

### **NOTICE OF INTRODUCTION**

This Ordinance #2038 published herewith was introduced and passed upon first reading at the regular meeting of the Borough Council of the Borough of South Plainfield held on October 5, 2015. It will be further considered for final passage after a public hearing to be held on October 19, 2015, at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any persons desire to be heard upon the same will be given an opportunity to be heard. Copies are available free of charge at the Municipal Clerk's Office prior to the public hearing. This ordinance shall take effect immediately after final passage and publication according to law.

Amy Antonides, RMC/CMC  
Municipal Clerk

### **ORDINANCE NO. 2038** **AN ORDINANCE AMENDING SECTION 181 OF THE CODE OF THE** **BOROUGH OF SOUTH PLAINFIELD TITLED "CHARITABLE CLOTHING BINS".**

**WHEREAS**, charitable clothing bins are permitted within the Borough subject to requirements set forth in Chapter 181 of the Borough Code; and

**WHEREAS**, issues have arisen with regard to the number of such bins and maintenance of such bins;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 181, titled "Charitable Clothing Bins" shall be amended as follows:

1. Replace the first sentence of Section 181-2(A) with the following language: The person has obtained a permit, valid for one year or less, from the appropriate municipal agency. All permits shall expire as of December 31 of each year. The person obtaining the permit must comply with the following:

2. ADD: SECTION 181-2(A)(6) – Any and all applications for a permit under this Section must be received by the Borough by November 15 of each year for a permit to be in effect the following year.

3. ADD: SECTION 181-2(A)(7) – Each applicant shall be limited to having one clothing bin per lot and a maximum of three clothing bins in each permissible zone. Each applicant shall further be limited to a maximum number of clothing bins to be placed in the Borough to be no more than 25% of the total available locations for placement of clothing bins within the entire Borough. This limitation shall apply to the applicant; if the applicant is an individual, to any and all legal entities in which the applicant owns 50% or more of such entity; and if the applicant is a corporation or other legal entity, to any subsidiary or affiliate of the applicant.

4. ADD: SECTION 181-2(A)(8) – In the event the applicant has previously obtained a permit and placed one or more clothing bins within the Borough, the applicant's prior compliance with this Ordinance, as well as all other ordinances and laws of the Borough, shall be considered as a factor in determining whether to grant approval of the permit application.

5. RENUMBER: SECTION 181-3. RECEIPT AND INVESTIGATION OF COMPLAINTS RECEIVED TO BE SECTION 181-4.

6. ADD: A NEW SECTION 181-3 as follows:  
181-3. MAINTENANCE OF BINS.

a. A person or entity placing, using or employing a charitable 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, and shall at all times maintain the area around the bins free of garbage, refuse and rubbish.

b. In the event of a violation of this Section, the person or entity placing, using or employing the charitable clothing bin shall be provided with written notice of such violation, which shall be sent to the bona fide office provided, and which shall specify the violation. The violation must be eliminated, remedied or otherwise addressed to the satisfaction of the Borough within ten (10) days of the date of the notice. In the event such violation has not been eliminated, remedied, or otherwise addressed to the satisfaction of the Borough within said time, the Borough may revoke the permit issued for the placement of the bin or bins in question, as well as for every other bin for which such person or entity has a permit, and all such bins must be immediately removed from the Borough.

c. In the event a permit or permits have been revoked, and clothing bins have not been removed after order of the Borough, the Borough may take possession of such bins and dispose of such bins in its discretion, and any cost for such action shall be the responsibility of the person or entity that had been issued such permit or permits.

d. All remedies set forth in this Section are in addition to any other penalties for violation as may be set forth in this Chapter.

7. RENUMBER: SECTION 181-4. VIOLATIONS AND PENALTIES TO BE SECTION 181-7.
8. ADD: SECTION 181-6. RESPONSIBILITY OF OWNERS AND OCCUPANTS OF PROPERTY.

No property owner or occupant of property shall allow any clothing bins to be located on their property unless a permit has been obtained for the placement of such clothing bin, and the individual or entity placing the clothing bin has complied with all provisions of this Ordinance and all other ordinances and laws of the Borough, County and State. In the event any owner or occupier of property violates this provision, they shall be subject to the same violations and penalties as set forth in Section 181-7.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.