



City of Dalton Donation Bin Application (Questions: Call 706-529-2404)

Date Received _____ Staff's Initials _____

\$50.00 Fee Paid _____ Code Officer/Staff _____

Issued _____ Denied _____ Date _____

Donation Bin Permitting (Dalton Code of Ordinances 26-306 thru 26-311)

A. Definitions.

Donation Bin means any freestanding, unattended container, drop-off box, receptacle, trailer or similar device that is located outdoors and is held out to the public as a place for the public to donate household materials, clothes, or other salvageable personal property to store such items until taken away for donation or resale by one who owns, operates, or maintains such container.

Applicant means any person or entity who applies for a donation bin permit.

Bin owner means the owner of the donation bin and any agent thereof designated to operate such donation bin.

Property means any real property within the City of Dalton upon which a donation bin is located or is proposed to be located.

Property owner means the owner or leaseholder of any such property upon which a donation bin is located or is proposed to be located, and any agent thereof designated to manage such property.

B. Permit Required.

- (a) All bin owners of existing donation bins shall, within 60 days of the effective date of this ordinance, apply for a permit with the City Administrator in accordance with this section.
- (b) All bin owners of new donation bins shall apply for a permit in accordance with this section prior to installation.
- (c) The registration fee for Donation Bin permits is \$50.00, and must be submitted at the time of the application.
- (d) Permits are issued for a twenty-four (24) month period, and must be renewed prior to expiration. A new application must be completed, and must be accompanied by a registration fee equal to the then current amount for Donation Bin registrations.
- (e) The City issued permit number shall be affixed to the front face of the Donation Bin

Bin Owner

Name: _____ Owner _____ Phone# _____

Proposed Bin Location & Address _____

Signature of Bin Owner/Agent: _____ Date: _____

By signing the application above, I acknowledge that I am the bin owner or authorized agent of the bin owner, and I am familiar with and shall comply with the responsibilities and obligations of this code section including all penalties for violations thereof; furthermore, if I am not the property owner I consent to the immediate removal and disposal of the Donation Bin at the request of the property owner

Property Owner

Name: _____ Owner _____ Phone# _____

Proposed Bin Location & Address _____

Signature of Property Owner: _____ Date: _____

By signing the application above, I acknowledge that I am the property owner, and I consent to the installation of the donation bin on my property' furthermore, I state acknowledge that I am familiar with and shall comply with the responsibilities and obligations of this code section including all penalties for violations thereof

C. Donation Bin Location Description

- a.** Using the space below, provide a site plan or drawing depicting the size (height, width, length) and location of the Donation Bin proposed to be located on the property. ***Or you may attach an image/rendering instead.***

D. Donation Bin description; Inspection; Timely Collection of Materials

- a. Describe/diagram the locking mechanism for lid(s) or cover(s) on the Donation Bin:

- b. State the plan for the frequency and methods by which by which the Donation Bin will be inspected for general cleanliness, graffiti, and litter or other rubbish located on or around the Donation Bin and a plan for remediation of same:

- c. State the plan for the frequency and methods by which collected materials will be removed from the Donation Bin:

E. Application Review and Approval/Denial

- a. Upon review of a completed application and payment of all fees as set forth in section (c) hereof, and upon determining that the donation bin and proposed location comply with all requirements of this article, the Unified Zoning Ordinance, and all other ordinances and laws, the administrator shall grant the permit. However, the administrator shall deny any application for a bin permit if any of the following circumstances exist:
 - i. The application does not comply with or contain all information required by section (c) hereof;
 - ii. The donation bin or proposed location thereof do not comply with the requirements of this article;
 - iii. The application contains any materially false information;
 - iv. The applicant is currently in violation of any provision of this article or has been found to be in violation of any provision of this article within one (1) prior to the date of submitting the application or has been denied a donation bin permit within one (1) year prior to the date of submitting the application.
- b. Denial of any application may be appealed to the Mayor and Council by filing a written notice of appeal in the office of the City Clerk with a copy to the City Administrator within fourteen (14) calendar days of the decision date. In the event no appeal is filed within this fourteen period, the decision shall be final.
- c. In the event that a timely appeal is filed, the Mayor and Council shall review the application, the decision of the administrator, and any information submitted by the applicant in support of the appeal to determine if the application, the donation bin, and the proposed location of the donation bin comply with the requirements of this article and all other laws and ordinances of the City. The review of the Mayor and

Council shall be limited to a determination of whether or not the decision of the administrator was clearly erroneous.

