

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. 2

Bill No. 3-20

Councilmembers Bevins, Crandell, Patoka, Marks, Jones & Quirk

By the County Council, January 21, 2020

A BILL
ENTITLED

AN ACT concerning

Donation Bins

FOR the purpose of permitting Donation Bins in certain areas and with certain restrictions; requiring a permit for such use; establishing a process for obtaining a permit; defining terms relating to Donation Bins; providing for certain requirements of Donation Bins and Donation Bin Operators; and generally relating to Donation Bins.

BY adding

Article 21 - Permits, Licenses, and Business Regulation
Title 23 - Donation Bins
Baltimore County Code, 2015

BY repealing and re-enacting, with amendments

Sections 101.1, the definition of "Collection Bin," and 415B
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Code shall read as follows:

3
4 ARTICLE 21. - PERMITS, LICENSES, AND BUSINESS REGULATION

5 TITLE 23. - DONATION BINS

6 § 21-23-101. DEFINITIONS.

7 (A) IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 ~~(A)~~(B) (1) “DONATION BIN” MEANS AN UNATTENDED STATIONARY OR
10 FREESTANDING CONTAINER, RECEPTACLE, DROP-OFF BOX, SMALL TRAILER, OR
11 SIMILAR SMALL DEVICE OR FACILITY THAT IS PLACED OUTDOORS AND IS USED
12 FOR THE SOLICITATION AND DONATION OF ITEMS OF PERSONAL PROPERTY TO
13 BE DONATED OR RECYCLED FOR REUSE. ~~EXAMPLES OF SUCH ITEMS INCLUDE,~~
14 ~~BUT ARE NOT LIMITED TO,~~

15 (2) DONATION ITEMS INCLUDE TEXTILES, SHOES, AND BOOKS.

16 ~~(B)~~(C) “DONATION BIN OPERATOR” MEANS THE PERSON OR ENTITY THAT
17 OPERATES, MAINTAINS, AND HOLDS PRIMARY RESPONSIBILITY FOR A
18 DONATION BIN.

19 ~~(C) “DEPARTMENT” MEANS THE DEPARTMENT OF PERMITS, APPROVALS~~
20 ~~AND INSPECTIONS.~~

21 ~~(D) “DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF PERMITS,~~
22 ~~APPROVALS, AND INSPECTIONS.~~

23 ~~(E)~~(D) “PROPERTY OWNER” MEANS THE PERSON OR ENTITY HAVING

1 LEGAL TITLE TO A PROPERTY OR THE PERSON SHOWN AS THE OWNER OF A
2 PROPERTY ON THE CURRENT ASSESSMENT ROLLS OF THE COUNTY OR THE
3 STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

4
5 § 21-23-102. PERMIT REQUIRED.

6 (A) A DONATION BIN MAY ONLY BE PLACED, OPERATED, MAINTAINED, OR
7 ALLOWED ON ANY REAL PROPERTY AS AUTHORIZED IN SECTION 415B OF THE
8 BALTIMORE COUNTY ZONING REGULATIONS AND ~~PURSUANT TO~~ IN
9 ACCORDANCE WITH A PERMIT ISSUED BY THE DEPARTMENT IN ACCORDANCE
10 WITH THIS TITLE.

11 (B) (1) THE DEPARTMENT SHALL CREATE AND MAINTAIN A PUBLIC
12 DATABASE OF THE LOCATION OF ALL PERMITTED DONATION BINS, THEIR
13 PERMIT NUMBER, THE DONATION BIN OPERATOR, THE DONATION ITEMS
14 ACCEPTED, THE PROPERTY OWNER, AND A 24-HOUR CONTACT SERVICE.

15 (2) THE DEPARTMENT MAY INCLUDE OTHER OPTIONAL
16 INFORMATION IF THE DONATION BIN OPERATOR WISHES TO PROVIDE IT, SUCH
17 AS THEIR MISSION STATEMENT, TAX STATUS, AND ANY PERSONS OR
18 ORGANIZATIONS THE DONATIONS BENEFIT.

