

ORDINANCE NO. [INSERT HERE]

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF [INSERT HERE] CLOTHING COLLECTION BINS

SUMMARY

An Ordinance amending the Municipal Code of the City of [INSERT HERE] clothing collection bin establishing rules, regulations and registrations of said clothing collection bins.

LEGISLATIVE INTENT

It is the intent of this ordinance to encourage the proper, transparent and community beneficial use of clothing collection bins that contribute to reducing the amount of textile and household waste going to landfills by entities that also support charitable organizations and local economies.

Chapter [INSERT HERE] Clothing Collection Bin

§ Definitions relative to clothing collection bin(s)

Clothing collection bin (herein referred to as "collection bins")

A closed receptacle or container made of metal, wood, steel or similar material designed or intended for the collection of unwanted clothing, shoes, textiles and other household items.

Property Owner

The person or entity having legal title to property and/or the person shown as the owner of the property on the current assessment rolls of the City.

Property Owner's Agent

Party that has express (oral or written) or implied authority through employment, by contract or apparent authority to act for the owner so as to bring the owner into contractual relationships with other parties.

Permittee

Any person, business entity or corporation that receives a permit to operate the bin pursuant to this chapter.

§. Permit required; dates of issuance, expiration, response

- A. It shall be unlawful for any person, firm, or corporation to erect, place, maintain or operate any collection bin without first obtaining a permit issued by the City Clerk.
- B. A permit issued under this chapter shall be valid for one year and renewable for one-year periods thereafter.
- C. A permitting agency must respond to permittee's application for a permit within (*specify time frame*) and must provide adequate justification if the permit request is denied.

§. Fee required.

Initial Application (one-year period) \$25.00

Renewal Applications (one-year period) \$25.00

Permit Fee (one year period) \$10.00

§ Form of application.

The application for a collection bin permit shall require the following information from the permittee:

- A. Name, address, telephone number, name of contact person of the organization that is applying for the permit.
- B. Written consent from the property owner or owner's agent to place the bin on the property, including name, address and telephone number of owner or owner's agent.
- C. Name and telephone of any entity which may share or profit from any clothing or other items collected via the bin.
- D. Information pertaining to the permittee's status with the State corporation regulatory agency.

§ 109-6. Location restriction.

The City shall not grant an application for a permit to place, use, or employ a collection bin if it determines that the placement of the bin could constitute a safety hazard.

§ Management, Maintenance; Requirements

- A. Permittees must provide proof to the City Clerk of a Certificate of Liability Insurance of at least \$1 million for each permitted bin.
- B. Permittees must maintain the aesthetic presentation of the bin including fresh paint, readable signage and general upkeep.
- C. Permittees must provide the property owner or owner's agent with a telephone number for requests to respond to bin maintenance complaints.
- D. Permittees must respond to bin maintenance complaints within 24 hours of receiving notification during regular business hours.
- E. Permittees must remove graffiti within 72 hours following notice of its existence
- F. If a bin becomes damaged or vandalized, it shall be repaired, replaced or removed within five days of receipt of notice of such condition, unless damage is such as to constitute a danger to persons or property in which case it shall be made safe within 24 hours of notice of such condition.
- G. No collection bin shall be used for advertising or promotional purposes other than the information required pursuant to this chapter.

§ Liability; protections

- A. A property owner or owner's agent shall have the right to rescind consent for a collection bin to be placed on the property, provided written notice of the rescission is provided to the permittee no less than 5 days prior to the bin being removed.
- B. The property owner or owner's agent will be held harmless by the permittee for the removal of an unauthorized bin or where removal is necessary to comply with local zoning ordinances.

- C. A property owner, owner's agent or other entity that causes the unauthorized removal of a permitted bin pursuant to this chapter is civilly liable to the permittee of that bin.

§ 109-9. Violations and penalties.

- A. In addition to any other penalties or remedies authorized by the laws of this State, County or Municipality, any person who violates any provision of this Chapter shall be subject to a penalty of ***(insert amount)*** for each violation which includes:
 - a. Unpermitted placement of a collection bin
 - b. Failure to respond to maintenance request pursuant to this chapter
 - c. Failure to maintain collection bins pursuant to this chapter
 - d. Failure to adhere to placement and removal of provision pursuant to this chapter
 - e. Failure to adhere to all permit requirements pursuant to this chapter
- B. If a permittee is found to have willfully violated or ignored the provisions of this chapter, or is found to have perpetrated fraud regarding the operation and use of the collection bin, the permittee shall be fined and will be deemed ineligible to place, use or employ a collection bin pursuant to this chapter, and may have any or all bins removed by the City.