

WHEREAS, The Board of Aldermen of the City of Waterbury, being desirous of amending the Waterbury Code of Ordinances, does hereby approve and adopt the following amendments to the Code.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WATERBURY THAT: Waterbury Code of Ordinances Chapter 161, "Donation Bins", regarding the regulation of donation bins within the City of Waterbury, is added as follows:

Chapter 161: Donation Bins

§ 161.01 DEFINITIONS.

DONATION BIN. Any unattended container, receptacle, or similar device that is located on any property within the City of Waterbury that is used for soliciting and collecting donations of clothing, home-goods, furniture or other salvageable personal property. This term does not include recycle bins for the collection of materials governed by other sections of this Code or any unattended donation bin located within an enclosed building.

OPERATOR. The person or entity which utilizes or maintains donation bin(s) to solicit donations of salvageable personal property.

PROPERTY OWNER. The person or entity which owns the real property where the donation bin is located.

§ 161.02 PERMITS.

(A) It shall be a violation of this chapter and a public nuisance for any property owner or other person or entity to place, operate, maintain or allow a donation bin on real property unless the property owner first obtains a permit pursuant to this chapter and the donation bin is placed, operated and maintained in accordance with all of the provisions of this chapter.

(B) The permit application for donation bins shall be made on a form provided by the Department of Inspections and shall include the following information:

(1) The name, address, phone number(s) and e-mail address (if applicable) of the owner of the property upon which the donation bin is proposed to be located;

(2) The name, address, phone number(s), e-mail address and website (if applicable) of the entity which shall own, place, operate and maintain such donation bin; and

(3) A drawing sufficient to indicate the proposed location of the donation bin on the property owner's real property and the size of the donation bin in measurement of height, width and length.

(4) The permit application must be signed by the real property owner or by someone duly authorized by the real property owner indicating consent to allow placement of a donation bin.

(C) Each application shall be accompanied by any non-refundable fee for each donation bin set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the City of Waterbury pursuant to § 41.11 of this Code. The City of Waterbury shall be exempt from payment of any application fee.

(D) Applications shall be filed with the Department of Inspections.

(E) Within fifteen (15) business days of receiving a completed permit application with any required non-refundable fee, the Building Official shall issue a permit or deny issuance of a permit. If a permit is denied the Building Official shall state, in writing, the specific reasons for denial.

(F) The Building Official shall not issue a permit if:

(1) The applicant has not submitted a complete and accurate application accompanied by any applicable fee; and

(2) The proposed location of the donation bin on the property owner's real property does not comply with all applicable laws, codes and ordinances; including compliance with the requirements of this chapter as determined by the City Planning, Zoning & Inland Wetlands Department.

(G) A permit shall be valid until February 1st of the year following the date of issuance or renewal.

(H) Permits for placement of donation bins are not transferable, assignable and cannot be conveyed to another person or entity.

(I) Prior to the expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Department of Inspections in writing of the intent to cancel the permit. The permit shall then become void upon receipt of such notice to Department of Inspections. No part of the permit fee is refundable or pro-rated.

(J) The Building Official reserves the right to revoke any permit.

§ 161.03 RENEWAL OF PERMITS

(A) A property owner may apply for permit renewal by submitting to the Department of Inspections, at least thirty (30) days before the expiration of the permit, a renewal application and any non-refundable renewal fee set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the City of Waterbury pursuant to § 41.11 of this Code.

(B) The Department of Inspections shall either approve or deny the renewal of a permit within fifteen (15) business days of receipt of the complete renewal application and payment of any required renewal fee.

(C) The Department of Inspections 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 as specified in §161.02 or that would justify the revocation of the permit as specified in § 161.05.

§ 161.04 REQUIREMENTS FOR OPERATION AND MAINTENANCE

(A) An operator shall operate and maintain or cause to be operated and maintained all donation bins located in the City of Waterbury as follows:

(1) Donation bins shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;

(2) Donation bins shall be locked or otherwise secured to prevent public access to items deposited in the donation bin;

(3) Donation bins shall be serviced and emptied as needed, but at least every thirty (30) days;

(4) Donation bins shall contain the following contact information in two-inch type visible from the front of each donation bin: the name, address, e-mail, and phone number of both the property owner and operator; and

(5) The front of each donation bin shall display a copy of a valid permit issued by the Department of Inspections for operation of the donation bin.

(B) The operator shall maintain or cause to be maintained the area surrounding the donation bin(s) free of any junk, debris or other material and shall be responsible to the extent provided by law for the cost to abate any violation.

(C) Notwithstanding any other provision of this Code, it is unlawful for any person or entity to place a donation bin in any residential zone.

(D) Notwithstanding any other provision of this Code, it is unlawful to locate any donation bin less than four hundred (400) feet from any other unattended donation bin.

(E) Notwithstanding any other provision of this Code, it is unlawful to locate more than one (1) donation bin on each parcel of real property.

(F) Notwithstanding any other provision of this Code, it is unlawful to locate any donation bin on required parking spaces or within vehicle travel lanes.

(G) Notwithstanding any other provision of this Code, it is unlawful to locate any donation bin on any City of Waterbury-owned property without authorization.

§ 161.05 REVOCATION OF PERMIT; REMOVAL OF DONATION BINS; LIABILITY

(A) The Department of Inspections shall have the right for cause to revoke any permit issued hereunder. Any of the grounds upon which he or she may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the property owner or operator to comply with the provisions of this chapter or other provisions of this Code or other law shall also constitute grounds for revocation of the permit.

(B) The Department of Inspections shall provide a written notification to the property owner and operator stating the specific grounds for revocation.

(C) Upon revocation, the donation bin shall be removed from the property owner's real property within ten (10) days and if not removed within this time period, the City of Waterbury may remove, store and dispose of the donation bin at the expense of the operator. Upon revocation, a property owner shall be prohibited from applying for a permit for a period of one (1) year.

(D) Any violation of the provisions of this chapter is a public nuisance subject to abatement by the City of Waterbury.

§ 161.06 PENALTY; CITATION

(A) Any person or entity violating any provision of this chapter shall be subject to monetary penalties as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the City of Waterbury pursuant to § 41.11 of this Code.

(B) The City of Waterbury may enforce the violation of this chapter by the issuance of a citation.

(C) The City of Waterbury shall issue a written warning providing notice of the specific violation before issuing a citation. Said notice shall specify that the noncompliant person or entity has five (5) days from the date notice was mailed to correct the violation, or the City of Waterbury will issue a citation.

§ 161.07 CITATION APPEAL PROCEDURE

Any person or entity issued a citation for violation of this chapter may appeal said citation pursuant to § 12.03 of this Code.

§ 161.08 EXCEPTION

Except for the provisions of §§ 161.01, 161.04(A)(1)-(4), 161.04(B), 161.06 and 161.07, this chapter shall not apply to any donation bin that is located on a premises that is owned or leased by any religious, charitable or eleemosynary organization.

§ 161.09 EFFECTIVE DATE

The provisions of this chapter shall apply to all donation bins located within the City of Waterbury as of the effective date of this section. All persons who have one (1) or more unattended donation bins located on their real property as of the effective date of this section shall have sixty (60) days from that date to file an application for a permit as provided for in this chapter. Any such person who has filed a timely application for a permit shall not be subject to the provisions of this chapter relating to donation bins until a permit is issued or denied to the applicant.