19
20 § 21-23-103. APPLICATION FOR A PERMIT.

21 THE PERMIT APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT
22 ON A FORM APPROVED BY THE DIRECTOR AND SHALL INCLUDE:

23 (A) THE NAME, PHYSICAL ADDRESS, TELEPHONE NUMBER, AND EMAIL

1 ADDRESS OF THE DONATION BIN OPERATOR AND THE PROPERTY OWNER;

2 (B) THE NAME AND TELEPHONE NUMBER OF THE 24-HOUR CONTACT
3 SERVICE WITH RECORDING CAPABILITY FOR WHICH THE PUBLIC MAY REGISTER
4 COMPLAINTS REGARDING THE DONATION BIN;

5 (C) THE SIGNATURES OF THE DONATION BIN OPERATOR AND THE
6 PROPERTY OWNER CERTIFYING THAT THEY WILL BE JOINTLY AND SEVERALLY
7 RESPONSIBLE FOR:

8 (1) COMPLYING WITH ALL APPLICABLE STATE AND COUNTY LAWS,
9 REGULATIONS, AND DEPARTMENT ORDERS;

10 (2) SEEKING APPROVAL FROM THE DEPARTMENT BEFORE MOVING
11 ANY DONATION BIN TO ANOTHER LOCATION; AND

12 (3) MAINTAINING AN ACTIVE 24-HOUR CONTACT SERVICE WHILE
13 THE PERMIT IS EFFECTIVE;

14 (D) A DETAILED SITE PLAN CONTAINING:

15 (1) LOCATION AND DIMENSIONS OF ALL BUILDINGS AND PROPERTY
16 BOUNDARIES;

17 (2) THE PROPOSED DONATION BIN LOCATION AND ITS PROXIMITY
18 TO PROPERTY LINES; AND BUILDINGS; ~~AND ANY OTHER DONATION BIN WITHIN~~
19 ~~ONE THOUSAND FEET~~;

20 (3) LOCATION AND DIMENSIONS OF ALL EXISTING AND PROPOSED
21 DRIVEWAYS, GARAGES, CARPORTS, PARKING SPACES, MANEUVERING AISLES,
22 PAVEMENT AND STRIPING/MARKING;

23 (4) THE LOCATION OF ANY STREET LIGHTS, FLOOD LIGHTS, OR

1 OTHER EXTERIOR PUBLIC SAFETY LIGHTING; AND

2 (5) PHOTOGRAPHS OF THE PROPOSED LOCATION AND ANY
3 BUILDING ON THE PROPERTY;

4 (E) A RENDERING OF THE DONATION BIN THAT DESCRIBES THE
5 APPEARANCE, MATERIALS, AND DIMENSIONS OF THE DONATION BIN,
6 INCLUDING;

7 (1) PROOF THAT THE DONATION BIN SHALL BE SUITABLE TO
8 DISPLAY THE REQUIRED PERMIT STICKER;

9 (2) THE CONTENTS AND LOCATION OF ANY OTHER INFORMATION
10 THAT WILL BE PLACED ON THE DONATION BIN; AND

11 (3) A DESCRIPTION OR DIAGRAM OF ALL PROPOSED LOCKING
12 MECHANISMS;

13 (F) A MAINTENANCE PLAN, INCLUDING, ~~BUT NOT LIMITED TO,~~ A
14 DONATION PICK-UP SCHEDULE AND REGULAR REMOVAL OF GRAFFITI, LITTER,
15 AND TRASH ON OR AROUND THE DONATION BIN;

16 (G) A LIST OF THE KIND OR TYPE OF ITEMS THE DONATION BIN OPERATOR
17 WILL ACCEPT AT THE DONATION BIN; AND

18 (H) ANY OTHER INFORMATION REGARDING TIME, PLACE, AND MANNER
19 OF THE DONATION BIN'S OPERATION, PLACEMENT, AND MAINTENANCE THAT IS
20 NECESSARY TO EVALUATE COMPLIANCE WITH THE REQUIREMENTS OF THIS
21 TITLE.