- d. The Mayor and Council shall make a final determination of the appeal within sixty (60) calendar days of the date the appeal was filed. Any appeal of the decision of the Mayor and Council shall be taken to the Superior Court by a petition for a writ of certiorari.
- e. Donation bins not permitted within the prescribed timeframe shall be removed at the expense of the property owner and bin owner, and shall be subject to enforcement and fines pursuant to section 26-309.
- f. The permit for the donation bin shall be valid for a period of two years, after which the applicant shall be required to apply for a new permit.

F. Enforcement for Penalties and Violations

- a. The property owner, donation bin owner, and operator of the donation bin shall each be jointly and severally responsible for ensuring compliance with the regulations of this article.
- b. All notices required under this article shall be provided by email, certified mail, statutory overnight delivery, hand-delivery, or first class U.S. Mail to the address listed for the bin owner and for property owner on the permit application. The bin owner and property owner shall each be responsible for ensuring that all contact information is current.
- c. The administrator or any other agent of the City shall be authorized to enter upon the property to ensure compliance with this article, the Unified Zoning Ordinance, or any other laws and regulations of the City, which pertain to the donation bin. Upon discovery of any circumstance concerning a donation bin that appears to be in violation of this article (including, but not limited to, overflowing donated items, junk, litter, rubbish or other materials surrounding such bin, the presence of graffiti on such bin, or any physical damage to the donation bin, the administrator, or his/her designee, shall provide written notice to the bin owner and property owner of such condition. The bin owner and the property owner shall remedy, repair, replace or remove such condition within forty-eight (48) hours following such notice. If the condition is donated items, junk, litter, rubbish or other materials surrounding the collection bin and the bin owner or the property owner has not remedied such condition within said 48-hour period, the City is authorized to remove such litter, junk, debris or other materials and to invoice the bin owner and the property owner such clean-up costs. The bin owner and the property owner shall be jointly and severally liable for any such costs, which shall be due and payable within ten (10) days of the City providing written notice of the same to the property owner and bin owner.
- d. Anyone who violates any provision of this article shall be subject to citation to the municipal court, and upon a determination by the municipal court that a violation of this article has occurred, shall be subject to a civil penalty not to exceed \$1,000.00. If such violation is continuing, the municipal court shall also be empowered to require the abatement of any such violation.
- e. Any person or entity that is found by the municipal court or by the public safety commission to be in violation of any provision of this article shall be subject to the suspension of the donation bin permit for 60 days by the public safety commission for the first violation, suspension of the donation bin permit for 180 days by the public safety commission if it is the second violation found by the municipal court within a 12-month period, or revocation of the donation bin permit and the denial of any renewal thereof for a period of five years by the public safety commission if it is the third violation found by the municipal court within a five-year period. A separate offense shall be deemed committed each day during or upon which a violation occurs or is permitted to continue. Any donation bin placed or maintained on a lot in violation of this section for more than fifteen (15) days shall also be subject to removal by the city at the expense of the bin owner or the property owner, who shall be jointly and severally responsible for any such costs.

G. Notice and Hearing Before Public Safety Commission

- a. The city clerk shall notify the bin owner and property owner of any charge of conduct or offense subject to penalty, suspension or revocation or any combination thereof. If the potential sanction is suspension or revocation the notice shall also state the place and time the public safety commission will hear the charges against the licensee. The notice may also contain such additional information, as the city clerk may deem appropriate. The notice shall be sent at least five days prior to the hearing date.
- b. The public safety commission shall then conduct a hearing at its next regularly scheduled meeting, unless a continuance is granted at the request of the city or the bin owner or property owner, or unless the hearing is scheduled for a special called meeting. The bin owner and property owner shall be allowed to appear at said hearing and present evidence and cross-examine witnesses. If a violation is found to have occurred, the public safety commission shall impose the penalties set forth in this article. If the donation bin permit is suspended or revoked, the public safety commission is further authorized to assess payment of all costs against the bin owner and property owner for the hearing and for removal of the donation bin.

Signature of Bin Owner _____ Date: _____

Signature of Property Owner _____ Date: _____