

YEAR 2022

NO. _____

NEW _____

RENEWAL _____

TOWNSHIP OF Wayne - PLANNING AND ZONING OFFICE
475 VALLEY ROAD
WAYNE, NJ 07470

RECEPTACLES – CLOTHING LICENSE APPLICATION

NAME OF APPLICANT: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

TRADE NAME OF BUSINESS: _____

LOCATION OF RECEPTACLE(S) _____

NO OF RECEPTACLES (S) _____

NAME OF PROPERTY OWNER WHERE RECEPTACLE IS LOCATED: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

NOTE: THE FOLLOWING MUST ACCOMPANY THIS APPLICATION:

1. A CURRENT WRITTEN AUTHORIZATION FROM THE PROPERTY OWNER FOR PLACEMENT OF THE RECEPTACLE.

2. A SITE PLAN SPECIFYING THE LOCATION.

Applicant is responsible to comply with conditions established in Ordinance No. 53-2010, Section 134-26.4(B) (See Attached)

SIGNATURE OF APPLICANT

PRINT NAME OF APPLICANT

RENEWAL IS DUE ON OR BEFORE JANUARY 15TH OF EACH YEAR

TO AVOID A DELAY IN THE ISSUANCE OF YOUR LICENSE PLEASE COMPLETE APPLICATION IN ITS ENTIRETY

**FEE: \$25.00 PER YEAR FOR EACH CLOTHING BIN
NO MORE THAN THREE (3) RECEPTACLES PER LOCATION**

Please Make Checks Payable To Township Of Wayne And Submit To Planning And Zoning Department

FOR OFFICE USE ONLY: FEE PAID _____ DATE _____

CHECK # _____ RECEIPT # _____

ZONING OFFICER

§ 134-26.4 Special Permits

- B. Clothing bins. The Zoning Officer may issue a special permit to any person to place, use or employ a donation clothing bin, subject to the following conditions:
- (1) A person shall obtain a zoning permit. The zoning permit shall be valid for a period of one (1) year commencing on January 1st of each year. A fee of \$25.00 per clothing bin shall be remitted with the application.
 - (2) The application submitted for the zoning permit shall include
 - (a) The location where the bin will be situated as precisely as possible;
 - (b) The manner in which the applicant anticipates any clothing or other donations collected via the bin, would be used, sold or disbursed and the method by which the proceeds of collected donations would be allocated or spent;
 - (c) The name, telephone number or bona fide office of any entity which may share or profit from any clothing or other donations collected via the bin;
 - (d) The written consent from the property owner to place the bin on his/her property;
 - (e) The address of the bona fide office of the applicant and a telephone number for contact with the applicant during normal business hours. An answering machine or service unrelated to the person does not constitute a bona fide office.
 - (3) The placement and/or use of a clothing bin shall be subject to the following:
 - (a) No more than 3 receptacles shall be located within any commercial complex;
 - (b) Each clothing bin shall not exceed 5 feet in depth, 8 feet in width and 6 feet in height;
 - (c) The name and address of the owner of the clothing bin and any other entity which may share or profit from any donation collected from the bin along with the permit issued by the Zoning Officer shall be clearly and conspicuously displayed on the exterior of the donation clothing bin;
 - (d) Each clothing bin shall have the label "clothing only" clearly and conspicuously printed on the front of the bin;
 - (e) The clothing bin shall not be placed in an area that may cause a safety hazard, specifically a clothing bin shall not be placed within 100 yards of any place that stores large amounts of, or sells, fuel or other flammable liquids or gasses;
 - (f) The clothing bin shall be located in a such a manner that it will not interfere with pedestrian and/or traffic circulation or otherwise cause a traffic hazard by virtue of any obstruction that it may create by its placement;
 - (g) The receptacles shall be located in a clearly visible and well lighted area to permit inspection and enforcement;
 - (h) The clothing bin may be placed in the parking stalls, provided that there is sufficient on-site parking to accommodate all uses of the property in accordance with the applicable provisions of the Township Code. Absent a determination that there was sufficient on-site parking to comply with Code requirements, no clothing bin may be placed near a parking stall so as to violate Code requirements and create a non-conforming condition;
 - (i) No clothing bin shall be placed in the required buffer area or within 3 feet of a property line;
 - (j) The clothing bin shall be emptied no less than once a week and the area immediately surrounding shall be maintained in a clean and sanitary condition and the clothing bin shall remain in good working order and shall be painted.

