



BOROUGH of ROSELAND

300 Eagle Rock Avenue, Roseland, NJ 07068

www.roselandnj.org

MAYOR **JAMES R. SPANGO**

Code Enforcement Department

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Donation Bin – Initial Application

INFORMATION ON DONATION BIN(S)

Name of Business where bin will be located: _____

Address where bin will be located: _____

Block: _____ Lot: _____ How many bins? _____ (Max 2)

Will the bin be placed on property of a registered charitable organization? ☐ Yes ☐ No

Description of where the bin(s) is located on the property, as precisely as possible: _____

Method in which the collected donations be used, sold, or dispersed: _____

Method by which proceeds will be allocated or spent: _____

Name and Phone Number of Persons, Entity or Business, which will Benefit from Donations: _____

DONATION BIN OWNER

Name: _____

Address: _____

Phone No: _____ Email: _____

PROPERTY OWNER WHERE BIN(S) IS LOCATED

Name: _____

Address: _____

Phone No: _____ Email: _____

ACKNOWLEDGMENTS

- The annual permit fee is \$25 which can be paid exact change cash or a check payable to the Borough of Roseland.
- Registered Charitable Organizations are exempt from paying the annual permit fee, but must still apply for and secure a permit.
- **This permit shall only be valid until December 31 of this calendar year. You must re-apply for and obtain a new permit each year.**
- The owner of the bin, as well as the person or entity who owns the parcel where the bin is proposed to be located, hereby consent to and will be subject of a background check conducted by the Roseland Police Department.
- The bin will be placed and maintained in strict accordance with the provisions of the Borough of Roseland Municipal Code Chapter 25, entitled "Clothing Bins".
- The Donation Bin Permit shall be displayed conspicuously on the exterior of the donation bin.

CERTIFICATIONS

Approval to Enter Premises

This Applicant and Owner hereby grant(s) permission to the any municipal agency involved with this permit to enter upon the subject premises for inspection and study pertaining to this permit and compliance with the Borough Code.

Applicant's Certification

I certify and affirm that the foregoing statements and materials submitted herein are true. I further certify that I am the individual Applicant, or that I am an Officer of the Corporate Applicant or Partnership Application, and that I am authorized to sign the application.

(Printed Name of Applicant)

(Signature of Applicant)

Owner Certification

I certify and affirm that I am the Owner of the property which is subject of this application, that I have authorized the applicant to make this application, that I agree to be bound by the provisions herein and in accordance with the Borough code, and that I grant permission for the placement of a donation bin(s) on my property. I further certify that I am the individual Owner, or that I am an Officer of the Corporate Owner or Partnership Owner, and that I am authorized to sign the application.

(Printed Name of Owner)

(Signature of Owner)

OFFICE USE ONLY

Received On: _____ Received By: _____ ☐ Cash Check No: _____

Permit: ☐ Approved ☐ Approved w/ Conditions By: _____ Date: _____

Conditions: _____

☐ Denied ☐ By: _____ Date: _____

Reasons: _____

Background Check performed on: _____

Permit Issued: By: _____ Date: _____

BOROUGH OF ROSELAND MUNICIPAL CODE
SECTION 25 ~ CLOTHING BINS

§ 25.1 Purpose.

The purpose of this Chapter shall be to provide rules, regulations and standards for the placement and use of donation clothing bins in the Borough of Roseland in order to promote the public health, safety, convenience and welfare of the Borough.

§ 25-2. Definitions.

CLOTHING DONATION BIN. Any receptacle or container made of metal, steel, or any other material designed or intended for the collection and temporary storage of donated clothing or other materials.

SOLICITATION. The request, indirectly or directly, 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 some other thing of value. A solicitation shall take place whether or not the person or entity making the solicitation receives any contribution.

§ 25-3. Permit Required.

Notwithstanding any other provision of law to the contrary, no person or entity shall place, use or employ a clothing donation bin, within the Borough of Roseland, for solicitation purposes, unless they have obtained a valid permit for a period of one (1) year issued by the Code Enforcement Officer for the Borough of Roseland.

§ 25-4. Annual Permit Fee.

The annual permit fee is \$25 per bin, with a maximum of two (2) bins per property. The fees paid will be used to offset the costs involved in enforcing P.L. 2007, c.209 (N.J.S.A 40:48-2.60 et seq.). Registered charitable organizations with their principal place of business located within the Borough of Roseland are exempt from paying an annual permit fee, but such organizations must still apply for and secure a permit.

