

4/23 (6)

Christine Joyce

From: Steve Ledoux
Sent: Monday, April 09, 2012 3:52 PM
To: Christine Joyce
Subject: FW: donation bins in Quincy

8:00

Pam has asked that this topic be on agenda rather than Citizen Concerns

15 mins

Steven L Ledoux
Town Manager
472 Main Street
Acton, MA 01720
Telephone (978) 929-6611

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

From: John Sonner [mailto:jsonner@hotmail.com]
Sent: Saturday, April 07, 2012 9:51 AM
To: Board of Selectmen
Subject: Fw: donation bins in Quincy

FYI, Nancy (Wayne F's wife) plans to speak during citizen's concerns on the 23rd. I talked with her this morning. Dave, I think she'll be contacting you.

From: [John Sonner](#)
Sent: Friday, April 06, 2012 8:25 PM
To: [Nancy Lenicheck](#)
Subject: Re: donation bins in Quincy

Got it - here's another.

<http://www.patriotledger.com/business/consumer/x221018791/Quincy-looks-to-get-handle-on-donation-bins>

From: [Nancy Lenicheck](#)
Sent: Friday, April 06, 2012 7:55 AM
To: [john sonner](#)
Subject: FW: donation bins in Quincy

This is a good article. Read through to the end.

Date: Wed, 28 Mar 2012 11:21:01 -0400
Subject: Fwd: donation bins in Quincy
From: cdoublewski@gmail.com
To: nancylouisa@hotmail.com; annemcn@comcast.net; thepoppes@comcast.net; dkfraser@att.net; deenaaferrara@yahoo.com; merw74@verizon.net

On Wed, Mar 28, 2012 at 10:13 AM, Marcia Rich <mrich@acton-ma.gov> wrote:

Take a look at this

http://www.boston.com/yourtown/news/quincy/2012/03/quincy_city_council_looks_to_r.html?p1=Well_Local_YourTownlinks

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Introduced By: Kevin F. Coughlin, Ward Three Councilor

CITY OF QUINCY

IN COUNCIL

ORDER

FEBRUARY 6, 2012

ORDERED

Be It Ordained That the Quincy City Council adopts the following amendment to the Municipal Code

Chapter 5.60

AN ORDINANCE REGULATING PUBLIC DONATION COLLECTION BINS

The following regulations shall not apply to any entity under municipal contract to provide recycling services to the City of Quincy

5.60.010 Definitions

As used in this chapter, the following terms shall have the meaning indicated:

Donation Collection Bin-Any enclosed receptacle or container made of metal, steel or similar product and designed or intended for the donation and the temporary storage of clothing or other goods and materials.

Operator- Any person or legal entity that owns, operates or is otherwise in control of a donation collection bin in the City of Quincy and is registered as a not-for-profit recognized in good standing with the Office of the Secretary of State.

5.60.020 Prohibitions and Standards

It shall be unlawful for any person to place a donation collection bin within the City of Quincy without first obtaining an annual license from the City Clerk subject to approval by the License Board as hereinafter provided. Each operator who seeks to place a donation collection bin in the City of Quincy shall complete a written application on a yearly basis on a form provided by the City Clerk.

A donation collection bin, subject to the provisions of this chapter, must have clearly identified, in writing on its face, the name of the entity or organization that is operating and maintaining the donation collection bin. A telephone number and address for such entity must be clearly displayed along with a collection schedule. No further advertising shall be permitted on the donation collection bin.

Upon receipt of an approved license, a donation collection bin may be placed only on non-residential property within a Business A, B, or C zoning district in accordance with the following:

- (1) Nonresidential commercial premises and premises devoted to non-profit purposes and religious institutions are permitted up to three donation collection bins on said premises unless otherwise permitted by the License Board.

- (2) The donation collection bin(s) shall be appropriately located so as to not interfere with sight triangles, on site circulation, required setbacks, landscaping, parking or any other zoning requirements and shall be placed on a concrete surface. They shall not be placed at any location on a commercial premise directly abutting a residential neighborhood and shall comply with all setbacks as defined within Chapter 17 for accessory structures. They shall be properly screened from views as approved by the Licensing Board and shall not consume any available parking spaces required for the permitting or zoning requirements of the premise where sited.
- (3) The donation collection bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
- (4) Each donation collection bin shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height unless otherwise permitted by the License Board.
- (5) Each donation collection bin must be regularly emptied of its content so that it does not overflow, resulting in used clothing or other donated goods and materials being strewn about the surrounding area. All donation collection bins must be maintained in a state of good repair and in a neat and clean condition, and free of trash, debris, refuse or like material.

5.60.030 Application for License

- A. Any person or entity desiring a license under this chapter shall file with the City Clerk an original and one copy of an application, submitted under oath, in writing on a form furnished by the City Clerk. A hearing before the Licensing Board shall be required prior to approval.