- (4) A zoning permit for a donation clothing bin may be renewed upon application for renewal and the payment of a \$25.00 fee per donation clothing bin. The renewal application shall include the following information:
- (a) The location where the bin is situated precisely as possible and if the applicant intends to move it, the new location where the bin will be situated after the renewal is granted, with the written consent of the property owner to the placement of the bin on his/her property;
 - (b) The manner in which the applicant has used, sold and disbursed any clothing or other donations collected via the clothing bin, the method by which the collected donations shall be allocated or spent and any changes the applicant anticipates in these processes during the period covering the renewal;
 - (c) The name and telephone number of the bona fide office of any entity that shared or profited from any clothing or other donations collected via the bin and any entities that may do so during the period covered by the renewal;
 - (d) A statement indicating the manner in which the applicant anticipates any clothing or other donations collected via the bin would be used, sold or disbursed, the method by which the proceeds of collected donations will be allocated or spent,
- (5) The Zoning Officer shall investigate, within 30 days of receipt, any complaints regarding the clothing bin. Whenever it appears to the Zoning Officer that a person has engaged in or is in the process of engaging in any act or practice in violation of any provisions of this section, the person who placed the clothing bin shall be issued a warning stating that, if the violation is not rectified, or a hearing with the Township Planner is not requested within 45 days, the bin will be seized or removed at the expense of the person who placed the bin. The Zoning Officer shall give notice by regular mail and certified mail, RRR, as well as affixing the notice to the exterior of the clothing bin.
- (6) In the event that the person who placed the bin does not rectify the problem or request a hearing within 45 days from the posting of the warning, the Zoning Officer may seize the bin, remove it or have it removed, at the expense of the person who placed the bin and sell at public auction or otherwise, any clothing or donations collected via the bin. Any proceeds from the sale shall be paid to the Chief Financial Officer of the Township. In addition to any other penalties or remedies authorized by the State of New Jersey, any person who violates any provisions of this section which results in seizure of a donation clothing bin shall be
- (a) Subject to a penalty of up to \$2,000 for each violation. The Zoning Officer may bring this action in either the Municipal Court or Superior Court, as the summary proceeding under the "Penalty Enforcement Law" of 1999 (N.J.S.A. 2A:58-10, et seq.) and any penalty monies collected shall be paid to the Chief Financial Officer of the Township;
 - (b) Deemed ineligible to place, use or employ a donation clothing bin for solicitation purposes, pursuant to the provisions of this section.
- (7) A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of this section may apply to the Zoning Officer to have that person's eligibility restored. The Zoning Officer may restore the eligibility of a person who (a) acts within the public interest and (b) demonstrates that he/she has made a good faith effort to comply with the provisions of this section and all other applicable laws and regulations.

§ 134-67.2 Commercial Districts

- A. Outdoor storage in the Business, Highway Commercial, Regional Retail, Office Building-Limited zones shall not be permitted without prior site plan approval having been granted by the appropriate Board based on the following minimum criteria:
1. outdoor storage shall not be placed in a front yard
 2. outdoor storage shall be setback a minimum of 10' feet from side and rear yard lines
 3. outdoor storage shall be screened from public view and shall not obstruct parking, loading or pedestrian circulation.
- B. Outdoor display, in the Business, Highway Commercial and Regional Retail zones shall be permitted provided such display does not obstruct pedestrian or fire access.

LEGAL NOTICE
ORDINANCE NO.18
2014
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

AMENDING AND SUPPLEMENTING
CHAPTER 134 (LAND DEVELOPMENT) OF
THE CODE OF THE TOWNSHIP OF WAYNE

BE IT ORDAINED by the Municipal Council of the Township of Wayne in the County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 134 (Land Development), Section § 134-26.4 Special Permits - Clothing Bins of the Code of the Township of Wayne is hereby amended and supplemented to read as follows:

SECTION 2. 134-26.4 B (5) The Zoning Officer shall investigate, within 30 days of receipt, any complaints regarding the clothing bin. Whenever it appears to the Zoning Officer that a person has engaged in or is in the process of engaging in any act or practice in violation of any provisions of this section, the property owner shall be issued a notice of violation stating that, if the violation is not rectified within ten (10) days from the date of the notice, a summons will be issued requiring a court appearance. Each day of noncompliance shall be deemed a separate offense subject to a separate summons. The bin shall not be replaced once removed without a permit approved by the Zoning Official. The Zoning Officer shall give notice by regular mail and certified mail, RRR, as well as affixing the notice to the exterior of the clothing bin.

SECTION 3. 134-26.4 B (6) In addition to any other penalties or remedies authorized by the State of New Jersey, any person who violates any provisions of this section shall be

(a) Subject to a penalty of up to \$2,000 for each violation. The Zoning Officer may bring this action in either the Municipal Court or Superior Court, as the summary proceeding under the "Penalty Enforcement Law" of 1999 (N.J.S.A. 2A:58-10, et seq.) and any penalty monies collected shall be paid to the Chief Financial Officer of the Township;

(b) Deemed ineligible to place, use or employ a donation clothing bin for solicitation purposes, pursuant to the provisions of this section.

SECTION 4. If any section, sub-section, paragraph, sentence or any other part of this ordinance or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

FRANCO MAZZEI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of May 10, 2014 and

PAUL V. MARGIOTTA
Township Clerk

This ordinance is hereby
approved this day
of 2013.

ADOPTED ON: May 21, 2014

CHRISTOPHER P. VERGANO, Mayor