22
23 § 21-23-104. PERMIT FEE.

1 (A) ~~PURSUANT TO~~ IN ACCORDANCE WITH § 3-1-202 OF THE COUNTY CODE,
2 THE COUNTY ADMINISTRATIVE OFFICER SHALL SET THE PERMIT APPLICATION
3 AND RENEWAL FEE FOR A DONATION BIN AND A DONATION BIN SITE AFTER
4 CONSULTATION WITH THE DIRECTOR.

5 (B) BEGINNING IN FISCAL YEAR 2021 AND ONCE EVERY TWO YEARS
6 THEREAFTER, THE COUNTY ADMINISTRATIVE OFFICER SHALL REVIEW AND
7 MAY CHANGE THE FEE SET UNDER THIS TITLE.

8
9 § 21-23-105. DECISION ON APPLICATION.

10 (A) THE DEPARTMENT SHALL REVIEW EACH APPLICATION AND MAY
11 INVESTIGATE TO DETERMINE THE TRUTH OF ANY STATEMENT AND THE
12 FEASIBILITY OF ANY DIAGRAM OR PROPOSAL SUBMITTED.

13 (B) THE DEPARTMENT SHALL DENY, APPROVE, OR CONDITIONALLY
14 APPROVE AN APPLICATION FOR PERMIT WITHIN 45 DAYS ~~OF~~ AFTER ITS RECEIPT,
15 AFTER WHICH, IF NO ACTION HAS BEEN TAKEN BY THE DEPARTMENT, THE
16 APPLICATION SHALL BE DEEMED APPROVED.

17 (C) (1) THE DEPARTMENT SHALL SEND WRITTEN NOTICE OF ITS
18 DECISION TO THE DONATION BIN OPERATOR AND THE PROPERTY OWNER.

19 (2) IF THE APPLICATION IS DENIED OR CONDITIONALLY APPROVED
20 THE NOTICE SHALL SET FORTH THE DEPARTMENT'S REASONING AND ANY
21 SUPPORTING FACTS.

22
23 § 21-23-106. TERM AND RENEWAL OF PERMIT.

1 (A) A PERMIT ISSUED UNDER THIS TITLE SHALL AUTOMATICALLY EXPIRE
2 ON DECEMBER 31 OF THE YEAR IT WAS ISSUED, UNLESS RENEWED BY THE
3 DEPARTMENT ~~PRIOR TO~~ BEFORE THAT DATE.

4 (B) (1) AN APPLICATION FOR PERMIT RENEWAL SHALL BE ON A FORM
5 APPROVED BY THE DIRECTOR AND SUBMITTED NO LATER THAN 90 DAYS ~~PRIOR~~
6 ~~TO~~ BEFORE THE PERMIT EXPIRATION.

7 (2) THE APPLICATION SHALL BE ACCOMPANIED BY A REPORT OF
8 ALL COMPLAINTS, IF ANY, MADE TO THE 24-HOUR CONTACT SERVICE AND THE
9 TONNAGE OF DONATIONS COLLECTED FROM THE DONATION BIN IN THE
10 PREVIOUS 12 MONTHS.

11 (C) IF CONDITIONS OR INFORMATION SUBMITTED FOR THE INITIAL
12 PERMIT HAVE NOT MATERIALLY CHANGED SINCE THE INITIAL APPROVAL, ~~SUCH~~
13 THE RENEWAL MAY BE ADMINISTRATIVELY APPROVED BY THE DIRECTOR OR
14 ~~THEIR~~ THE DIRECTOR'S DESIGNEE.

15 (D) IF CONDITIONS OR INFORMATION SUBMITTED FOR THE INITIAL
16 PERMIT MATERIALLY VARY FROM THE INITIAL APPLICATION, THE RENEWAL
17 SHALL BE SUBJECT TO THE APPROVAL REQUIREMENTS OF § 21-23-103 OF THIS
18 TITLE.