The application shall set forth the following information:

- (1) The applicant's name, business name, business address and telephone number as well as the name, address and telephone number of the person or persons responsible for maintaining each donation collection bin which shall be posted on each bin as previously cited. For the purposes of this chapter there must be a bona fide office of any person or entity which may share or profit from any donations collected via the bin and maintain the bin at which such person can be reached during normal business hours. An answering machine or service does not constitute a bona fide office.
- (2) Whether the applicant is an individual, a partnership, a corporation or another entity, and if another entity, a full description thereof and whether the entity is a non-profit organization.
- (3) If the applicant is an individual, the applicant's residential address.
- (4) If the applicant is a partnership, the full name and address of each partner.
- (5) If the applicant is a corporation or other entity, in the case of a corporation, the full name and address of the principal officer, the name and address of the principal office of the corporation.
- (6) Whether the applicant has ever been convicted of a crime or entered into a plea agreement to the commission of a crime, and, if so, the crime or charge involved and the disposition thereof.
- (7) A description of the donation collection bin to be covered by the license as well as the address where the donation collection bin(s) will be located. There shall be attached to the application a detailed drawing indicating the position of permanent structures on the site including buildings and driveways, lot lines and the location of the proposed bin(s) along with photographs of the site.

- (8) If the applicant is not the owner of the property upon which the donation collection bin is to be located, the written notarized consent of the property owner on letterhead must be attached to the application. The consent shall include the name, address, and telephone number of the owner, lessee or other person or legal entity in control of the property where each such donation collection bin shall be placed. The applicant shall certify on the license application that no fee is being paid to the property owner upon which the bin is being placed and shall provide written confirmation of this along with the written notarized consent from the property owner.
- (9) The manner in which the applicant anticipates any donations collected via the bin would be used, sold or dispersed, and the method by which proceeds of collected donations would be allocated or spent.
- (10) The regular interval schedule at which the operator or person identified in the license collects the items donated and performs regular maintenance. Said interval shall not exceed thirty (30) days. The schedule of collection must be posted on the collection bin.

5.60.040 Fees

The fee for the issuance of an initial license to place a donation collection bin in the City of Quincy and each annual renewal shall be \$150.00 for each donation collection bin. The license period for each donation collection bin shall be January 1 through December 31 of each year.

Upon the granting of a license, a permit shall be affixed to every bin used by the license holder for the collection and storage of donated clothing, goods or other materials. A permit issued to an applicant shall be affixed to each bin prior to placement of the bin. The permit shall be clearly placed on the same side of the bin as the chute used to deposit donated items. Next to the permit there shall be placed in clear lettering the name and telephone number of the operator. Upon the sale or transfer of a bin, a new license and permit shall be sought and if granted to a subsequent owner, the permit must be affixed to the bin prior to placement in service. The City Clerk shall provide a list of all approved locations for donation bins to the Quincy Fire Department.

The provisions of this chapter shall apply to both existing and future donation collection bins located within the city

5.60.050 Violation, penalties and enforcement

- A. Any person, entity, partnership, firm or corporation violating any of the provisions of this chapter shall be punished by a fine of not less than \$50.00 but not exceeding \$100.00 for each individual violation
- B. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.
- C. The owner, lessee, or other person or legal entity in control of the property where the donation collection bin is being maintained and the person or entity which owns, maintains or operates said bin in violation of this chapter shall be jointly and severally liable for each violation thereof and for payment of the fine assessed.
- D. Any failure to comply with the provisions of this chapter which exceeds thirty days shall result in the revocation of the license granted by the License Board and an order of removal of the donation collection bin. Failure to comply with an order of removal may result in such removal by the city. In

addition to any other penalties imposed in this section, the city shall be entitled to recover a penalty in the amount equal to three times the cost or expense incurred by the city if an order of removal is not complied with resulting in removal by the city. No person or entity whose license under this section is revoked for any cause shall be granted another license under this section, under the same or different name.

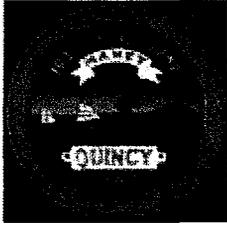
- E. In addition to any other penalties imposed in this section, any person who knowingly makes any false statement, submits any false information or misrepresents any information required under this section shall be fined \$100.00 per offense. It shall be a cause of revocation of the permit if the applicant has made any false statement, submitted any false information or misrepresented any information under this section.
- F. The City of Quincy Licensing Board shall be the enforcement authority for this chapter.

5.60.060 Severability

In the event that any provision of this chapter shall be deemed illegal or otherwise unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other sections shall remain in full force and effect.

5.60.070 Implementation

The provisions of this ordinance shall be effective immediately upon passage and enactment, but no monetary fine shall be imposed pursuant hereto until ninety (90) days after passage. Application under this ordinance by existing donation bin operators must be made within thirty (30) days of enactment of this ordinance.



