



# Collection Bin Permit Application

Delta Township Code of Ordinances – Chapter 46)

## **Applicant Checklist:**

*(Ensure all Items are Complete in order to be processed)*

- Property Owner or Property Agent's Signature on the Application
- Non-Refundable Fee (Check, Cash, or Money Order)
- A photograph of the Collection Bin to be installed
- Aerial Photo indicating the Placement of the Collection Bin, in compliance with the requirements of Section 46-5(c)(3)
- Copy of a State of Michigan License to Solicit Charitable Contributions as required by P.A. 169 of 1975.

## **ANNUAL NON-REFUNDABLE LICENSE FEE:**

\$ 125.00 ORIGINAL APPLICATION FEE PER BIN

\$100.00 RENEWAL FEE PER BIN

(Must submit at least 30 days prior to expiration)

\$10.00 for Each Sticker Replacement

**--Permit Valid for 1 Year--**

<b>Collection Bin Address and General Location:</b>
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<b>Collection Bin Operator (Agent) Name:</b>	<b>Operator Phone Number:</b>
<b>Operator Address:</b>	
<b>Operator E-mail:</b>	<b>Operator Website</b>

<b>Property Owner or Agent Name:</b>	<b>Owner Phone Number:</b>
	<b>Cell:                      Business:</b>
<b>Owner Address:</b>	
<b>Owner E-Mail:</b>	

*"I hereby grant permission for a collection bin to be placed on the property that I own or represent at: \_\_\_\_\_"*

\_\_\_\_\_

**Property Owner or Agent Name (Printed)                      Property Owner or Agent Signature                      Date**

<b>Applicant Name:</b>	<b>Applicant Phone Number:</b>
<b>Applicant Address:</b>	
<b>Applicant E-mail:</b>	

**Charitable Organization Title:** \_\_\_\_\_ **EIN#** \_\_\_\_\_

**24 Hour Hotline Number:** \_\_\_\_\_

**TO BE LISTED ON PERMIT FOR PUBLIC USE**

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date**

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**Title**

**This is not a permit and does not authorize the installation of a collection bin until a permit has been issued the by Zoning Administrator.**

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**Official Township Use Only**

**Filing Date:** \_\_\_\_\_

**Received By:** \_\_\_\_\_

**Fee Paid:** \_\_\_\_\_

**Receipt Number**

**Collection Bin Application Status:** \_\_\_\_\_ **Approved** \_\_\_\_\_ **Denied**

**Date of Zoning Administrator's decision:** \_\_\_\_\_

**Collection Bin Permit No:** \_\_\_\_\_

## Chapter 46 - COLLECTION BINS

### Sec. 46-1. - Short title.

This chapter shall be known as the Delta Township Collection Bin Ordinance.

(Ord. No. 17-97, 8-7-2017)

### Sec. 46-2. - Intent.

This chapter is intended to regulate the size, placement, operation and maintenance of collection bins.

(Ord. No. 17-97, 8-7-2017)

### Sec. 46-3. - Definitions.

*Administrator* means the zoning administrator or his/her designee.

*Collection bin* means any container, receptacle, or similar device 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 does not include recycling bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection bin located within an enclosed building.

*Operator* means a person who owns, operates, supervises or otherwise is in control of a collection bin(s).

*Property owner* means a person or entity that is an owner of real property where the collection bin(s) is located or an authorized agent of the property.

*Real property* means a lot, parcel or lot of record located in Delta Charter Township.

*Unimproved parcel* means a property not occupied by buildings or structures.

(Ord. No. 17-97, 8-7-2017)

### Sec. 46-4. - Collection bin permit.

No later than 30 days from the effective date of the ordinance from which this chapter is derived, no person shall place, operate, maintain or allow any collection bin on any real property in the township without first obtaining an annual permit issued by the administrator to locate a collection bin.

(Ord. No. 17-97, 8-7-2017)

### Sec. 46-5. - Application for a permit.

- (a) Any person desiring to secure a permit for a collection bin shall file an application with the administrator.
- (b) A permit shall be obtained for each collection bin proposed. A separate fee shall be paid for each collection bin. A permit is non-transferrable among operators or properties.
- (c) Applications for a collection bin permit shall consist of the following:
  - (1) An application form supplied provided by the administrator providing:

- a. Name, address, telephone number and e-mail address of the applicant, property owner and collection owned and/or operated by one entity for benefit of another entity shall provide the contact information for the application.
  - b. Name, address, telephone number and e-mail address of the agent or person who will be available during regular business hours and will be responsible for compliance.
  - c. The physical address of the real property where the collection bin is proposed to be located.
  - d. Written permission from the property owner to place a collection bin on the subject parcel.
- (2) A copy of the license and registration from the state under the Michigan Consumer Protection Act and the Charitable Organizations and Solicitations Act if statutorily required.
  - (3) A photograph of the proposed collection bin.
  - (4) An aerial photo depicting the proposed location of the collection bin on the real property, specifically setbacks from property lines and the dimensions of the proposed collection bin.
  - (5) Submittal of a nonrefundable application fee in an amount established by resolution of the township board.

(Ord. No. 17-97, 8-7-2017)

Sec. 46-6. - Standards for collection bins.

