

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-817

COLLECTION BOX ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF ORDINANCES, COMMUNITY DEVELOPMENT, TO ADD ARTICLE VI TITLED COLLECTION BOX ORDINANCE, SECTIONS 10-200 THROUGH 10-210.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Chapter 10 of the West Bloomfield Charter Township Code of Ordinances is hereby amended to add Article VI to read as follows:

COLLECTION BOXES

Section 10-200. Intent and purpose.

This ordinance is intended to impose restrictions and conditions on all collection boxes in the Township to promote public health, safety and welfare; ensure that collection boxes are, and remain, clean and safe; do not create a hazard to pedestrians and/or vehicular traffic; and do not become a source of blight or contribute to blighted conditions.

Section 10-201. Definitions.

Collection Box. Any metal container, receptacle, or similar object that is located on any parcel or lot of record within the Township and that is used for soliciting and/or collecting clothing, household items or other personal property. This term applies to all such containers regardless of whether the solicitation of property is made by a for-profit or non-profit entity. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed building.

Director. The Development Services Director, or a designee of the Development Services Director, as that department title may be amended from time to time.

Operator. A person who owns, operates or otherwise is in control of collection boxes to solicit collections of salvageable personal property.

Permittee. A person over 18 years of age or an entity or that is issued a permit authorizing placement of a collection box on real property.

Property Owner. A person or entity that is an owner of real property where a collection box is located.

Real Property or Property. A lot of record located in the Charter Township of West Bloomfield.

Township. The Charter Township of West Bloomfield.

Section 10-202. Collection box permit.

No later than 90 days from the effective date of this section, no person shall place, operate, maintain or allow any Collection Box on any Real Property in the Township without first obtaining from the Development Services Department an annual permit to locate a Collection Box.

Section 10-203. Application for a permit.

(1) Any person desiring to secure a permit shall make an application to the Development Services Department.

(2) A permit shall be obtained for each Collection Box proposed. A separate application shall be required and a separate fee shall be paid for each Collection Box.

(3) The application for a permit shall be upon a form provided by the Development Services Department and shall contain the following information:

(a) If the applicant is an individual, the name, address, telephone number, and email address of the applicant. If the applicant is a business entity, then the application shall contain the following information.

(i) If the applicant is a partnership, then the application shall contain the date the partnership was established; and the name (including aliases), address(es), telephone number(s), and email address(es) of all general and limited partners, and of any person with a direct financial interest in the ownership and/or operation of the business.

(ii) If the applicant is a limited liability company (LLC), then the application shall contain the date the LLC was established; and the name (including aliases), address(es), telephone number(s), and email address(es) of all members of the LLC and of any person with a direct financial interest in the ownership and/or operation of the business.

(iii) If the applicant is a non-publicly traded corporation, then the application shall contain the date the corporation was established; and the name (including aliases), address(es), telephone number(s), and email address(es) of all officers and directors of the corporation; all stockholders owning more than five percent (5%) of the stock in the corporation; and any other person with a direct financial interest in the ownership and/or operation of the corporation; and the date the corporation was established.

(b) The name, address, telephone number(s) and email address(es) of a contact person for all matters relating to applicant's Collection Box located in the Township.

(c) A statement as to whether the applicant has previously received a permit to locate a Collection Box in the Township; or whether the applicant operates a Collection Box or similar type receptacle without a permit in the Township.

(d) The physical address of the Real Property where the Collection Box is proposed to be located.

(e) A scaled drawing sufficient to illustrate the proposed location of the Collection Box on the Real Property, the dimensions of the proposed Collection Box and a statement that the location complies with the requirements of Section 10-204.

(f) The signature of the individual applicant or, if the applicant is a business or corporation, the signature of an officer, director, member or manager of the business or corporation.

(4) If the applicant is not the owner of the Real Property where the Collection Box is proposed to be placed, then the applicant must attach to the application an Affidavit and Acknowledgment of Property Owner. The Affidavit and Acknowledgment is a form to be obtained from the Director to which a copy of this section of the ordinance is attached. By signing the Affidavit and Acknowledgment, the Property Owner is providing written permission for the placement of the Collection Box on the Property and acknowledging receipt of a copy of this section of the ordinance. For purposes of this division, the Affidavit and Acknowledgment may be executed by an individual who is an officer, director, member or manager of an entity owning the property.