CITY OF QUINCY

COLLECTION BIN PROGRAM

APPLICATION PACKAGE

APPLICATION CHECKLIST

Please find attached an application for a permit to install or maintain any collection bin outdoors on private property in the City of Quincy. Failure to submit all the requirements will delay the processing of your application.

No faxes will be accepted. Please return this application and all the associated documents by mail or in person to:

City of Quincy | Office of the City Clerk | 1260 Hancock Street | Quincy, MA 02169

? **Completed Application** including signed Acceptance of Permit Terms

? **Detailed Drawing** indicating:

o Position of all permanent structures, including but not limited to, buildings and driveways located within the lot

o Lot lines

o Location of proposed collection bin(s)

? **Pictures of proposed site/property**

? **Pictures of proposed collection bin**

? **Notarized letter of consent from property owner** on letterhead and certification that no fee is paid to property owner

? **Application/License Fee** per bin paid in advance: \$150.00

o Methods of accepted payment:

Personal Check, Money Order, Cashiers Check or Certified Check

o Please make payable to: **City of Quincy**

COLLECTION BIN PROGRAM APPLICATION

APPLICANT INFORMATION

NAME: _____

TITLE: _____

HOME ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

WORK ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

E-MAIL ADDRESS: _____

WORK PHONE: _____

WORK FAX: _____

MOBILE: _____

Note: Is the applicant an individual, a partnership, a corporation or another entity, and if another entity, a full description thereof and whether the entity is a non-profit organization as required pursuant to city ordinance? If the applicant is a partnership, the full name and address of each partner. If the applicant is a corporation or other entity, in the case of a corporation, the full name and address of the principal officer, and the address of the principle office.

Has the applicant ever been convicted of a crime or entered into a plea agreement to the commission of a crime ? If so the crime or charge involved and the disposition thereof.

PROPERTY OWNER INFORMATION

NAME: _____

TITLE: _____

HOME ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

WORK ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

E-MAIL ADDRESS: _____

WORK PHONE: _____

WORK FAX: _____

MOBILE: _____

PROPERTY INFORMATION

PROPERTY ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

COLLECTION BIN OWNER/OPERATOR INFORMATION

LEGAL NAME: _____

BUSINESS NAME: _____

ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

CONTACT PERSON: _____

TITLE: _____

WORK PHONE: _____

WORK FAX: _____

MOBILE: _____

COLLECTION BIN DETAILS:

QUANTITY _____

HEIGHT _____

LENGTH _____

WIDTH _____

BIN MAINTENANCE CONTACT PERSON INFORMATION

NAME: _____

TITLE: _____

HOME ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

E-MAIL ADDRESS: _____

WORK PHONE: _____

WORK FAX: _____

MOBILE: _____

SCHEDULE OF CONTENT REMOVAL TIMES :

Describe the manner in which the applicant anticipates any donations collected via the bin would be used, sold or dispersed and the method by which the proceeds of collected donations would be allocated or spent:

The applicant hereby certifies by submission of this application that no fee is being paid to the property owner upon which the bin is being placed and has attached a notarized statement from the property owner attesting to this.

COLLECTION BIN PROGRAM PERMIT APPLICATION

ACCEPTANCE OF PERMIT TERMS:

I hereby understand and accept the terms and conditions relative to the issuance of the license, and by signing below, I acknowledge the receipt of a copy of the City of Quincy Ordinance Regulating Public Donation Collections Bins and the applicable Rules and Regulations promulgated herein.

I understand it shall be my duty as the license holder, and as a condition of the license, to:

1. install or maintain any collection bin(s) outdoors on private property **after** the issuance of the license by the Quincy License Board;
2. pay the \$150.00 annual license fee in order to ensure renewal
3. post a copy of the permit on the collection bin(s)
4. maintain the collection bin(s) in good condition and repair;
5. use a collection bin(s) of sufficient size to prevent any overflow or accumulation of other donated items outside of the collection bin;
6. cause to be removed at my own cost and expense all contents of the collection bin(s) at such frequency to prevent the overflow and accumulation of clothes or other donated items outside of the collection bin(s);
8. post the schedule of removal of the items on the collection bin(s);
9. ensure that the collection bin(s) is only being used by the organization listed on the permit;
10. post the name of the organization using the bin for donations on the collection bin(s);
11. post the name and telephone number of a responsible maintenance contact person on the bin

I hereby swear and affirm that all the information contained within this application and any accompanying documents is truthful and accurate. I understand that failure to adhere to all conditions imposed in the permit may result in revocation of the permit.

By:

SIGNATURE _____

PRINT NAME (LAST, FIRST, MIDDLE INTIAL) _____

DATE _____

TITLE _____

WORK PHONE: _____

WORK FAX: _____

MOBILE: _____