



OXFORD BOARD OF HEALTH

# DONATION BIN REGULATIONS

BOH Members  
3/6/2017  
Amendments  
4/1/2019

## **Town of Oxford, MA**

### **DONATION BINS**

#### **I. Purpose**

The purpose of these regulations is to protect the public health by addressing nuisance conditions that arise out of the placement of unattended donation bins within the Town of Oxford, and to provide regulations to ensure that such unattended donation bins are located and maintained in a clean and safe condition and in a manner that protects public health, safety and welfare.

#### **II. Authority**

These regulations are adopted by the Oxford Board of Health, as authorized by Massachusetts General Laws, Chapter 111, Section 31.

#### **III. Definitions**

The following terms shall have the meanings indicated:

**DONATION BIN or BIN** - Any unattended container or receptacle held out to the public as a place for people to drop off articles of clothing or other salvageable personal property, to be used by the owner for distribution, resale or recycling.

#### **IV. Prohibitions and Standards**

- A. No person or entity shall place or utilize or allow another to place or utilize a Donation Bin within the Town of Oxford in a place that is open to the public unless they first obtain a permit from the Board of Health.
- B. A Donation Bin that is subject to the provisions of this regulation must clearly identify, in writing, on its face: the entity or organization that is maintaining the Donation Bin; the phone number and address for such entity; and the collection schedule for that Donation Bin.
- C. The Donation Bin(s) shall be appropriately located so as not to create a threat to public safety and not interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking, and any other requirements that may have been imposed as part of the site plan approval for the premises, and shall be placed on a concrete or paved surface.
- D. Donation Bins will only be permitted in non-residential Commercial Zoning Districts, or on property zoned for certain institutional uses, as defined by the Town of Oxford Zoning By-Laws, unless otherwise approved by the Board of Health.
- E. The Donation Bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the Donation Bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
- F. Each Donation Bin shall not have a volume in excess of 175 cu. ft., and no taller than 8'. There should only be a maximum of 3 donations bins on each separately owned parcel of land.
- G. Each Donation Bin shall be maintained in a neat and clean condition and in good repair at all times. Specifically, and without limiting the generality of the foregoing, each Donation Bin shall

be regularly serviced and maintained so that it is free of dirt, grease, rust and corrosion, is free of chipped, faded peeling and cracked paint, and free of graffiti. The Donation Bin shall not be permitted to overflow and any materials or trash deposited in the vicinity of the Bin must be promptly removed and properly disposed of.

H. Each Donation Bin shall be regularly emptied of its contents so that it does not overflow, resulting in the contents being strewn about the surrounding area.

#### **V. Application for Permit and Fees**

Any person or entity seeking a permit under these regulations shall file a permit application with the Board of Health. The Board will review applications and issue permits to applicants in full compliance with the Prohibitions and Standards set forth in these regulations.

Permits shall remain in effect until December 31 of the year of issue, unless sooner revoked by the Board of Health.

The applications shall set forth the following information:

- (1) The applicant's name, business name, business address and telephone number as well as the name, address and telephone number of the person(s) responsible for maintaining each Donation Bin which shall be posted on each bin as previously cited.
- (2) A description of the Donation Bin(s) to be covered by the permit as well as the address where the Donation Bin(s) will be located. There shall be attached to the application a detailed drawing indicating the position of permanent structures on the site including buildings and driveways, lot lines and the location of the proposed Donation Bin(s) along with photographs of the site.
- (3) If the applicant is not the owner of the property upon which the Donation Bin(s) will be located, the written notarized consent of the property owner on letterhead must be attached to the application. The consent shall include name, address, and telephone number of the owner, lessee or other person or legal entity in control of the property where each such Donation Bin shall be placed. Said consent shall also include the owner's acknowledgment of these Regulations and an affirmation that they will be held responsible for any violations that occur.
- (4) The regular interval schedule at which the operator or person identified in the permit collects the items donated and performs regular maintenance. Said interval shall not exceed thirty (30) days. The schedule of collection must be posted on the Donation Bin(s).
- (5) Payment of the permit fee, which is set in accordance with the current Town of Oxford Board of Health Fee Schedule at the time the application is submitted.

#### **VI. Enforcement; penalties for offenses; injunctions.**

- A. The owner, lessee, or other person or legal entity in control of the property where a Donation Bin is being kept in violation of this regulation and the person or entity which owns, maintains, or operates a Donation Bin in violation of this regulation shall be jointly and severally liable therefore.
- B. This regulation may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D the Town's By-laws. If non-criminal disposition is elected, then any person who violates any provision of these regulations shall be subject to a penalty in the amount of \$50.00 for a first offense; \$100 for a second offense; and \$200 for a third or subsequent offense.

- C. Code enforcement officers of the Board of Health and the Oxford Police Department are hereby authorized to issue summons or non-criminal disposition tickets for any violations of this chapter.
- D. Any person found violating any provision of these Regulations may be penalized by indictment or complaint brought in the District Court. Any such violation shall be punishable by a fine of up to \$300 per violation, per day.
- E. Additionally, the Town shall have the right, where it determines appropriate, to institute an injunction action to assure compliance with the terms of this regulation.
- F. Each day or portion thereof that the offense(s) shall continue shall be considered a separate offense.
- G. The Board of Health or its authorized agent may modify, suspend or revoke any permit issued pursuant to these Regulations for any violation of these Regulations, or any applicable Federal, State or Local law.
- H. Any person aggrieved by a decision or order of the Board of Health or its authorized agent may request a public hearing before the Board of Health. Any such request shall be in writing and shall be received by the Board within seven days of receipt of the decision complained of.

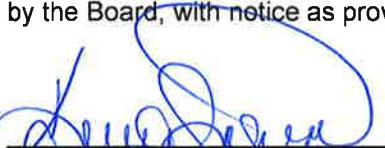
## **VII. Severability**

In the event that any provision of this regulation shall be deemed illegal or otherwise unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other sections and provisions shall remain in full force and effect.

## **VIII. Effective Date**

These regulations were adopted by the Oxford, MA Board of Health at a regular scheduled monthly meeting, held on April 1, 2019, and shall be in full force and effect as of April 1, 2019. Before said date, these regulations shall be published and a copy thereof be placed on file in the office of the Town Clerk and the office of the Board of Health.

These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.

  
\_\_\_\_\_  
Kerrie Singer-Chairman

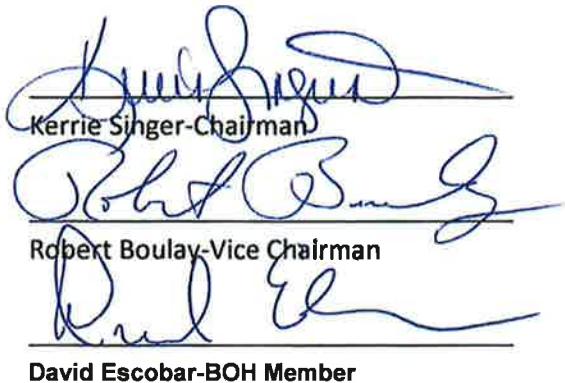
April 1, 2019  
Amendment Date

  
\_\_\_\_\_  
David Escobar-Vice Chairman

April 1, 2019  
Amendment Date

  
\_\_\_\_\_  
Dina Costa-BOH Member

April 1, 2019  
Amendment Date



Kerrie Singer-Chairman  
Robert Boulay-Vice Chairman  
David Escobar-BOH Member

March 6, 2017

Date

March 6, 2017

Date

March 6, 2017

Date