19 (E) (1) A NON-REFUNDABLE RENEWAL FEE SHALL BE PAID UPON
20 SUBMISSION OF AN APPLICATION FOR RENEWAL.

21 (2) THE AMOUNT OF THE FEE SHALL BE ASSESSED, REVIEWED, AND
22 MODIFIED IN THE SAME MANNER AS SET FORTH IN § 21-23-104 OF THIS TITLE.

1 § 21-23-107. NON-TRANSFERABILITY OF PERMIT.

2 A DONATION BIN PERMIT SHALL NOT BE TRANSFERRED, CONVEYED, OR
3 SOLD TO ANOTHER PERSON, BUSINESS, OR OTHER CORPORATE ENTITY.

4
5 § 21-23-108. CONTENTS AND DISPLAY OF PERMIT.

6 (A) A PERMIT AND ANY SUBSEQUENT RENEWALS ISSUED ~~PURSUANT TO~~ IN
7 ACCORDANCE WITH THIS TITLE SHALL INCLUDE A PERMIT STICKER THAT
8 CONTAINS THE FOLLOWING INFORMATION IN AT LEAST TWO-INCH TYPE:

9 (1) THE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL
10 ADDRESS OF THE DONATION BIN OPERATOR AND 24-HOUR CONTACT SERVICE;

11 (2) THE PERMIT NUMBER, ISSUE DATE AND EXPIRATION DATE;

12 (3) ~~IF THE DONATION BIN OPERATOR IS A FOR-PROFIT ENTITY, A~~
13 ~~NOTICE STATING THAT ANY DONATION IS NOT TAX DEDUCTIBLE~~ A NOTICE
14 STATING WHETHER THE DONATION IS TAX-DEDUCTIBLE; AND

15 (4) THE FOLLOWING NOTICE; “NO DONATION OR RECYCLING
16 MATERIAL MAY BE LEFT OUTSIDE THE DONATION BIN. ANY MATERIAL LEFT
17 OUTSIDE OF THE BIN MAY BE CONSIDERED SOLID WASTE. LEAVING ANY
18 MATERIAL OUTSIDE OF THE DONATION BIN CONSTITUTES A VIOLATION OF
19 BALTIMORE COUNTY LAW AGAINST OPEN DUMPING, SECTION 13-4-104 OF THE
20 COUNTY CODE.”

21 (B) THE PERMIT STICKER SHALL BE AFFIXED TO THE DONATION BIN AT
22 ALL TIMES AND CONSPICUOUSLY DISPLAYED ON THE FRONT OF THE DONATION
23 BIN.

1 (C) IF THE PERMIT STICKER IS NO LONGER AFFIXED, DISAPPEARS, OR
2 BECOMES OTHERWISE UNREADABLE, THE DEPARTMENT SHALL SEND NOTICE
3 TO THE DONATION BIN OPERATOR AND THE PROPERTY OWNER THAT THE
4 PERMIT MAY BE REVOKED AND AN ORDER TO REMOVE THE DONATION BIN MAY
5 BE ISSUED IF THE STICKER IS NOT REPLACED WITHIN TEN DAYS.

6
7 § 21-23-109. PHYSICAL ATTRIBUTES OF DONATION BINS.

8 (A) A DONATION BIN SHALL BE FABRICATED OF DURABLE AND
9 WATERPROOF MATERIALS AND ~~SHALL~~ MAY NOT BE POWERED ELECTRICALLY
10 OR HYDRAULICALLY.

11 (B) A DONATION BIN ~~SHALL BE NO TALLER THAN SIX FEET ABOVE THE~~
12 ~~FINISHED GRADE ON WHICH IT IS LOCATED, NO LONGER OR WIDER THAN SIX~~
13 ~~FEET, AND SHALL HAVE A TOTAL VOLUME OF NO MORE THAN 216 CUBIC FEET~~
14 MAY NOT EXCEED NINE FEET IN HEIGHT AND MAY NOT HAVE A FOOTPRINT
15 LARGER THAN EIGHT FEET BY TEN FEET.

