

THE CITY OF WARWICK
STATE OF RHODE ISLAND

CHAPTER 32
JUNK DEALERS AND CHARITABLE DONATION BINS

ARTICLE II
DONATION DROP-OFF BOXES

No..... Date.....

Approved.....Mayor

AN ORDINANCE AMENDING CHAPTER 32, ARTICLE II OF THE CITY OF
WARWICK CODE OF ORDINANCES TO UPDATE STANDARDS AND PROCESSES
RELATIVE TO THE REGULATION OF DONATION DROP-OFF BOXES

Be it ordained by the City of Warwick:

Section I: Chapter 32, Article II of the City of Warwick Code of Ordinances is hereby amended as follows:

Sec. 32-9. – Purpose.

The purpose of this article shall be to regulate and monitor donation drop-off boxes, as defined herein via a permit program, so as to avoid illegal dumping and blight. The building department is hereby authorized and empowered to institute fees related to permits for donation drop-off boxes. ~~The income raised from such fees shall be directed into a fund restricted to the maintenance of the permit program.~~ Permit fees shall be no less than minimum permit fees in the municipal view point system, and shall be used for regulation of the bins, including mailings, certified mail, and stickers for the bins.

Sec. 32-10. – Definitions.

As used in this article, the following terms shall have the meanings indicated:

Donation drop-off box means a closed, outdoor receptacle or container made of metal, wood, steel or similar material designed or intended for the collection of unwanted clothing, shoes,

1 textiles and/or other household items. For the purpose of this article, a donation drop-off box may
2 alternatively be referred to as a "bin."

3
4 *Permittee* means any person, organization or corporation that receives a permit to operate
5 a bin in the city pursuant to this article.

6
7 *Person in lawful possession of property* means a person that rents or leases a property from
8 a property owner, or a person that represents the lessee, such as a store manager, regional manager,
9 superintendent or other person with authority from the lessee.

10
11 *Property owner* means the person or entity having legal title to property and/or the person
12 shown as the owner of the property on the current assessment rolls of the city. For the purposes of
13 this article, it shall refer to the property upon which the donation drop-off box ~~sits~~ is located.

14
15 *Property owner's agent* means the party that has express written or implied authority
16 through employment, by contract or apparent authority to act for the owner so as to bring the owner
17 into contractual relationships with other parties.

18
19 **Sec. 32-11. – Fees; permit required.**

20
21 (a) *Permit required; dates of issuance, expiration, response.*

22
23 (1) It shall be unlawful for any person, firm, or corporation to erect, place, maintain or
24 operate any collection bin without first obtaining a permit issued by the ~~city clerk~~
25 building department.

26
27 (2) A permit issued under this article shall be valid from the date of issuance for a period
28 not to exceed the sooner of one year or until ~~January 31~~ June 30 of the following
29 calendar year.

30
31 (3) A permitting agency must respond to a permittee's application for a permit within 30
32 days and must provide adequate justification if the permit request is denied.

33
34 (b) *Fee required.*

35
36 (1) Initial application (one-year period): ~~\$50.00~~ \$75.00, per site.

37
38 (2) Renewal applications (one-year period): \$25.00, per site.

39
40 (3) Permit fee (one-year period): \$10.00, per bin.

41
42 (c) *Form of application.* The application for a collection bin permit shall require the following
43 information from the permittee:

44
45 (1) Proof that the permittee is a registered charitable 501(c)(3) organization and
46 information pertaining to the permittee's status with the state corporation regulatory

