



BOROUGH OF FLORHAM PARK CHARITABLE BIN APPLICATION

111 Ridgedale Avenue, Florham Park, NJ 07932 E-mail: Wkussler@fpboro.net Phone: 973-410-5463

Owner of Bin: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Contact Number: _____ E-mail: _____

Bin Location Address: _____

Number of Bins: _____

Describe allocation of proceeds and/or donations collected from bins: _____

Name and contact number of entity that may share or profit from donations to this bin (ie.-charitable organization): _____

By submitting this application, the applicant agrees to all terms set forth in Florham Park Chapter 179-13. (Attached)

Signature

Print Name

Date

Please attach Site Plan depicting bin location.

Please attach written consent from property owner stating permission to place bins on property.

****For Office Use Only****

Annual Fee (per bin): \$75.00

Fee: _____ Check #: _____ Date Received: _____

Permit No.: _____ Approved by: _____

Signature: _____ Date: _____

§ 179-13. Charitable clothing bins. [Added 5-19-2009 by Ord. No. 09-7]

- A. No person shall place, use or employ a donation clothing bin for solicitation purposes within the Borough of Florham Park unless all of the following requirements are met:
- (1) The person shall apply for and obtain a permit from the Property Maintenance Officer. The application for the permit shall include, along with the required fee set forth in this section:
 - (a) The location, as precisely as possible, where the bin will be situated.
 - (b) The manner in which the person, entity or organization anticipates any clothing or other donations collected via the bin will be used, sold or disbursed and the method by which the proceeds collected will be allocated or spent.
 - (c) The name and telephone number of the bona fide office of any entity which may share or profit from any clothing or other donations collected via the bin.
 - (d) Written consent of the property owner to place the bin on his property.
 - (2) All persons who have obtained a permit pursuant to Subsection A above and wish to renew said permit shall submit, along with the required fee set forth in this section, an application for renewal prior to the expiration of the permit, which such renewal application shall include the following information:
 - (a) The location where the bin is currently situated and, if the person intends to move it, the new location where the bin will be situated and written consent of the property owner to place the bin on his property.
 - (b) The manner in which the person has used, sold or disbursed 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 he may make in these processes during the period covered by the renewal.
 - (c) The name and telephone number of the bona fide office 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.
- B. Notwithstanding the provisions of Subsection A above, no donation clothing bin shall be placed, used or employed in a location that is considered by the Property Maintenance Officer to cause a safety hazard. Placement that will be considered to pose a safety hazard includes, but is not limited to, placement within 100 yards of any place which stores large amounts of or sells fuel or other flammable liquids or gases.
- C. Permit fee and duration.

- (1) The application fee, which must be submitted with the application under Subsection A(1) above, shall be \$25.
 - (2) The fee for a renewal of the permit, which must be submitted with the application under Subsection A(2) above, shall be \$25.
 - (3) All permits and renewals obtained shall be in effect for one year and shall expire on December 31 of the year of the permit and renewals.
- D. Notices required. The following information shall be clearly and conspicuously displayed on the exterior of the donation clothing bin:
- (1) The permit number and the date of expiration of that permit;
 - (2) 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 donations collected from the bin;
 - (3) The telephone number of the person's bona fide office and the telephone number of the bona fide office of any other entity which may share in the profit from any clothing or donations collected via the bin;
 - (4) In cases where an entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, the notice shall also state that the clothing or other donations collected via the bin, the proceeds, or both, may be shared by or given directly to an entity other than the person who owns the bin, which such entity shall be identified; and
 - (5) A statement indicating the manner in which the person, entity or organization anticipates any clothing or other donations collected via the bin will be used, sold or disbursed and the method by which the proceeds collected will be allocated or spent.
- E. Complaints and investigation.
- (1) The Property Maintenance Officer, upon receipt of any complaint concerning a donation clothing bin, shall request that the Police Department perform an investigation within 30 days of receipt of the complaint.
 - (2) Any person who places a clothing bin in violation of this section or N.J.S.A. 40:48-2.61 shall be given a warning stating that if the violation is not rectified or a hearing with the Property Maintenance Officer is not requested within 45 days, then the bin will be seized and removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin shall be sold at public auction or otherwise disposed of. This notice shall be placed on the donation clothing bin and forwarded to the last known address, according to the Borough's records, of the person who placed the bin at the location.
 - (3) If the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, then the Borough shall

remove the bin or have it removed at the expense of the person who placed the bin and shall sell at public auction or otherwise dispose of the clothing or donations. All proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Borough.

- F. Additional fines and penalties. In addition to the remedies set forth in Subsection E above, any person who violates this section or N.J.S.A. 40:48-2.60 et seq., as amended and/or supplemented, which results in the seizure of the donation clothing bin, shall be subject to the following:
- (1) A penalty of up to \$20,000 for each violation. The Borough shall bring this action in Municipal Court or Superior Court in a summary proceeding under the Penalty Enforcement Law of 1999, P.L. 1999, c.274 (N.J.S.A. 2A:58-10 et seq.). Penalty monies collected shall be paid to the Chief Financial Officer of the Borough.
 - (2) Ineligibility to place, use or employ a donation clothing bin for solicitation purposes. A person who is deemed ineligible may apply to the Property Maintenance Officer to have his eligibility restored. The Property Maintenance Officer may restore the eligibility of a person who:
 - (a) Acted within the public interest; and
 - (b) Demonstrates that he has made a good-faith effort to comply with the provisions of N.J.S.A. 40:48-2.60 et seq. and this section and had no fraudulent intentions.