



TOWN OF MILLBURY

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Jayne Marie Davolio
Town Clerk

PROCEEDINGS OF THE ANNUAL TOWN MEETING, MAY 3, 2016

ARTICLE 16: Voted to amend the Millbury General Bylaws **Chapter 8, Article I**, by adding a new **Section 8-1**, and to amend the non-criminal disposition schedule set forth in Chapter 7, Section 1-7, to read as follows.

Section 8-1. Clothing Donation Receptacles

(a) Purpose and Intent. It is the purpose and intent of this section to eliminate the unregulated placement, installation and inadequate maintenance of clothing donation receptacles in the Town of Millbury, which negatively impacts the neighborhoods and commercial sections of the Town. Poor maintenance, unguided placement and illegal dumping at clothing donation receptacles create unsanitary conditions, impairs public health and safety, degrades the value, condition and appearance of real property, causing a detrimental effect on property values for adjacent and surrounding properties, thereby constituting a public nuisance. The provisions contained in this section are in pursuance of and for the purpose of securing and promoting the public health, safety and general welfare of persons in the Town of Millbury.

(b) Definitions. For purposes of this section the following words and phrases shall have the following meanings:

Clothing Donation Receptacle – any box, bin, container or similar device that is held out to the public as a place for people to drop off articles of used or new clothing and for the temporary storage of said clothing until it is carted away.

Person – any individual, company, partnership, corporation, association, or other legal entity.

Registrant – any person who is issued a permit authorizing the placement and operation of a clothing donation receptacle pursuant to this section.

Property Owner – the owner, lessee or other person or legal entity in control of the real property on which the clothing donation receptacle is located.

(c) Permit Requirement. It shall be unlawful for any person to place, maintain, or cause or suffer to be placed or maintained a clothing donation receptacle within the town of Millbury without first having obtained a permit issued by the Millbury Board of Health, as follows:

- (1) A permit issued under this section shall be valid for the period July 1st through June 30th of the following year. Permits may be renewed annually provided the registrant maintains the clothing donation receptacle at the permitted location in accordance with the requirements of this section.
- (2) If the applicant for the permit is not the property owner, the written permission of the property owner to place the clothing donation receptacle on the property shall accompany the application.
- (3) The applicant shall complete a permit application in such form as issued by the Millbury Board of Health. The permit application shall include but not be limited to the name, address and telephone number of the applicant, the proposed location of the clothing donation receptacle, the name, address and telephone number of the property owner, if different from the applicant, and the schedule for emptying the receptacle.
- (4) The applicant for each permit shall pay a fee in the amount established by the Millbury Board of Health under authority of M.G.L. Chapter 111, Section 27B.
- (5) A separate application and permit is required for each clothing donation receptacle.
- (6) No permit shall be transferrable except as set forth in subsection (d). Registrants shall have no property interest in a permit issued pursuant to this section.
- (7) Each registrant and property owner shall be jointly and severally responsible for any violation of the provisions of this section.

(d) Transfer of Permit. The transfer of a permit may be allowed when there is a change of ownership of the property upon which the clothing donation receptacle is located, subject to the new property owner providing the written permission required under subsection (c)(2), or when a registrant sells the clothing donation receptacle, subject to the new owner of the receptacle providing the information required under subsection (c)(3).

(e) Clothing donation receptacles shall comply with the following requirements:

- (1) The clothing donation receptacle shall be made of metal, steel or other noncombustible material, enclosed by use of a receiving door/chute and locked so that access to its contents is restricted to the registrant for removal of the contents.
- (2) The clothing donation receptacle shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be kept free from graffiti.
- (3) The clothing donation receptacle shall be neutral in color and not cause distraction to passersby. No reflective material, metallic or fluorescent colors shall be allowed.
- (4) Each clothing donation receptacle shall have affixed to it in a permanent manner, on the same side of the bin as the receiving door/chute used for the deposit of the clothing, a legible notice in no less than 2 inch block letters containing the following information:
 - (A) the name, address and local telephone number of the registrant;
 - (B) the name, address and local telephone number of the property owner;
 - (C) the name of the charity or organization that benefits from the donated clothing.

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- (5) Upon a transfer authorized under subsection (d), the registrant and/or property owner information shall be updated accordingly.
 - (6) The clothing donation receptacle shall be no larger than 3 cubic yards nor more than 6 feet in height.
 - (7) The contents deposited in the receptacle shall be limited to clothing.
 - (8) No receptacle shall be used for advertising signs or publicity purposes other than that dealing with the organization and or charity to which it is related.
 - (9) The receptacle shall have clearly visible language discouraging the placement of donations on the ground.
 - (10) A clothing donation receptacle shall be regularly emptied of its contents so that it does not overflow and result in clothing donations being strewn about the surrounding area.
 - (11) The registrant shall maintain the area around the receptacle clean and free of trash.

(f) Permitted Locations.

- (1) Clothing donation receptacles are not allowed on properties located in the residential zoning districts depicted on the Millbury Zoning Map or on public property.
 - (2) A clothing donation receptacle shall not be permitted on a vacant parcel of land. The receptacle may not be the primary use of a property but shall be incidental to the primary use of the property.
 - (3) A clothing donation receptacle shall be located so as to not to interfere with sight triangles, on-site circulation, ingress and egress into and out of the property, or any other safety hazard to the public.
 - (4) A clothing donation receptacle shall not be located in any setbacks, landscaping or parking required under the Millbury Zoning Ordinance.
 - (5) The location of a clothing donation receptacle shall be approved by the Millbury Board of Health and designated in the permit issued pursuant to subsection (c).
 - (6) There shall be no more than three (3) clothing donation receptacles allowed per parcel.
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- (7) Town property is exempt from provisions of this section.

(g) Violations.

- (1) Any violation of the terms of this section shall be remedied by the registrant or property owner within twenty-four (24) hours of receiving notice of the violation.
- (2) If the registrant or property owner fails to correct a violation within said twenty-four (24) hours, the Town may enter the property to remove or cause the clothing donation receptacle to be removed, clean the area of accumulated trash and donations, or both. The registrant and/or the property owner shall reimburse the Town for the expenses incurred to correct the violation, including removal and storage charges. The sum so expended may be collected in an action of contract by the town.

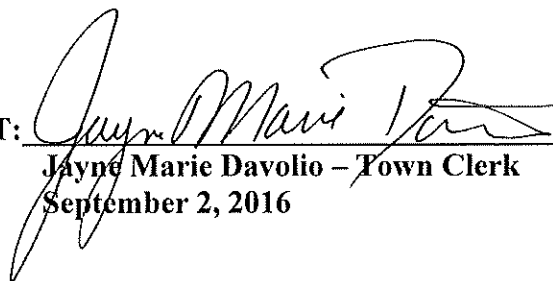
(3) This section may also be enforced by civil process, criminal process or by noncriminal disposition as provided in General Laws, chapter 40, §21D and Section 1-7 of the Town of Millbury General Bylaws for non-criminal disposition. Each day a violation exists shall be deemed a separate offense and any person in violation of this section shall be subject to a fine of one hundred dollars (\$100.00) per offense.

(4) This section shall not be enforced against the town or the commonwealth of Massachusetts and their authorities, departments and agencies.

Section 1-7 Non-Criminal Disposition Bylaw.

Section #	Subtitle	Enforcing Officer	
Section 8-1	Clothing Donation Receptacles	Board of Health	\$100

A TRUE COPY ATTEST:


Jayne Marie Davolio – Town Clerk
September 2, 2016