- 1 agency; or if the permittee is a for-profit company, information pertaining to the
2 permittee's status with the state corporation regulatory agency, such as a certificate of
3 good standing with the state. In addition, as to all entitled, proof shall be submitted to
4 the ~~city clerk~~ building department that the entity is authorized through the Rhode Island
5 Secretary of State to conduct business in the State of Rhode Island.
6
- 7 (2) A certificate of liability insurance of at least \$1,000,000.00 for each permitted bin.
8
- 9 (3) Name, address, telephone number, E-mail address and name of contact person of the
10 organization that is applying for the permit. It is the responsibility of the permit holder
11 to keep such information updated whenever the permit holder changes its mailing
12 address.
13
- 14 (4) Written consent from the property owner or owner's agent or person in lawful
15 possession of the property to place the bin on the property, including name, address
16 and telephone number of the owner or owner's agent.
17
- 18 (5) Payment via cash, credit card or a ~~A-check~~ in the appropriate amount to be made
19 payable to the City of Warwick ~~Building Department~~.
20
- 21 (6) A site plan demonstrating the following:
22
- 23 a. The location of the bin(s) on the real estate upon which such bins are to be located;
24
- 25 b. Measurements rounded to the nearest foot of the metes and bounds of said property;
26
- 27 c. Location and size of any buildings or structures to the nearest foot; and
28
- 29 c. Evidence demonstrating that the bin(s) are set back at least five feet from any public
30 roadway.
31
- 32 (d) *Proof of permit.* The city shall provide the permittee with one permit sticker for each approved
33 permit. Such sticker shall display the city seal, name of permittee, bin number, expiration date,
34 and such other information as required by the City of Warwick. The sticker shall be placed in
35 a conspicuous place in front of the bin that is installed on the permitted property. The city will
36 provide replacement stickers for \$5.00 should the original sticker become damaged, fall off or
37 disappear.
38
- 39 **Sec. 32-12. – Location; management; maintenance.**
40
- 41 (a) *Location Restriction.* The city shall not grant an application for a permit to place, use, or
42 employ a collection bin if it determines that the placement of the bin could constitute a safety
43 hazard. If a permitted bin is moved outside or away from the property area for which the permit
44 was originally designated, or to such a location where it poses a safety hazard, the city building
45 official may notify the permittee of said violation. Upon receipt of said notice, permittee has

1 24 hours to rectify the violation or move the bin back to its original location. Failure to address
2 the violation within 24 hours will result in a fine, as indicated in section 32-13.

3
4 *(b) Management; insurance and maintenance and requirements.*

- 5
6 (1) The permittee must provide proof to the Building Department of a certificate of liability
7 insurance of at least \$1,000,000.00 for each ~~permitted bin~~ entity.
8
9 (2) The permittee must maintain the aesthetic presentation of the bin, including fresh paint,
10 readable signage and general upkeep; and includes regular collection of donated goods.
11
12 (3) The permittee must provide the property owner or owner's agent with a telephone
13 number for requests to respond to bin maintenance complaints.
14
15 (4) The permittee must maintain a telephone number that is answered by a live person and
16 has an answering machine, and, at a minimum, return messages the next business day.
17
18 (5) The permittee must maintain regular business hours, and respond to bin maintenance
19 complaints within 24 hours of receiving notification during regular business hours.
20 Should the permittee receive a complaint outside regular business hours, the
21 aforementioned 24-hour response period will begin to toll the following business day.
22
23 (6) Permittee must remove graffiti within 72 hours following notice of its existence.
24
25 (7) If a bin becomes damaged or vandalized, it shall be repaired, replaced or removed
26 within five days of receipt of notice of such condition, unless damage is such as to
27 constitute a danger to persons or property, in which case it shall be made safe within
28 24 hours of notice of such condition.
29

30 *(c) Information and label requirements.* The front of every collection box shall conspicuously
31 display the following:

- 32
33 (1) The name, address, telephone number, and, if available, the Internet web address of the
34 owner and operator of the collection box.
35
36 (2) A statement, in at least two-inch typeface, that either reads, "This collection box is
37 owned and operated by a for-profit organization," or "This collection box is owned and
38 operated by a nonprofit organization."
39
40 (3) For purposes of this article, a commercial fundraiser shall be classified as a for-profit
41 organization.
42
43 (4) If the collection box is owned by a nonprofit organization, the front of the collection
44 box shall also conspicuously display a statement describing the charitable cause that
45 will benefit from the donations.
46

- 1 (5) If the collection box is owned by a for-profit entity, the front of the collection box shall
2 also conspicuously display a statement that reads "This donation is not tax deductible."
3 If the collection box is owned and operated by a commercial fundraiser, the commercial
4 fundraiser may post notice of donations to a charitable cause only on the sides of the
5 box. Such notice may not be larger in font size and cover area than the for-profit entity's
6 name and address that is posted on the box's primary area, the front, and/or shall
7 constitute less than 25 percent of the notice space of the box.
8

9 **Sec. 32-13. – Violations and penalties.**

- 10
11 (a) In addition to any other penalties or remedies authorized by the laws of this state or city, any
12 person who violates any provision of this article shall be subject to penalties for each violation,
13 which may include:
14

- 15 (1) Unpermitted placement of a collection bin.
16
17 (2) Failure to respond to maintenance requests pursuant to this article.
18
19 (3) Failure to maintain collection bins pursuant to this article.
20
21 (4) Failure to adhere to placement and removal provisions pursuant to this article.
22
23 (5) Failure to adhere to all permit requirements pursuant to this article.
24