16 (C) A DONATION BIN SHALL HAVE ONLY THE FOLLOWING OPENINGS:

17 (1) ONE OPENING FOR ACCEPTING DONATIONS, ~~NO LARGER THAN~~
18 ~~THREE SQUARE FEET WITH AN AUTOMATIC CLOSING MECHANISM~~ THAT IS
19 ADEQUATE IN SIZE TO ALLOW ANY DONATION ITEM ACCEPTED AT THAT BIN;
20 AND

21 (2) ONE OPENING FOR RETRIEVING DONATIONS FITTED WITH A
22 TAMPER RESISTANT LOCKING MECHANISM.

23 (D) NO ADVERTISEMENTS FOR THIRD-PARTY GOODS OR SERVICES,

1 EXCEPT DONATION SERVICES, SHALL BE PLACED ON ANY PART OF A DONATION
2 BIN.

3
4 § 21-23-110. MAINTENANCE AND OPERATION.

5 (A) A DONATION BIN SHALL BE MAINTAINED IN GOOD WORKING ORDER,
6 FREE FROM GRAFFITI, PEELING PAINT, RUST, BROKEN OPERATING MECHANISMS,
7 OR ANY OTHER UNFIT CONDITION.

8 (B) (1) A DONATION BIN SHALL BE SERVICED AT LEAST ONCE PER
9 WEEK BETWEEN 7:00 A.M. AND 7:00 P.M. ON WEEKDAYS AND 10:00 A.M. AND 6:00
10 P.M. ON WEEKENDS.

11 (2) SERVICING SHALL INCLUDE, ~~BUT IS NOT LIMITED TO,~~ GENERAL
12 MAINTENANCE OF THE DONATION BIN, DONATION PICK-UP OR RETRIEVAL,
13 REMOVAL OF ANY ITEMS OR MATERIAL SURROUNDING THE DONATION BIN,
14 AND ABATEMENT OF ANY GRAFFITI, LITTER, OR OTHER NUISANCE CONDITIONS.

15 (C) A DONATION BIN SHALL BE MAINTAINED AND OPERATED SUCH THAT
16 IT DOES NOT CREATE HAZARDOUS TRAFFIC CONDITIONS.

17 (D) A DONATION BIN SHALL NOT BE USED FOR THE DONATION OF SOLID
18 WASTE OR ANY HAZARDOUS ~~MATERIALS~~ WASTE, AS DEFINED IN ARTICLE 13 OF
19 THE COUNTY CODE.

20 (E) (1) NO OVERFLOW DONATION ITEMS, LITTER, DEBRIS, DUMPED
21 MATERIALS, OR SOLID WASTE SHALL BE ALLOWED TO ACCUMULATE AROUND A
22 DONATION BIN.

23 (2) ANY SUCH ITEM OR MATERIAL WITHIN 50 FEET OF A DONATION

1 BIN SHALL BE:

2 (4) (I) THE JOINT AND SEVERAL RESPONSIBILITY OF THE DONATION
3 BIN OPERATOR AND THE PROPERTY OWNER TO REMOVE;

4 (2) (II) DEEMED SOLID WASTE, IF NOT REMOVED WITHIN 72 HOURS;
5 AND

6 (3) (III) DEEMED A PUBLIC NUISANCE AND SUBJECT TO CIVIL
7 PENALTIES IN ACCORDANCE WITH ARTICLE 3, TITLE 6 OF THE COUNTY CODE.

8
9 § 21-23-111. INSPECTIONS AND PENALTIES.

10 (A) (1) A DONATION BIN IS SUBJECT TO INSPECTION BY THE COUNTY AT
11 ANY TIME.

