

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

SUMMARY

An Ordinance amending the Municipal Code of the City of [INSERT HERE] establishing rules, regulations and registrations of Collection Bins.

LEGISLATIVE INTENT

The City Council recognizes that the U.S. Environmental Protection Agency identifies textile waste as a significant contributor to the overall waste stream, accounting for more than 4% of the total waste generated in the United States. This underscores the urgent need for enhanced efforts in recycling, reuse, and sustainable waste management to mitigate the environmental impacts of textile disposal.

The textile recycling and reuse industry currently diverts over 4 billion pounds of textiles from landfills annually. Collection bins for household goods such as clothing, shoes, and books play a critical role in this infrastructure, providing communities with convenient and accessible options for responsibly discarding unwanted textiles.

This ordinance aims to promote the responsible use of both attended and unattended collection bins for used household goods, including clothing, shoes, and books. By supporting these efforts, the ordinance will protect the environment by increasing community recycling and reuse, reducing landfill burden, and fostering economic growth through job creation and the provision of goods for recycling and reuse.

Definitions.

Collection Bin

An attended or unattended receptacle, trailer or container made of metal, wood, steel or similar material for permanent or temporary use, designed or intended collection of unwanted clothing, shoes, textiles, books and other household items.

Site Host

The owner or lawful occupant (or their respective representatives) of the site of a Collection Bin within the City.

Site

Physical location where a Site Host has provided consent for placing a Collection Bin(s).

Permittee

Any organization, firm or other entity that owns and receives a permit to operate a Collection Bin in the City pursuant to this Chapter.

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

- A. It shall be unlawful to erect, place, maintain or operate any Collection Bin without initiating permit process required by the City.
- B. The City shall approve permittee's application if such application fulfills the application requirements under §xxx. Qualifications of Permittee and Form of Application.
- C. A permit issued under this Chapter shall be valid at least one-year and renewable thereafter.

§xxx. Fee required.

- A. Initial Application (per year, per site) e.g. \$25.00.
- B. Renewal Applications (per year, per site) e.g. \$25.00.

§xxx. Qualifications of Permittee and Form of Application.

In order to qualify as a permittee under this Chapter, an applicant must either be (1) a public charity exempt from taxes under Section 501(c)(3) of the United States Internal Revenue Code, and in good standing with the State of xxx, or (2) a business in good standing with the State of xxx. The application for a Collection Bin permit shall require the following information from the applicant:

- A. If the applicant claims to be a qualified nonprofit entity, (1) a copy of the determination letter issued by the Internal Revenue Service stating that the applicant is a public charity exempt under Internal Revenue Code Section 501(c)(3), and (2) a certificate of good standing issued by the Office of the Secretary of State of xxx. If the applicant is a business, a certificate of good standing issued by the Office of the Secretary of State of xxx. A certificate of good standing must not be older than 3 months at the time of application for a permit.
- B. Name, address and telephone number of contact person of the applicant.
- C. Written consent from the Site Host to place the Collection Bin on the property, including name, address and telephone number of the Site Host.

§xxx. Proof of Permit

The City shall provide the permittee with one permit sticker for each approved permit. The permit sticker shall be placed in a conspicuous place in front of the bin that is installed on the permitted property. The City will provide replacement stickers for (insert value) should the original sticker become damaged, fall off or disappear.

§xxx. Management, Maintenance; Requirements

- A. Permittee must maintain the aesthetic presentation of each bin including fresh paint, readable signage and general upkeep.
- B. Permittee must provide to the Site Host a telephone number for requests to respond to bin maintenance complaints.
- C. Permittee must respond to bin maintenance complaints within 72 hours of receiving notification during regular business hours.
- D. If a bin becomes damaged or vandalized, it shall be repaired, replaced or removed within five business days of receipt of notice of such condition.
- E. More than one collection bin may be allowed at each lot or site.
- F. Collection bin(s) shall not occupy a footprint of more than 300 square feet.

§xxx. Placement of Recycling Collection Bins

- A. Collection Bins shall be placed on the site in a manner that does not impede vehicular or pedestrian traffic flow.
- B. Collection Bins shall not be placed in the right-of-way and shall adhere to the set-back standards for the site where they are placed.
- C. Collection bins shall not be placed in a handicapped or disabled parking space or impede emergency personnel access.
- D. Collection Bins placed on sidewalks must allow for five (5) feet of pedestrian walkway in front of the Recycling Collection Bin.
- E. Collection Bins shall not be placed within the sight triangle of any intersection.
- F. Collection bins must be easily visible and accessible by all residents.

§xxx. Information and Label Requirement for all Bins

The front of every Collection Bin shall conspicuously display the following:

- (a) The name and contact information of the Owner and Operator of the collection bin;
- (b) A statement that reads “this collection bin is owned and operated by a for-profit organization” on the front of the bin.

§xxx. Reporting of Recycled Goods.

The Permittee may report the total number of tons of goods diverted from the municipal waste stream in the city. Such reporting may be done on yearly basis to the City Clerk by letter or e-mail.

§xxx. Violations and Penalties.

- A. In addition to any other penalties or remedies authorized by law, any permittee which violates any provision of this Chapter shall be subject to a penalty of \$250 for each violation, which includes:
 - 1. failure to initiate or adhere to permitting process for placement of a Collection Bin
 - 2. failure to adequately respond to maintenance request pursuant to this Chapter;
 - 3. failure to maintain Collection Bins pursuant to this Chapter;
 - 4. failure to adhere to Collection Bin placement and removal provisions pursuant to this Chapter; and
 - 5. failures to adhere to all permit requirements pursuant to this Chapter.
- B. If a permittee is found to have willfully violated the provisions of this Chapter, on more than 3 occasions in a calendar year, the permittee shall, in addition, be deemed ineligible to place, use or employ a collection bin within the City pursuant to this Chapter for a period of five years, and the City may remove any or all of such permittee’s bins upon 30 days’ advance notice.

§ xxx Liability; protections

- A. A Site Host 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, as provided

in their agreement but in no event less than 10 business days prior, to the collection bin being removed.

- B. The Site Host will be held harmless by the permittee for the removal of an unauthorized collection bin or where removal is necessary to comply with local zoning ordinances.
- C. A Site Host that causes the unauthorized removal of a permitted collection bin pursuant to this chapter is civilly liable to the permittee of that recycling collection bin.
- D. Permittees shall maintain general liability insurance that covers any claims or losses due to the placement, operation or maintenance of the collection bin.