(5) At the time of application, the applicant must submit a nonrefundable application fee in an amount established by Resolution of Township Board.

(6) Within ten (10) days of receiving a completed application for a permit, the Development Services Director or his/her designee shall notify the applicant whether the permit is granted or denied.

(7) A permit shall be issued by the Township if the requirements of this section are satisfied.

(8) If an application is denied, then the specific reason(s) for the denial shall be stated in writing.

(9) Upon approval of a permit application, the Township shall provide a permittee with one (1) permit sticker for each approved container. The sticker shall display the Township's seal, a permit number, and an expiration date. The size of the sticker shall be four inches by four inches (4" x 4"). The color of the sticker shall be the same color that the Department of State

uses for motor vehicle registration decals for that year. The permittee shall place the sticker in a conspicuous place on the front panel of the Collection Box. On request of the permittee, the Township shall provide a replacement sticker for a fee of \$10 if the original sticker is damaged or lost.

(10) No person to whom a permit has been issued shall transfer, assign or convey such permit to another person or legal entity.

Section 10-204. Size and placement requirements.

(1) Collection Boxes shall not be permitted on any land used or zoned for residential purposes.

(2) Collection Boxes shall not be permitted on any vacant or unimproved parcel; or on a parcel of land whose principal use has not been utilized for a period of 30 days or more.

(3) Collection Boxes shall meet the following requirements:

(a) Collection Boxes may not exceed seven feet (7') in height; six feet (6') in width, and six feet (6') in depth.

(b) Collection Boxes may not cause a visual obstruction to vehicular and/or pedestrian traffic.

(c) Collection Boxes may not be placed closer than ten feet (10') from any of the following:

(i) A public or private sidewalk except that this provision does not apply to a private sidewalk that maintains a five foot (5') clearance;

(ii) A public right-of-way;

(iii) A driveway; or

(iv) A side or rear property line of adjacent property used for residential purposes.

Notwithstanding this separation requirement, up to two (2) collection boxes on a single lot of record are permitted if the collection boxes are located side by side and are no more than one foot (1') apart; and are owned by the same permittee.

(d) Collection Boxes may not cause safety hazards with regard to a designated fire lane or building exit.

(e) Collection Boxes may not interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular and/or pedestrian traffic.

(f) Collection Boxes may not encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space.

(g) Collection Boxes shall be placed on an asphalt or concrete paved, dust-free surface.

(h) Collection Boxes shall not be placed in any front yard, and shall only be located in the rear or side yard, but not within any required setback. In the case of a corner lot or double frontage lot, the side or rear yard abutting the street shall be considered a front yard for the purposes of this section.

Section 10-205. Maintenance of collection box.

(1) A permittee shall operate and maintain, or cause to be operated and maintained, all Collection Boxes located in the Township for which the permittee has been granted a permit as follows:

(a) Collection Boxes shall be metal and shall be maintained in good condition and appearance with no structural damage, holes or visible rust; and shall be free of graffiti.

(b) Collection Boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.

(2) Collection Boxes shall have printed on them in letters at least one and one-half inches (1½") in height and visible from the front of each Collection Box, the following information:

(a) The name, address, telephone number, email address, and website of the Operator;

(b) A statement as to whether the Collection Box is owned and operated by a for-profit company or a nonprofit company.

(3) Collection Boxes shall not have information, advertising or logos other than those relating to the Operator.

(4) Collection Boxes shall be serviced and emptied as needed, but at least every 30 days.

(5) The Permittee and Property Owner shall maintain, or cause to be maintained, the area immediately surrounding the Collection Box free from any junk, debris, overflow items or other material. The Property Owner shall be responsible to the extent provided by law for the Township's cost to abate any nuisance, including costs associated with the removal of any junk, debris, overflow items or other materials deemed to constitute a nuisance. All costs material incurred by the Township or the Township's contractor associated with the removal of junk, debris, overflow items or other material shall be the responsibility of the Permittee and Property

Owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the Permittee and Property Owner, the Township may place a lien upon such Real Property enforceable as a tax lien in the manner prescribed by the general laws of this State against the Property and collected in the same manner as the collection of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the Township, the amount shall be assessed as a special tax against such premises and collected thereunder.

Section 10-206. Term of permit and renewal of permit.

(1) The permit year shall begin on January 1 in each year and shall terminate on December 31 of the year it was issued.