12 (2) UPON INSPECTION, THE COUNTY MAY REQUEST ANY RELEVANT
13 INFORMATION, INCLUDING, ~~BUT NOT LIMITED TO,~~ DONATION BIN SERVICE LOGS
14 AND LOGS OF THE 24-HOUR CONTACT SERVICE.

15 (B) UPON ANY VIOLATION OF THIS TITLE, THE COUNTY MAY ORDER:

16 (1) A DONATION BIN BE RELOCATED ON THE PROPERTY;

17 (2) THE REMOVAL OF A DONATION BIN OR FOR THE DONATION BIN
18 OPERATOR TO PAY THE COSTS OF SUCH REMOVAL; OR

19 (3) ADDITIONAL CONDITIONS OR MEASURES UPON THE
20 CONTINUANCE OF THE PERMIT.

21 (C) NOTICE OF ALL INSPECTIONS, ORDERS, OR PENALTIES ISSUED
22 ~~PURSUANT TO~~ IN ACCORDANCE WITH THIS TITLE SHALL BE SENT TO THE
23 PROPERTY OWNER AND THE DONATION BIN OPERATOR.

1 (D) (1) ANY DONATION BIN OPERATOR WHO VIOLATES ANY PROVISION
2 OF THIS TITLE IS SUBJECT TO A CIVIL PENALTY OF AT LEAST \$500 AND NOT
3 MORE THAN \$1,000 FOR EACH OFFENSE.

4 (2) EACH 24-HOUR PERIOD FOR WHICH A VIOLATION CONTINUES OR
5 IS OTHERWISE UNABATED SHALL CONSTITUTE A SEPARATE OFFENSE.

6 (3) THE DONATION BIN OPERATOR AND THE PROPERTY OWNER
7 MAY BE HELD JOINTLY AND SEVERALLY LIABLE FOR ALL FINES AND PENALTIES
8 IMPOSED UNDER THIS TITLE.

9
10 § 21-23-112. IMMEDIATE REVOCATION OF PERMIT AND REMOVAL.

11 (A) THE DEPARTMENT MAY IMMEDIATELY REVOKE A DONATION BIN
12 PERMIT IF THE DONATION BIN OPERATOR IS FOUND TO HAVE:

13 (1) WILLFULLY VIOLATED OR IGNORED ANY PROVISION OF THIS
14 TITLE;

15 (2) MADE FALSE OR MISLEADING STATEMENTS IN ANY
16 APPLICATION OR OTHER DOCUMENT REQUIRED UNDER THIS TITLE; OR

17 (3) FAILED TO SUBMIT A RENEWAL APPLICATION BY THE
18 DECEMBER 31 DEADLINE.

19 (B) UPON THE REVOCATION OF A DONATION BIN PERMIT, THE COUNTY
20 MAY IMMEDIATELY:

21 (1) REMOVE ANY DONATION BIN, OR ORDER SUCH REMOVAL, AT
22 THE JOINT AND SEVERAL EXPENSE OF THE DONATION BIN OPERATOR AND THE
23 PROPERTY OWNER;

1 (2) FIND THE DONATION BIN OPERATOR OR THE PROPERTY OWNER
2 INELIGIBLE TO PLACE, OPERATE, MAINTAIN, OR ALLOW DONATION BINS
3 PURSUANT TO IN ACCORDANCE WITH THIS TITLE;

4 (3) MAKE A FINAL ACCOUNTING OF ALL APPLICABLE FINES,
5 EXPENSES, OR PENALTIES AND ASSESS THEM, JOINTLY AND SEVERALLY,
6 AGAINST THE DONATION BIN OPERATOR AND PROPERTY OWNER; AND

7 (4) TAKE ALL REASONABLE COLLECTION MEASURES, INCLUDING
8 THE FILING OF A COLLECTIONS LAWSUIT IN A COURT OF COMPETENT
9 JURISDICTION AND THE FILING OF A LIEN AGAINST THE REAL PROPERTY THAT
10 IS THE SUBJECT OF THE FINES, EXPENSES, OR PENALTIES.

