

AN ACT concerning

Zoning Regulations - Donation Collection Bins

FOR the purpose of permitting a collection bin to be placed on certain private property under certain conditions; defining terms; specifying the properties where a bin may be located; requiring a use permit; requiring the consideration of certain factors prior to the issuance of a permit; providing for conditions to be imposed upon a use permit; authorizing the removal of a bin or the revocation of a permit; and generally relating to the location of collection bins.

By enacting new Section 415C  
Baltimore County Zoning Regulations

Whereas, there have been many donation collection bins placed on various properties in Baltimore County, often times without the permission of the property owner,

Whereas, such collection bins can be an important source of revenue for non-profit organizations

Whereas, collection of unwanted material in these bins helps to reduce the amount of trash going to land-fills,

Whereas, some of these bins are not being maintained and kept clean and have become very unsightly.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Baltimore County Zoning Regulations read as follows:

**Section 415C, Donation Collection Bins**

**Section 415.C.1. Definitions**

A. As used in this section, "Donation Collection Bin" means a stationary or free-standing container, receptacle, or similar device that is placed outdoors and is used for the solicitation and collection of items of personal property to be donated or recycled for reuse. This term is limited to the collection of such items as clothes, shoes, books, and linens and does not include any facilities for the collection of items such as furniture, mattresses, electronics, or food

B. As used in this Section, the term does not include recycle bins used for the collection of recycling material associated with the Baltimore County Solid Waste Division; an attended trailer as described in Section 415B; or bins or structures owned and operated by the property owner for the collection of trash or recycling of materials in relation to the business being operated on the property.

**Section 415C.2. Placement**

A. Contrary provisions of these regulations notwithstanding, donation collection bins for profit and non-profit organizations may be placed only as an accessory use on improved commercial properties in BL, BM, BR, or ML zones, subject to the limitations in Section 415C.3 and a use permit as described in Section 415C.4.

B. A collection bin may also be placed on a parcel used as a church, school or volunteer fire company, regardless of the zoning, however, all requirements of 415C must be met. (Any other places to allow? On any property occupied by a non-profit?)

### **Section 415C.3. Limitations**

A. Location. Each donation collection bin must be placed in accordance with the following limitations:

1. Bins are allowed at a maximum density of 1 per 1 acre of net parcel size, but not more than 5 per parcel. A parcel of less than one acre is allowed 1 bin. (Need to discuss)
2. A bin may not occupy or block a required parking space;
3. A bin is not allowed where it would expand a legal, non-conforming use.
4. A bin may not be within the road right-of-way, landscaped area, drive aisle, the clear-sight-triangle defined in Section 102.5, or within 100 ft of any residentially zoned or occupied parcel; and
5. All bins shall be placed on an impervious surface.

B. Construction. Bins must be made out of metal, not more than 25 sq ft footprint, nor more than 6 ft high, and must have an intrusion resistant design and be locked.

C. Labeling. Each bin must contain the following in prominent print no smaller than 1 inch in height:

1. Identity of the organization responsible for its maintenance and emptying, to include a physical address, phone number or e-mail where a responsible person can be contacted during normal business hours. An answering machine or unrelated answering service does not constitute a bona fide office.
2. If the organization is not a non-profit, the statement "[Organization name] is not a charitable organization. The materials deposited in this bin are recycled and sold for profit, and are not tax deductible contributions"; and
3. A statement concerning what types of items are accepted and that depositing any item outside the bin is a violation and subject to a charge of littering.

No other signage shall be allowed on a bin.

D. Maintenance. A bin shall be maintained in good condition and appearance, free of rust, peeling paint, signs not required by subsection C above and graffiti, and clear of material deposited on the ground around the bin. A bin shall be emptied regularly so that it does not overflow. The bin owner and the property owner are individually and severally responsible for removing trash and shall be individually and severally responsible for all costs related to removing trash from the area surrounding a collection bin.

### **Section 415C.4. Permit Requirements**

A. The owner of a donation collection bin must obtain a permit for each bin prior to placement of the bin within Baltimore County and must renew this permit on an annual basis.

B. A permit application must contain the following:

1. An overall functional site plan of the property depicting the location of any existing bins and the intended location of the new one;
2. A photo, artist's rendition or computer generated picture of how the bin will appear, including labeling;

3. A certificate of good standing from SDAT showing that the organization responsible for the bin is a bona fide Maryland entity;
4. A notarized authorization of the property owner stating that:
  - a. they have given permission for the bin to be located on their property; and
  - b. they accept joint and severable responsibility for compliance with all requirements of this Section; and
5. If the bin is to contain the identity of a non-profit, either as the sole beneficiary of donations or in any way associated, a notarized authorization from that non-profit for their identity to be associated in this way.

C. In addition to the required limitations in Section 415C.3, the Director if PAI may also take into consideration:

- a. The size and vehicular accessibility of the property;
- b. the number of parking spaces on the property; and
- c. the proposed location of the bin with regard to interior vehicular circulation

#### **Section 415C.5. Removal and abatement**

A. Any bin existing on the effective date of this legislation must be brought into compliance within 120 days after its effective date or be removed. Following the effective date of this legislation, no bin may be declared to be "legally non-conforming" or allowed to remain without being brought into complete compliance.

B. A property owner, including Baltimore County, Baltimore County Schools, and the Revenue Authority, may remove any bin placed on their property without authorization without regard to warnings or notices given to the bin owner. If an authorization had previously been given, the property owner may remove a bin 7 days after giving notice to the bin owner of the termination of the authorization. No action in equity may be initiated against a property owner who removes a bin in accordance with this paragraph.

C. If, after a period of operation, a collection bin proves to be detrimental to the property, or is not maintained in a clean and orderly condition, the Director of PAI may:

1. Require that the bin be relocated on the property;
2. Revoke the permit and require that the bin be removed from the site upon 30 days' notice;
3. Impose additional conditions upon the continuance of the use permit; or
4. Remove the bin following appropriate Code Enforcement action.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect in 45 days.

Mike Pierce  
July 30, 2017