(2) A Collection Box permit shall be renewed annually. The application for renewal must be filed not later than 30 days before the permit expires. The application for renewal shall be upon a form provided by the Development Services Director.

(3) The application for renewal shall be approved or denied within ten (10) days of the Township's receipt of a complete renewal application and payment of the permit renewal fee. Failure of the Township to act on the renewal application before expiration of a current permit shall constitute approval of the application and renewal of the permit.

(4) The permit renewal fee in an amount set by Resolution of the Township Board shall be submitted with the application for renewal.

(5) Prior to expiration of a current permit, a Permittee may voluntarily cancel the permit by notifying the Development Services Director in writing of the intent to cancel the permit. The permit shall become void upon the Director's receipt of a written notice of intent to cancel the permit. There shall be no refund of any portion of the application fee or permit fee upon the voluntary cancellation of the permit by Permittee.

(6) The Township shall approve an application for renewal of a permit if the Development Services Director finds that no circumstances existed during the term of the current permit which would cause a violation to exist; and that at the time of submission of the application for renewal or at any time during the pendency of the current permit, there were no circumstances inconsistent with any finding required for approval of a new permit. Any Permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent calendar year.

(7) If a permit expires and is not renewed, the Collection Box must be removed from the Real Property within ten (10) days from the expiration of the permit.

Section 10-207. Revocation of permit, removal of collection boxes and liability.

(1) The Development Services Director shall have the right to revoke any permit issued hereunder for a violation of this ordinance. Any of the grounds upon which the Director may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the Permittee to comply with the provisions of this section or other

provisions of this ordinance or other law shall also constitute grounds for revocation of the permit. The Director shall provide a written notification to the Permittee and Property Owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten (10) days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the Director and, thereafter, the Permittee shall not be eligible for a permit on the Property for the remainder of the current calendar year and the subsequent calendar year. There shall be no refund of any portion of the application fee or permit fee upon the revocation of the permit.

(2) Upon revocation, the Collection Box shall be removed from the Real Property within ten (10) days. If the Collection Box is not removed within ten (10) days from the date of revocation of the permit, then the Township may remove, store or dispose of the Collection Box at the expense of the Permittee and Real Property Owner. All costs associated with the removal of the Collection Box incurred by the Township and/or the Township's contractor shall be the responsibility of the Permittee and Property Owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the Permittee and Property Owner, the Township may place a lien upon such Real Property enforceable as a tax lien in the manner prescribed by the general laws of this State against the Property and collected in the same manner as the collection of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the Township, the amount shall be assessed as a special tax against such premises and collected thereunder.

(3) A permit for a Collection Box may be revoked if any governmental authority or agency determines that the Collection Box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

Section 10-208. Appeal to Zoning Board of Appeals.

Any person aggrieved by the decision rendered by the Development Services Director in granting or denying an application for a Collection Box permit under this section or in revoking a Collection Box permit issued under this section may appeal the decision to the Zoning Board of Appeals. The appeal shall be made by filing a written notice of appeal not later than ten (10) days after receiving notice of the denial by the Development Services Director with the Zoning Board of Appeals setting forth the grounds for the appeal.

Section 10-209. Penalty and remedies.

(1) In addition to revocation of permit pursuant to Section 10-207, any person violating the provisions of this section is guilty of a civil infraction.

(2) In addition to the penalty provided in Section 10-209(1) above, any condition caused or permitted to exist in violation of the provisions of this section or any Township ordinance provision shall be deemed a new and separate offense for each day that such condition continues to exist.

(3) Nothing in this section shall prevent the Township from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this section.

(4) The Real Property Owner and Permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.

(5) No fines shall be imposed for a violation of this section until 90 days after the effective date of this ordinance. Within 30 days following the effective date of this ordinance, all Property Owners where Collection Boxes are located and/or owners of any Collection Box(es) existing on said Property shall apply for a permit as required herein. Any Collection Box(es) not in compliance with this section after 90 days of the effective date of this ordinance shall be subject to all remedies for violation as provided herein.

Sec. 10-210. Severability.

(1) If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Section 2 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of West Bloomfield at a meeting duly called and held on December 2, 2019, the original of which is on file in the Office of the Township Clerk.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

12/02/, 2019

By: Deborah Binder
Deborah Binder, Township Clerk

INTRODUCED: 11-18-2019
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