

Town of Carver
REGULATION OF UNATTENDED DONATION BOXES

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8.80.010 Purpose and intent.

The purpose of the By-law is to regulate the placement of unattended donation boxes within the Town. The procedures and requirements of this By-law are enacted to:

- A. Promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property within the Town;
- B. Ensure that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic;
- C. Ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and
- D. Establish criteria that avoid attracting vermin, unsightliness and public health hazard.

8.80.020 Definitions.

- A. Health Agent: means the individual allowed to issue/revoke/fine the permit/property owner after a hearing with the Board of Health and a positive vote.
- B. "Operator" means a person, entity, association or organization who places, maintains or operates unattended donation box(es) to solicit donations of salvageable personal property.

C. "Permittee" means the property owner who is issued a permit authorizing placement of unattended donation box(es).

D. "Property owner" means the person, entity, association or organization who owns the real property where the unattended donation box(es) are or are proposed to be located.

E. "Unattended donation box" means any unattended container, receptacle, or similar device that is located on any property within the city used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated by the zoning code.

8.80.030 Permits.

A. Unless otherwise exempt, it shall be unlawful and a public nuisance for any property owner or operator to place, operate, maintain or allow unattended donation boxes on real property unless the property owner first obtains a permit pursuant to this regulation and the donation box is placed, operated and maintained in accordance with all provisions in the regulation.

B. The permit application shall be made on a form provided by the Board of Health and shall include the following information:

1. The name, address, email, website (if available) and telephone number of the applicant;
2. Written proof sufficient to establish that the operator who will utilize the unattended donation box is qualified to solicit donations of salvageable personal property.
3. The physical address of the property owner's real property and a drawing sufficient to indicate the proposed location of the unattended donation box on the property owner's real property, as well as the size of the proposed unattended donation box, and the name of the charitable organization.

C. Each application shall be accompanied by a nonrefundable fee in the amount of \$100.00 to be renewed yearly. All applications will be valid until December 31st of the current year.

D. Applications shall be filed with the Board of Health.

E. Within thirty days of receiving a completed application, the Board of Health Agent will issue or deny the permit.

F. The Health Agent shall not issue a permit unless:

1. The applicant has submitted a complete and accurate application accompanied by the applicable fee;

2. The operator who will maintain or operate the unattended donation box is qualified to solicit donations of salvageable personal property
 3. The proposed location and placement of the unattended donation box on the property owner's real property is in compliance with all applicable laws and will not impede pedestrian, bicycle, site distances onto adjacent streets or vehicular traffic.
- G. If the Health Agent denies an application, the Agent shall state, in writing, the specific reason for denial. The applicant may request a hearing with the Board of Health to present reasons why the denial is not warranted.
- H. Permit issued hereunder shall be valid for one unattended donation box. Multiple unattended donation boxes shall not be allowed.
- I. The term of the permit shall expire at the end of each year.
- J. No person or operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.
- K. Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Board of Health Agent in writing of the intent to cancel the permit. The permit shall become void upon the Board of Health Agent's receipt of a written notice of intent to cancel the permit.
- L. Signage: Each box must contain a sign notifying the donators to not place items around the box or the donation box will be removed after 3 warnings.

8.80.040 Renewal of permits.

- A. A permittee may re-apply for permit renewal by submitting to the Agent, before the expiration of the permit.
- B. The Agent shall either approve or deny the renewal of a permit within thirty days of receipt of the complete renewal application and payment of the renewal fee.
- C. The Agent shall approve the renewal of a permit if he or she finds that no circumstances existed during the term of the permit, existed at the time of submission of an application for renewal, or existed at any time during the review of the application for renewal that are inconsistent with any finding required for approval of a new permit.

8.80.50 Requirements and maintenance.

- A. A permittee shall operate and maintain or cause to be operated and maintained all unattended donation boxes located in the city as follows:

1. Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;

2. Unattended donation boxes shall be locked or otherwise secured;

3. Unattended donation boxes shall contain the following contact information in two-inch type visible from the front of each unattended donation box: the name, address, email and phone number of both the permittee and operator;

4. Unattended donation boxes shall be serviced and emptied as needed but at least once per month, or within five business days of a request by the Board of Health Agent.

B. The permittee shall maintain or cause to be maintained the area surrounding the unattended donation boxes free of any junk, garbage, trash, debris or other refuse material.

C. The permittee and operator shall be individually and severally responsible for abating and removing all junk, garbage, trash and debris and other refuse material in the area surrounding the unattended donation boxes within twenty-four hours of written or verbal notice from the Town or Board of Health Agent.

D. The permittee and operator shall be individually and severally responsible for all costs for abating and removing any junk, garbage, trash, debris and other refuse material from the area surrounding the unattended donation boxes.

E. It shall be unlawful for any property owner or operator to place an unattended donation box in any residential district.

F. No unattended donation box shall be placed on required parking spaces.

H. No more than one unattended donation box shall be placed on each parcel of real property unless authorized by the Board of Health.

8.80.060 Revocation of permit, removal of unattended donation boxes and liability.

The failure of the permittee to comply with the provisions of this regulation shall constitute grounds for revocation of the permit. The Agent shall provide a written notification to the permittee stating the specific grounds for revocation. Upon revocation, the unattended donation box shall be removed from the permittee's real property within thirty calendar days and, if not removed within this time period, the Town may remove, store and dispose of the unattended donation box at the permittee's sole cost and expense. Upon revocation, a permittee shall be prohibited from applying for a permit for a period of one year. Any violation of the provisions of this is a public nuisance subject to abatement pursuant to this regulation or as otherwise permitted by law.

8.80.070 Violation—Penalty.

Any person violating any provision of this regulation is guilty of an infraction. First within one calendar year is no fine. Each subsequent violation is \$50.00 per violation. After the third violation within a calendar year revoking of permit will be taken action by the Health Agent after a hearing with the Board of Health.

8.80.100 Exemption

Unattended donation boxes located entirely within the interior of a building are exempt from the requirements of this regulation.

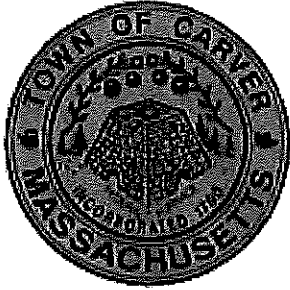
ADOPTED BY THE CARVER BOARD OF HEALTH ON MARCH 12, 2019



Arthur F. Borden, P.L.S., Chairman



Eric F. Mueller, Member



TOWN OF CARVER

Permitting Department

108 Main Street, Carver, MA 02330

508-866-3450

APPLICATION FOR PERMIT

NO. _____

Date _____

TO THE LICENSING AUTHORITIES:

In accordance with the provisions of the Statutes relating thereto,
application for a Permit is hereby made

Name: _____

(full name of person, firm or corporation making application)

(street address)

(Town, State, Zip Code)

State clearly purpose for which permit is requested:

Permit issued _____

Signature of Application

Address if different from above