfeifer
Municipal Clerk

By: _____
Fred Tagliarini
Mayor