- (a) An operator shall operate and maintain, or cause to be operated and maintained, all collection bins located in the township for which the operator has been granted a permit as follows:
  - (1) Bins shall be metal, hard plastic or fiberglass.
  - (2) Bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
  - (3) Bins 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.
  - (4) Bins shall have, at a minimum, one-half inch lettering visible from the front of each bin displaying the name, address, e-mail, website and phone number of the operator, as well as whether the bin is owned and operated by a for profit company or a not for profit company.
  - (5) Bins shall be emptied with such frequency as to ensure that they do not overflow and materials do not accumulate outside the bin with a minimum of a once a week servicing.
  - (6) The operator and property owner shall maintain, or cause to be maintained, the area immediately surrounding the collection bin, free from any junk, debris, overflow items or other material.
  - (7) Bins shall not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than 30 days.
  - (8) Bins shall not exceed seven feet in height, six feet in width, and six feet in depth.
  - (9) A maximum of two bins shall be located on a single real property and all of the bins shall be owned and maintained by the same operator.
  - (10) Bins shall not cause a visual obstruction to vehicular or non-motorized traffic.
  - (11) Bins shall not be placed closer than ten feet from:
    - a. A public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five foot minimum clearance from any bin;
    - b. A public right of way;
    - c. A driveway; or

- d. A side or rear property line of adjacent property used for residential purposes.
- (12) Bins shall not be placed in a designated fire lane, in or adjacent to a handicap parking space, or block a building entrance or exit.
- (13) Vehicular access to bins shall be by an asphalt or concrete surface and the bins shall be placed on an asphalt or concrete surface which is level.

(Ord. No. 17-97, 8-7-2017)

Sec. 46-7. - Term of permit.

- (a) The permit year shall begin on July 1 of each year and terminate on June 30 of the next calendar year. An annual permit issued between July 1 and June 30 of a calendar year shall expire on June 30 of the next calendar year next following issuance of the permit.
- (b) The administrator shall either approve or deny the issuance of a permit within ten days of receipt of the complete application and payment of the required filing fee. An application may be denied for failure to provide the information or meet any requirement in section 46-5 or any standard in section 46-6. If the application is denied, the administrator shall notify the applicant in writing stating the specific reason(s) for denial.
- (c) Upon approval by the administrator, the operator shall be provided with one permit sticker for each approved permit. The operator shall affix the sticker in a conspicuous place on the front panel of the collection bin. Upon the request of the operator, the administrator shall provide a replacement sticker if the original sticker is damaged or lost and the operator shall provide a fee, as set by resolution of the township board.
- (d) If the permit expires and is not renewed, the collection bin(s) must be removed from the real property within ten days after expiration of the permit.

(Ord. No. 17-97, 8-7-2017)

Sec. 46-8. - Renewal of permit.

- (a) A collection bin permit shall be renewed annually. The application for renewal must be filed not less than 30 days before the permit expires. The application for renewal shall be upon a form provided by the administrator.
- (b) The administrator shall approve the renewal of a permit within ten days if they find the collection bin conforms to the standards of section 46-6 and the collection bin would meet the standards for issuance of a permit under section 46-5.
- (c) A permit sticker shall be issued by the administrator for each approved renewal permit and be affixed to the bin in the same manner as the initial permit.
- (d) A permit renewal fee, set by resolution of the township board, shall be submitted with the application for renewal of a permit.

(Ord. No. 17-97, 8-7-2017)

Sec. 46-9. - Revocation of permit, removal of collection bins and liability.

- (a) The administrator shall have the right to revoke any permit issued hereunder for a violation of this chapter. Any of the grounds upon which the administrator may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the operator to comply with the provisions of this chapter or other provisions of this Code or other law shall also constitute grounds for revocation of the

permit. The administrator shall provide a written notification to the operator and the property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of 14 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 administrator and, thereafter, the operator shall not be eligible for a collection bin permit on the property for the subsequent calendar year.

- (b) Upon revocation of the permit, the collection bin shall be removed from the real property within ten days. Failure to remove the collection bin within the time period, shall result in the administrator being authorized to issue and serve a civil infraction citation on the operator in accordance with subsections 1-7(c)–(h) of this Code.
- (c) A permit for a collection bin may be revoked if any governmental authority or agency determines that the collection bin has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

(Ord. No. 17-97, 8-7-2017)

#### Sec. 46-10. - Appeal to township board.

Any person aggrieved by the decision rendered by the administrator in granting or denying an application for a collection bin permit under this chapter or in revoking a permit issued under this chapter may appeal that decision to the township board. The administrator shall make written findings of fact in support of any license approval or denial or pertaining to a revocation. The appeal shall be made by filing a written request with the township clerk setting forth the grounds for the appeal not more than ten days after receiving notice of the revocation by the administrator. In the event that the written requested is filed with the township clerk, the township board shall hold a public hearing on the granting or denial of the permit or the revocation of a permit and shall have the power to reverse, affirm or modify the decision of the administrator. The township board shall, in its determination, make written findings of fact supporting its decision. The determination by the township board shall be final, subject to appeal to Eaton County Circuit Court.

(Ord. No. 17-97, 8-7-2017)

#### Sec. 46-11. - Penalty and remedies.

- (a) In addition to the revocation of a permit pursuant to section 46-9, any person violating the provisions of this chapter is guilty of a civil infraction.
- (b) The real property owner and operator shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.
- (c) No fines shall be imposed for a violation of this chapter until 90 days after its effective date. All collection bins existing at the effective date of this chapter shall apply for a permit as required by section 46-4 within 30 days of the effective date. Any collection bins not in compliance with this chapter after 90 days of the effective date shall be subject to all remedies for violation as provided herein.

(Ord. No. 17-97, 8-7-2017)