§ 25-5. Application Requirements.

1. The owner/applicant shall be recognized as a charitable, civic, religious or any other exempt entity, corporation, organization, or an officer of such entity, corporation or organization on whose behalf the application is being made. Such owner/applicant shall submit the required sufficient documentation demonstrating the formal creation of a charitable, civic, religious or any other exempt entity, corporation or organization.
2. The application for obtaining a permit shall include:
 - a. The location where the bin would be situated, as precisely as possible; and
 - b. 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; and
 - c. 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 Chapter, an answering machine or service unrelated to the person or entity does not constitute a bona fide office; and
 - d. Written consent from the property owner to place the bin on their property; and
 - e. A background check of the applicant and the person or entity, to be conducted by the Roseland Police Department.
3. No bin will be authorized in any Residential Zone.
4. Bins will be authorized in the Business Districts only (B1, and B2), and at a house of worship regardless of zone.

§ 25-6. Renewal Application Requirements.

An expiring permit may be renewed upon application and the payment of a renewal fee of \$25.00 per bin, with a maximum of two (2) bins per property. In addition to the above application requirements, renewal applications must include:

- a. A statement of the manner in which the person or entity has used, sold, or dispersed any clothing or other donations have been allocated or spent, and any changes the person or entity anticipates to may make in these processes during the period covered by the renewal; and
- b. The name and telephone 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 entities which may do so during the period 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, along with written consent from the property owner of the new location.

§ 25-7. Placement of Bins.

The Borough of Roseland 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 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. The person or entity that uses, places, or employs 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. Any person or entity that uses, places or employs a donation clothing bin and permits the accumulation of clothing or other donations outside the bin shall be subject to a five hundred dollar (\$500.00) fine per bin.

§ 25-8. 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 Borough Zoning Officer; and
- b. The name and address of the registered person or entity that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin; and
- c. The telephone number of the person or entity'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. For the purposes of this subsection, an answering machine or service unrelated to the person or entity does not constitute a bona fide office; and
- d. In cases when any entity other than the person or entity 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 or entity who owns the bin, and identifying all such entities which may share or profit from such donations; and
- e. A statement, consistent with the information provided to the Borough in the most recent permit or renewal application indicating 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; and
- f. The registered person or entity who owns the bin shall report to the Borough's Zoning Officer any change of entity or entities which may share or profit from any clothing or other donations collected via the bin no later than thirty (30) days from the changes. Failure to provide the Borough Zoning Officer with said report within the thirty (30) day period shall result in revocation of the permit.

§ 25-9. Receipt, Investigation of Complaints Relative to Donation Clothing Bin.

- a. The Borough Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about the bin located in the Borough. Should the Zoning Officer determine that a person or entity has engaged in, or is engaging in any act or practice in violation of this Chapter, the person or entity who placed the bin shall be issued a warning (to also be posted on the exterior of the bin), stating that if the violation is not rectified or a hearing with the appropriate municipal agency is not requested within forty five (45) days of the issuance of the warning, the bin will be seized or removed at the expense of the person or 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.
- b. In the event that the person or entity who placed the bin does not rectify the violation or request a hearing within forty five (45) days of the issuance and posting of the warning, the Borough may seize the bin, remove it, or have it removed, at the expense of the person or entity 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 donation collected via the bin shall be paid to the chief financial officer of the Borough.

§ 25-10. Additional Penalties, Remedies.

In addition to any other penalties or remedies authorized by the laws of this State, any person or entity who violates any provision of this Chapter and the provisions of P.L. 2007, c.209 (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 \$20,000.00 for each violation. The Borough may bring an action in the Borough of Roseland Municipal Court or the Superior Court of New Jersey 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; and
- b. Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to this Chapter and P.L. 2007, c209 (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 P.L.2007, c. 209 (N.J.S.A. 40:48-2.60 et seq) may apply to the Zoning Officer to have that person or entity's eligibility restored. The Zoning Officer may restore the eligibility of a person or entity who:
 1. Acts within the public interest; and
 2. Demonstrates that they have made a good faith effort to comply with the provisions of this Chapter and P.L. 2007, c.209 (N.J.S.A. 40:48-2.60 et seq), and all other application laws and regulations, or had no fraudulent intentions.