11
12 § 21-23-113. APPEALS.

13 (A) A PERSON AGGRIEVED BY THE DECISION OF THE DIRECTOR TO
14 CONDITIONALLY APPROVE, DENY, SUSPEND, OR REVOKE A PERMIT, OR FROM
15 ANY OTHER APPLICABLE DECISION OR ORDER OF THE DEPARTMENT PURSUANT
16 TO IN ACCORDANCE WITH THIS TITLE, MAY APPEAL THE DECISION TO THE
17 COUNTY BOARD OF APPEALS WITHIN 30 DAYS AFTER RECEIPT OF THE DECISION.

18 (B) THE BOARD OF APPEALS SHALL CONDUCT A HEARING ON THE APPEAL
19 DE NOVO AND SHALL ISSUE AN OPINION AFFIRMING, REVERSING, OR
20 MODIFYING THE DECISION WITHIN 45 DAYS AFTER RECEIPT OF THE APPEAL.

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22 SECTION 2. AND BE IT FURTHER ENACTED, that the Baltimore County Zoning
23 Regulations shall read as follows:

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ARTICLE 1 - GENERAL PROVISIONS

SECTION 101 - DEFINITIONS

§ 101.1. Word usage; definitions.

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below.

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

[COLLECTION] DONATION BIN - Has the meaning stated in [Section 415B] § 21-23-101(A) OF THE BALTIMORE COUNTY CODE.

ARTICLE 4 - SPECIAL REGULATIONS

SECTION 415B - [COLLECTION] DONATION BINS

[§ 415B.1. Placement on properties.

(1) As used in this section, "collection bin" means a stationary or freestanding 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.

(2) Contrary provisions of these regulations notwithstanding, collection bins, profit and nonprofit, may be placed on shopping center properties, industrial park properties, or fuel service station properties, subject to a use permit being granted by the Director of Permits, Approvals and Inspections in accordance with Section 500.4.

1 (3) Prior to issuing a use permit for a collection bin, the Director of Permits, Approvals
2 and Inspections shall approve the location of the bin which must be shown on an overall
3 functional site plan of the property in question. In addition to other considerations that he may
4 deem necessary, the Director of Permits, Approvals and Inspections shall give consideration to
5 the following factors and may impose any appropriate conditions, resulting from such
6 consideration, upon the use permit:

7 (a) The size and vehicular accessibility of the property.

8 (b) The available number of parking spaces on the property.

9 (c) Whether or not an attendant is provided, or required for the bin.

10 (d) Hours of operation.

11 (e) The proposed location of the bin with regard to interior vehicular circulation
12 and adjoining residential premises.

13 (f) The purpose for the bin; i.e., to provide a convenient location for the
14 placement of facilities designed to receive from the public nonperishable items of
15 personal property to be donated or recycled for reuse.

16 (g) Whether a written authorization has been given by the owner or manager of
17 the property granting permission to locate a bin on the property.

18 (4) If, after a period of operation, the collection bin proves to be detrimental to the
19 property's function or the surrounding community by creating traffic problems, or if it is not
20 maintained in a clean and orderly condition, the Director of Permits, Approvals and Inspections
21 may:

22 (a) Require that the bin be relocated on the site;

23 (b) Require that the bin be removed from the site upon 30 days' notice;

1 (c) Revoke the permit; or

2 (d) Impose additional conditions upon the continuance of the use permit.]

3 § 415B.1. LOCATION OF DONATION BINS.

4 A. SUBJECT TO COMPLIANCE WITH THE PROVISIONS SET FORTH IN
5 ARTICLE 21, TITLE 23 OF THE BALTIMORE COUNTY CODE, A DONATION BIN MAY
6 ONLY BE PLACED ON SHOPPING CENTER, INDUSTRIAL PARK, OR FUEL SERVICE
7 STATION PROPERTIES IN THE B.L., B.M., B.R., M.R., M.L., OR M.H. ZONES, OR ON
8 ~~CHURCH, SCHOOL, OR FIRE STATION PROPERTIES~~ SCHOOL OR FIRE STATION
9 PROPERTIES OR THE PROPERTIES OF A CHURCH, SYNAGOGUE, OR OTHER
10 BUILDING OF RELIGIOUS WORSHIP IN ALL ZONES.