- 25 (b) All collection bins shall be serviced in accordance with the service information provided on
26 the permit application and within this article. In the event that property is placed outside of the
27 bin, or the permittee is found to have committed any of the violations as listed in the previous
28 section, the operator and owner, excluding the city, shall be given notice by the ~~city building~~
29 ~~official~~ Warwick Building Official electronically via email or by hand delivering. The operator
30 and/or owner shall within 48 hours of the notice from the ~~building-official~~ Warwick Building
31 Official clean the area. Upon failure to comply with the removal within 48 hours, a notice of
32 violation from the ~~building-official~~ Warwick Building Official shall be delivered to the
33 operator and owner, excluding the city, and the matter shall be referred to the Warwick
34 Municipal Court.
35

- 36 (1) A fine in the amount of \$25.00 per day shall be imposed for each day succeeding the
37 initial 48 hours for which the violation remains.
38
39 (2) In the event that a second violation of the failure to clean the area within 48 hours of
40 notification occurs the fine shall be in the amount of \$50.00 per day for each day
41 succeeding the initial 48 hours for which the violation remains.
42
43 (3) In the event that a third violation of the failure to clean the area within 48 hours of
44 notification occurs, the bin permit shall be revoked and the operator and owner,
45 excluding the city, shall be given notice that the bin must be removed from the property
46 within 72 hours. The building official shall ~~remove the permit from the bin, shall seal~~

1 ~~the opening of the bin to prevent further deposits and shall~~ place a notice on the bin
2 that the permit has been revoked and no further deposits are to be made in the bin.
3

4 (4) Upon failure to comply with the removal of the collection bin within 72 hours a notice
5 of violation shall be delivered to the operator and owner, excluding the city, and the
6 matter shall be referred to the Warwick Municipal Court. A fine in the amount of
7 \$100.00 per day shall be imposed for each day succeeding the initial 72 hours for which
8 the violation remains.
9

10 (5) The operator and the owner, excluding the city, shall be jointly and severally liable for
11 any costs incurred by the City of Warwick as a result of the failure to properly maintain
12 and service a bin, including but not limited to costs incurred relative to cleanup of goods
13 or rubbish in close proximity to such bin.
14

15 (c) If a permittee is found to have willfully violated or ignored the provisions of this article, or is
16 found to have perpetrated fraud regarding the operation and use of the collection bin, the
17 permittee shall be fined and will be deemed ineligible to place, use or employ a collection bin
18 pursuant to this article, and may have any or all bins removed by the city.
19

20 **Sec. 32-14. – Enforcement.**

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22 The Municipal Court of the City of Warwick shall have jurisdiction to enforce this article
23 and to decree such relief, inclusive of fines and penalties and injunctive relief, such as to fulfill the
24 terms of this article.
25

26 **Sec. 32-15. – Additional violations; penalties.**

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28 (a) In addition to any other penalties or remedies authorized by the laws of this state or city, any
29 person who violates any provision of this article shall be subject to a penalty of \$100.00 for
30 each violation, which includes:
31

32 (1) Unpermitted placement of a collection bin.
33

34 (2) Failure to respond to maintenance requests pursuant to this article.
35

36 (3) Failure to maintain collection bins pursuant to this article.
37

38 (4) Failure to adhere to placement and removal provisions pursuant to this article.
39

40 (5) Failure to adhere to all permit requirements pursuant to this article.
41

42 (b) If a permittee is found to have willfully violated or ignored the provisions of this article, or is
43 found to have perpetrated fraud regarding the operation and use of the collection bin, the
44 permittee shall be fined and will be deemed ineligible to place, use or employ a collection bin
45 pursuant to this article, and may have any or all bins removed by the city.
46

1 **Sec. 32-16. – Abandonment; notice of determination.**
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- 3 (a) The city shall have the authority to determine if a collection bin has been abandoned by its
4 owner. Abandonment of a collection bin may be determined when contents are not regularly
5 emptied, when contents litter the ground surrounding the bin, maintenance of the bin has not
6 been performed, the owner fails to renew permits or renewal applications and/or other
7 violations as described in section 32-13 of this article.
8
9 (b) Upon a determination by the city that a collection bin is abandoned, the city shall mail a notice
10 of the determination to the owner of the collection bin by certified and regular mail to the
11 address set forth in section 32-12 of this article, or to a registered agent of the owner as filed
12 with the Rhode Island Secretary of State. The notice shall be mailed to the address last provided
13 to the city by the owner. If no response or action is taken by the owner within ten business days
14 of the mailing of the notice, the city may seek an order from the municipal court to relocate,
15 reuse, recycle, or discard the collection bin.
16

17 Section II: This Ordinance shall take effect upon passage and publication as provided by law.
18
19

20 SPONSORED BY: COUNCILMAN HOWE
21 COUNCILMAN RIX
22

23 COMMITTEE: ORDINANCE