11 B. EXCEPT WHERE PERMITTED ON SHOPPING CENTER OR INDUSTRIAL
12 PARK PROPERTIES, NO MORE THAN ONE DONATION BIN ~~SHALL~~ MAY BE
13 LOCATED ON ANY PROPERTY.

14 C. ~~NO DONATION BIN SHALL~~ A DONATION BIN MAY NOT BE LOCATED
15 WITHIN ONE THOUSAND FEET OF ANY OTHER DONATION BIN.

16 D. ~~NO DONATION BIN SHALL~~ EXCEPT FOR A DONATION BIN LOCATED ON
17 A SCHOOL OR FIRE STATION PROPERTY OR THE PROPERTY OF A CHURCH,
18 SYNAGOGUE, OR OTHER BUILDING OF RELIGIOUS WORSHIP, A DONATION BIN
19 MAY NOT BE LOCATED WITHIN TWO HUNDRED FEET OF THE BOUNDARY OF ANY
20 RESIDENTIALLY ZONED PROPERTY.

21
22 § 415B.2. SITING AND PLACEMENT OF DONATIONS BINS.

23 A. A DONATION BIN ~~SHALL~~ MAY NOT BE SITED IN SUCH A MANNER AS TO

1 BLOCK OR IMPEDE ACCESS TO ANY:

- 2 1. REQUIRED PARKING OR DRIVEWAY AREAS;
- 3 2. PEDESTRIAN ROUTES;
- 4 3. EMERGENCY VEHICLE ROUTES;
- 5 4. BUILDING INGRESS AND EGRESS OR BUILDING SETBACKS;
- 6 5. REQUIRED DISABLED ACCESS ROUTES;
- 7 6. REQUIRED EASEMENTS;
- 8 7. LANDSCAPING AREAS;
- 9 8. TRASH BINS OR TRASH ENCLOSURES;
- 10 9. PUBLIC RIGHTS-OF-WAY; OR
- 11 10. ANY PLACE THAT WOULD IMPEDE THE FUNCTIONING OF

12 EXHAUST, VENTILATION, OR FIRE EXTINGUISHING SYSTEMS.

13 B. WHERE FEASIBLE, A DONATION BIN SHOULD BE LOCATED NEAR A
14 LIGHT SOURCE, SUCH AS A STREET LIGHT, FLOOD LIGHT, OR OTHER PUBLIC
15 SAFETY LIGHTING.

16 C. A DONATION BIN ~~SHALL~~ MAY ONLY BE PLACED ON GROUND THAT IS
17 LEVEL AND PAVED WITH DURABLE ASPHALT OR SET ON A REMOVABLE
18 CONCRETE BASE OR CONCRETE BLOCKS OR PAVERS, AS APPROVED BY THE
19 DIRECTOR.

20 D. A DONATION BIN ~~SHALL~~ MAY NOT BE CONSIDERED A FIXTURE OF THE
21 SITE OR AN IMPROVEMENT TO REAL PROPERTY.

22 E. A DONATION BIN ~~SHALL~~ MAY NOT BE PLACED ON ANY VACANT OR
23 UNIMPROVED PROPERTY, OR ON A PROPERTY WITH A VACANT BUILDING.

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SECTION 3. AND BE IT FURTHER ENACTED, that a collection bin or donation bin as defined in this Act that is in existence on or before the effective date of this Act shall be brought into compliance with the provisions of this Act or be removed by the ~~owner at its~~ property owner or the donation bin operator at their sole cost and expense within 90 days of the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five (5) members of the County Council, shall take effect ~~on March 2,~~ 2020 July 1, 2020.